

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 (2015), 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, a portion of the properties known as 1 South Plum Street, 3 South Plum Street, and 5 South Plum Street and identified as Tax Parcel Nos. W000-0523/043, W000-0523/042, and W000-0523/041, respectively, in the 2017 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on 1, 3, & 5 South Plum Street, City of Richmond, Virginia,” prepared by Hulcher & Associates, Inc., and dated July 8, 2005, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” are hereby permitted to be used for the purpose of a parking area, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Proposed Parking Lots at Rear of 1,3,5 South Plum Street,” prepared by an unidentified preparer, and undated, hereinafter referred to as “the Plans,” a copy of which is 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 a parking area containing up to ten parking spaces, substantially as shown on the Plans, serving the Property and other uses permitted within the block bound by West Main Street, South Harvie Street, West Cary Street, and South Plum Street.

(b) Landscape buffers shall be provided, substantially as shown on the Plans. The nine trees shown on the Plans shall have a caliper of at least four inches. The tree species shall be selected from those species listed in the document entitled “City of Richmond Approved Species Planting List,” a copy of which is attached to and incorporated into this ordinance.

(c) The parking area shall be improved with both (i) curbing and (ii) asphalt, concrete unit pavers, or similar all-weather surface.

§ 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 (2015), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way in the form of entrances to the public alleys from the parking area, which improvements may be completed in

one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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 (2015), 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 (2015), 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 (2015), 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 or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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
2nd Floor of City Hall
Richmond, VA 23219
www.richmondgov.com

Item Request
File Number: PRE. 2017.036

RECEIVED

JAN 23 2017

Received

JAN 18 2017

OFFICE OF CITY ATTORNEY

O & R Request

Office of the
Chief Administrative Officer

DATE: January 18, 2017

EDITION: 1

4-6150

TO: The Honorable Members of City Council

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

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer

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

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

RE: To authorize the special use of a portion of the property known as 1 South Plum Street, 3 South Plum Street, and 5 South Plum Street, for the purpose of a parking area, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of a portion of the property known as 1 South Plum Street, 3 South Plum Street, and 5 South Plum Street, for the purpose of a parking area, upon certain terms and conditions.

REASON: The proposed expansion pertaining to a non-conforming use is not permitted by the Zoning Ordinance, a special use permit is therefore 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 March 6, 2017 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of three contiguous parcels of land: 1 South Plum Street, 3 South Plum Street and 5 South Plum Street (2,550 SF each) improved with three single-family

attached dwellings located between West Main Street and West Cary Street in The Fan neighborhood of the Near West planning district.

The subject property is located in the UB Urban Business District - Main Street/Uptown Parking Overlay District (PO-3) and the current use is nonconforming. The proposed expansion to include a parking area to the rear of the single-family attached dwellings is not permitted by the Zoning Ordinance, a special use permit is therefore required.

The City of Richmond's Master Plan recommends Community Commercial land use for the subject property. Primary uses in this category "include office, retail, personal service and other commercial and service uses, intended to provide the shopping and service needs of residents of a number of nearby neighborhoods or a section of the City" (p. 134).

According to the Master Plan, The Fan "is identified on the Land Use Plan map as appropriate for the continuation of a wide range of urban residential uses (with varying housing styles and residential densities) and commercial uses to serve the area" (p. 233).

Properties to the west, north and east are in the same UB Urban Business District - Main Street/Uptown Parking Overlay District (PO-3) as the subject properties. Properties to the south are located within the R-7 Single- and Two-Family Urban Residential District and the R-63 Multi-Family Urban Residential District.

A mix of single-, two- and multi-family residential, office, mixed-use, commercial, and institutional land uses are present in the area.

FISCAL IMPACT / COST: The Department 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: \$1,800.00

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: February 13, 2017

CITY COUNCIL PUBLIC HEARING DATE: March 13, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, March 6, 2017

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.: None.

REQUIRED CHANGES TO WORK PROGRAM(S): None.

