

INTRODUCED: July 14, 2014

AN ORDINANCE No. 2014-166-156

To authorize the special use of the property known as 613 North Lombardy Street for the purpose of permitting up to thirteen (13) dwelling units, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Jones (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

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

WHEREAS, the owner of the property known as 613 North Lombardy Street, which is situated in a UB Urban Business District, desires to use such property for the purpose of up to thirteen (13) dwelling units, some of which would be located in the basement and on the ground floor of the building, which location section 114-433.2 of the Code of the City of Richmond (2004), as amended, currently does not allow; 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 detrimental to the safety, health, morals and general welfare of the community involved, will not

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:    SEPT 8 2014    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

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 613 North Lombardy Street and identified as Tax Parcel No. W000-0615/001 in the 2014 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on Lot Known as No 613 N. Lombardy Street, Richmond, Virginia,” prepared by Foster and Miller, P.C., and dated February 24, 1984, 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 up to thirteen (13) dwelling units, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Broad & Lombardy, 613 North Lombardy Street, Richmond, Virginia,” prepared by by SWA Architects-VA, Inc., and dated March 7, 2014, 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) Up to thirteen (13) dwelling units and commercial uses permitted in the underlying zoning district shall be permitted substantially as shown on the Plans.

(b) Parking spaces shall be provided for the Property in accordance with the underlying zoning regulations applicable to the Property, except that the first 20 parking spaces

that would be required to comply with the underlying zoning regulations applicable to the Property need not be provided.

§ 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 or when the Special Use of the Property as

authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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

## Intracity Correspondence

Ordinance: TMP-242

File Number: TMP-242

To authorize the special use of the property known as 613 North Lombardy Street for the purpose of permitting up to thirteen (13) dwelling units, upon certain terms and conditions.

### O & R Request

RECEIVED  
JUN 04 2014

DATE: May 12, 2014

EDITION: 1

OFFICE OF CITY ATTORNEY

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: Byron C. Marshall, Chief Administrative Officer

THROUGH: Peter H. Chapman, Deputy Chief Administrative Officer for Economic Development and Planning

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

RE: Special Use Permit for 613 North Lombardy Street for the purpose of permitting up to thirteen (13) dwelling units.

ORD. OR RES. No.

**PURPOSE:** To authorize the special use of the property known as 613 North Lombardy Street for the purpose of permitting up to thirteen (13) dwelling units, upon certain terms and conditions.

**REASON:** The UB Urban Business zoning district only allows dwelling uses if they are above other permitted uses if they are located to the rear of other permitted uses. The applicant proposes to include dwelling uses in the basement and ground floor. 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 July 7, 2014 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property is located in the City's Fan District on the block bounded by West Broad Street to the north, Ryland Street to the east, West Grace Street to the south, and

North Lombardy Street to the west. The property consists of one parcel totaling 0.138 acres and is improved with an 11,874 square foot building.

The property is currently zoned UB Urban Business District and is located in the West Broad Street (PO-4) Parking Overlay District. The Board of Zoning Appeals adopted a Special Exception (Case No. 25-10) on September 1, 2010, to re-establish a nonconforming church use within the building. On September 30, 2011 a Certificate of Occupancy was issued to implement the Board's approval for the church and day nursery uses. Those uses are current, and according to the application, would be abandoned in the event that a special use permit is granted.

Required parking is not provided on the site, but the 160 seat sanctuary established a nonconforming status totaling 20 parking spaces. The proposed dwelling uses would require one parking space for every four dwelling units for a total of three parking spaces leaving an excess parking availability for other permitted principal uses of 17 spaces. When calculating the number of parking spaces required for the commercial uses, the 17 grandfathered spaces will be subtracted from the total number required to determine the actual number of parking spaces necessary to meet zoning regulations.

The UB District permits dwelling units contained within the same building as other permitted uses, provided that such dwelling units be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district. However, two dwelling units are proposed for the basement level, which is below the other permitted principal use, thus initiating a requirement for the special use permit.

For the Near West Planning District, the City of Richmond's Master Plan designates this property as Community Commercial. Primary uses for Community Commercial areas include, "office, retail, personal service, and other commercial and services uses, intended to provide the shopping and service needs of residents of a number of nearby neighborhoods or a section of the City. As compared to Neighborhood Commercial, this category includes a broader range of uses of greater scale and intensity, with greater vehicular access and orientation, but that are also compatible with nearby residential areas" (p.134). The Master Plan further states, "Vacant buildings on the corridor (West Broad Street) should be encouraged to develop first floor commercial uses with office and/or residential uses for upper floors" (p.239).