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

STAFF: Matthew J. Ebinger, AICP, Senior Planner
Land Use Administration (Room 511)
804-646-6308

PDR O&R 17-01



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.richmond.gov>

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: 1, 3 & 5 South Plum Street

Date: 10/26/2016

Tax Map #: See below Fee: _____

Total area of affected site in acres: 0.18

Tax Maps: W-523043, W-523042 & W-523041

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

Zoning

Current Zoning: UB-PO3

Existing Use: Single Family Residential

Proposed Use

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

Build a 10 car parking lot on the rear of these 3 lots

Existing Use: Grass lot

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Bruce Boykin

Company: Eck Enterprises, LLC

Mailing Address: PO Box 7360

City: Richmond

Telephone: (804) 3,815,576

State: VA

Zip Code: 23221

Fax: (804) 3,582,695

Email: bhboykin@eckenterprises.com

Property Owner: Eck Enterprises LLC

If Business Entity, name and title of authorized signer: 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: PO Box 7360

City: Richmond

Telephone: (804) 3,815,576

State: VA

Zip Code: 23221

Fax: (804) 3,582,295

Email: BHBoykin@EckEnterprises.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)

Special Use Permit Applicant's Report

Proposed Parking Lot at 1-5 South Plum Street

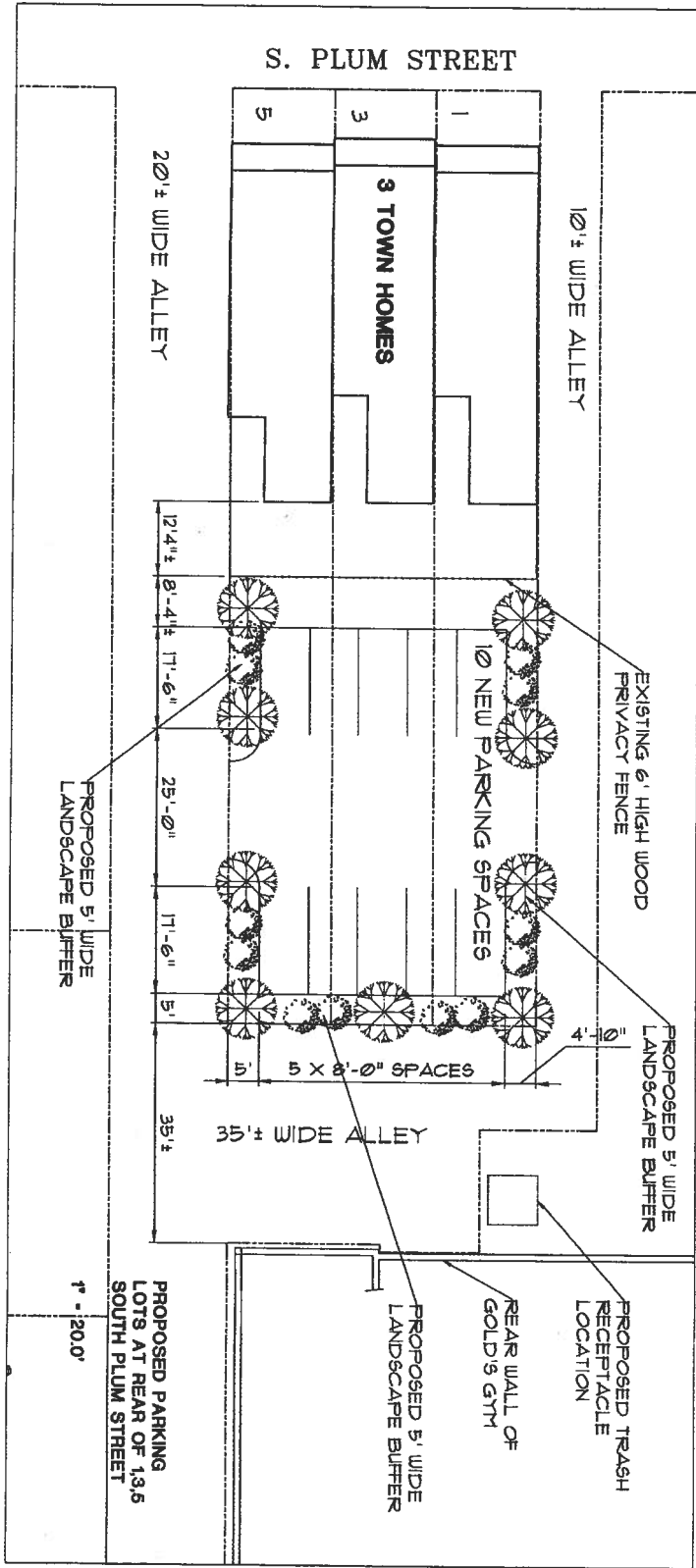
The proposed parking will be on the rear of 1, 3 and 5 South Plum Street which is in between West Main and West Cary Streets in the Fan District. The sites currently have a total of three single family townhouses on the front of the lots with the rears being vacant and bound on three sides by City Alleys.

The proposed parking lot will consist of an asphalt lot with concrete curbing that has ten parking spaces surrounded by the required landscape buffer. At this time the proposed parking lot has not been engineered, but once it has been engineered, it will include the required storm retention features so it will not create a hazard to the environment or community.

Currently there are other parking lots off the alley, that runs East-West, and this proposed will be compatible with these lots. This lot will help alleviate future parking congestion in the area will help accommodate our planned mixed use by right redevelopment of 1401- 1417 West Main Street that we plan to start early 2017. Also this lot will satisfy the parking requirements for the three townhouses.

The aforesaid properties are located in Urban Business Parking Overlay 3 (UBPO3), which allows this sort of parking lot. The issue is the single family residential townhouses are not compliant with current zoning and therefore makes these properties non-compliant. Hence this is the why we need the SUP to build a compliant use on non-compliant properties.

S. PLUM STREET



10'± WIDE ALLEY

3 TOWN HOMES

20'± WIDE ALLEY

EXISTING 6' HIGH WOOD
PRIVACY FENCE

10 NEW PARKING SPACES

PROPOSED 5' WIDE
LANDSCAPE BUFFER

PROPOSED 5' WIDE
LANDSCAPE BUFFER

5 X 8'-0" SPACES

35'± WIDE ALLEY

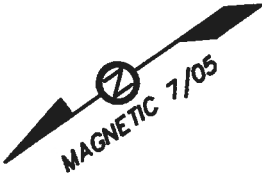
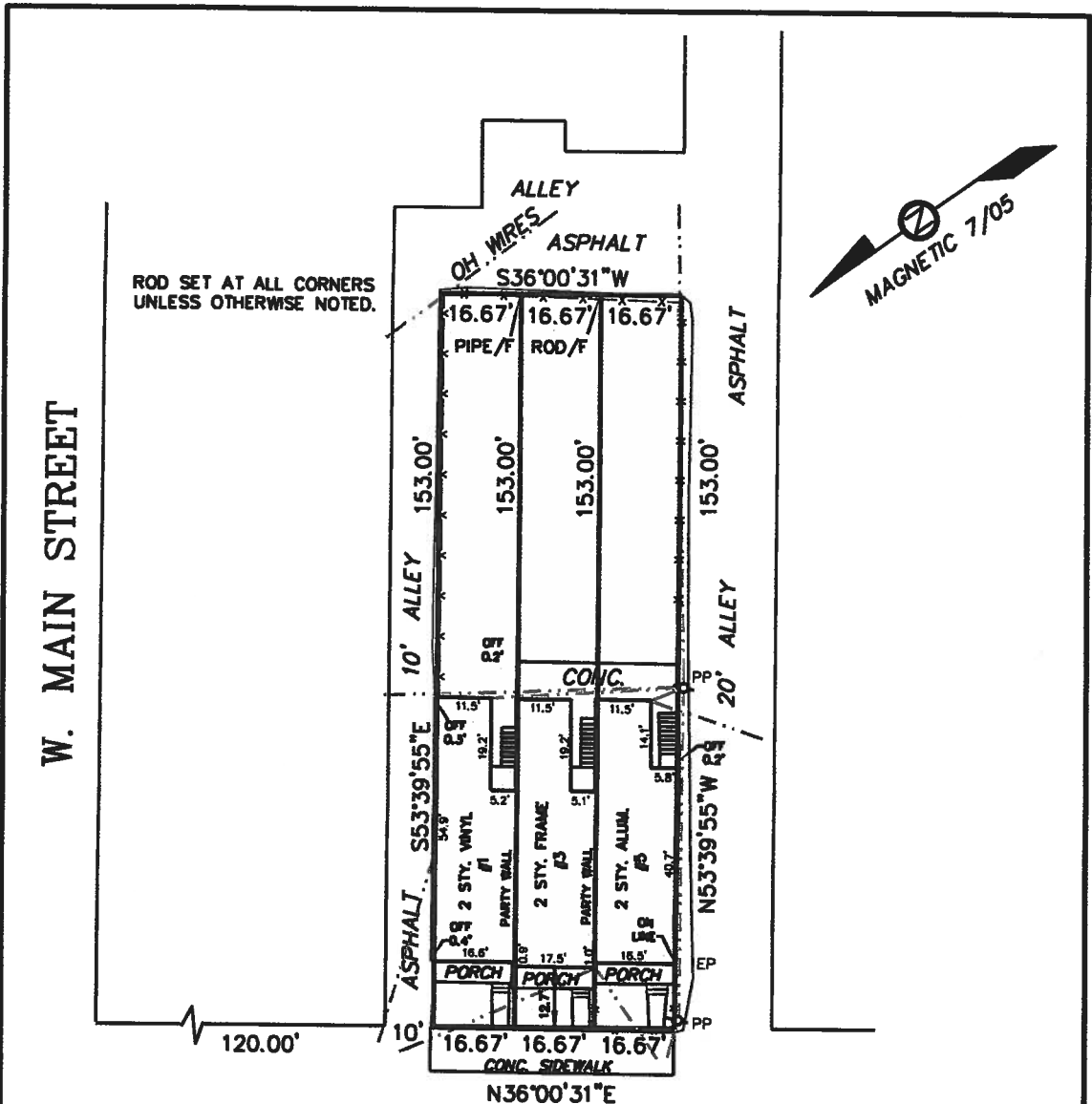
PROPOSED TRASH
RECEPTACLE
LOCATION

REAR WALL OF
GOLD'S GYM

PROPOSED 5' WIDE
LANDSCAPE BUFFER

PROPOSED PARKING
LOTS AT REAR OF 1,3,5
SOUTH PLUM STREET

1" = 20.0'



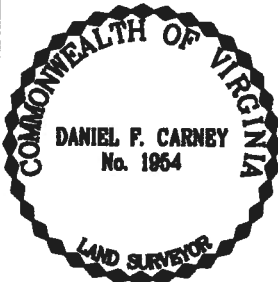
ROD SET AT ALL CORNERS
UNLESS OTHERWISE NOTED.

W. MAIN STREET

SOUTH PLUM STREET

**PLAT SHOWING IMPROVEMENTS ON
1, 3, & 5 SOUTH PLUM STREET**

CITY OF RICHMOND, VIRGINIA



I HEREBY CERTIFY THAT THE POSITIONS OF EXISTING IMPROVEMENTS WERE ESTABLISHED BY A CURRENT FIELD SURVEY, AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

TITLE REPORT NOT FURNISHED
THIS PROPERTY IS LOCATED IN H.U.D. FLOOD ZONE X.

HULCHER & ASSOCIATES, INC. CONSULTING ENGINEERS 5901 LAKESIDE AVENUE RICHMOND, VIRGINIA 23228 (804)262-7622 * FAX 262-8215	
DATE:	JULY 8, 2006
DRAWN BY:	DC
CHECKED BY:	GAE SCALE: 1"=30'
JOB NO:	S05018MS
OWNERS:	#1, MASON BROS. INVESTMENTS LLC.

#3 & #5, ECK ENTERPRISES

CIVIL