**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 ordinance; and publishing, mailing and posting of public notices.

**REVENUE TO CITY:** \$1,800 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** June 9, 2014

**CITY COUNCIL PUBLIC HEARING DATE:** July 14, 2014

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None



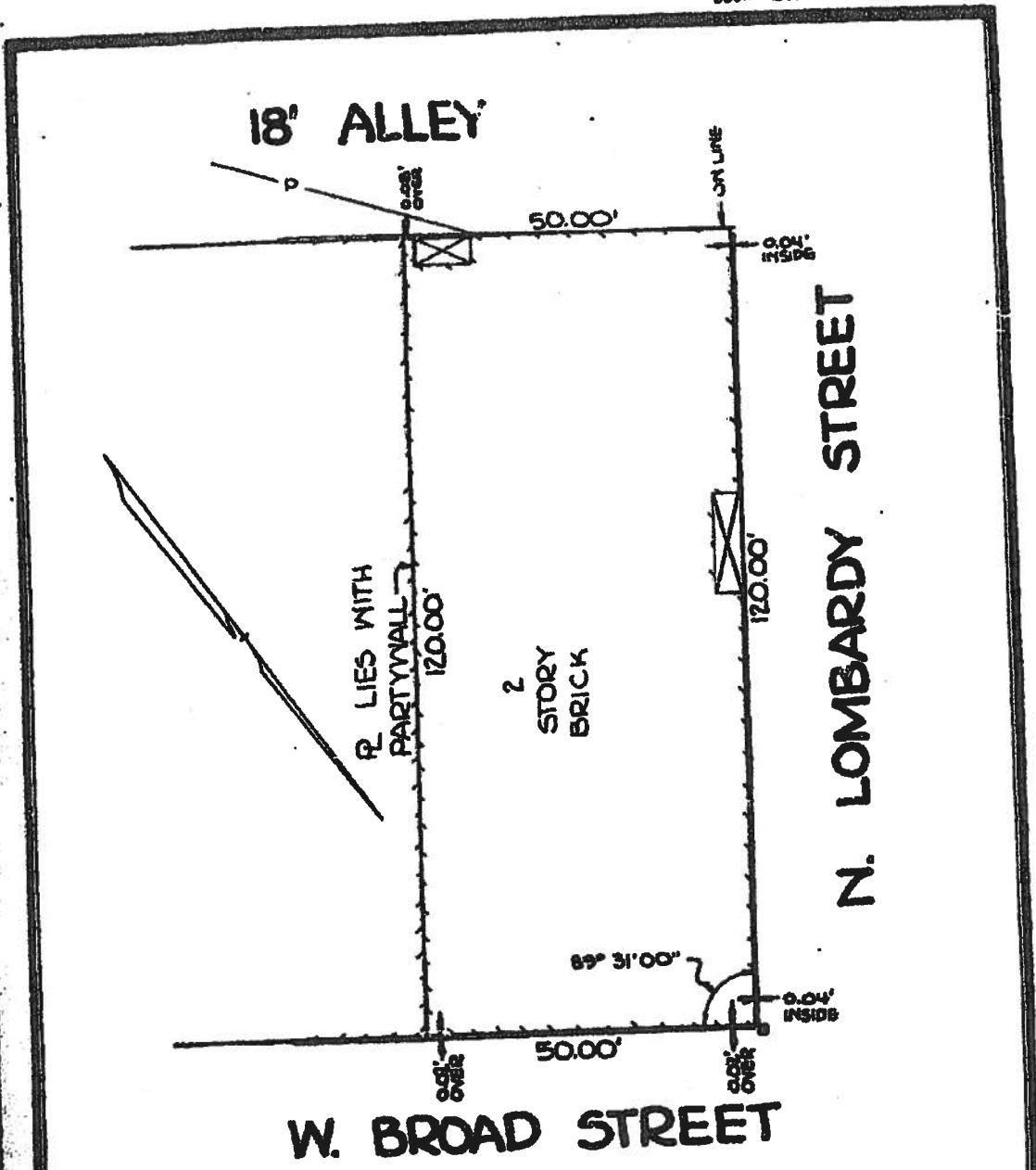
**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission, July 7, 2014

**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



W. BROAD STREET

PLAT SHOWING IMPROVEMENTS ON LOT KNOWN AS N<sup>o</sup> 613 N. LOMBARDY STREET, RICHMOND, VIRGINIA.

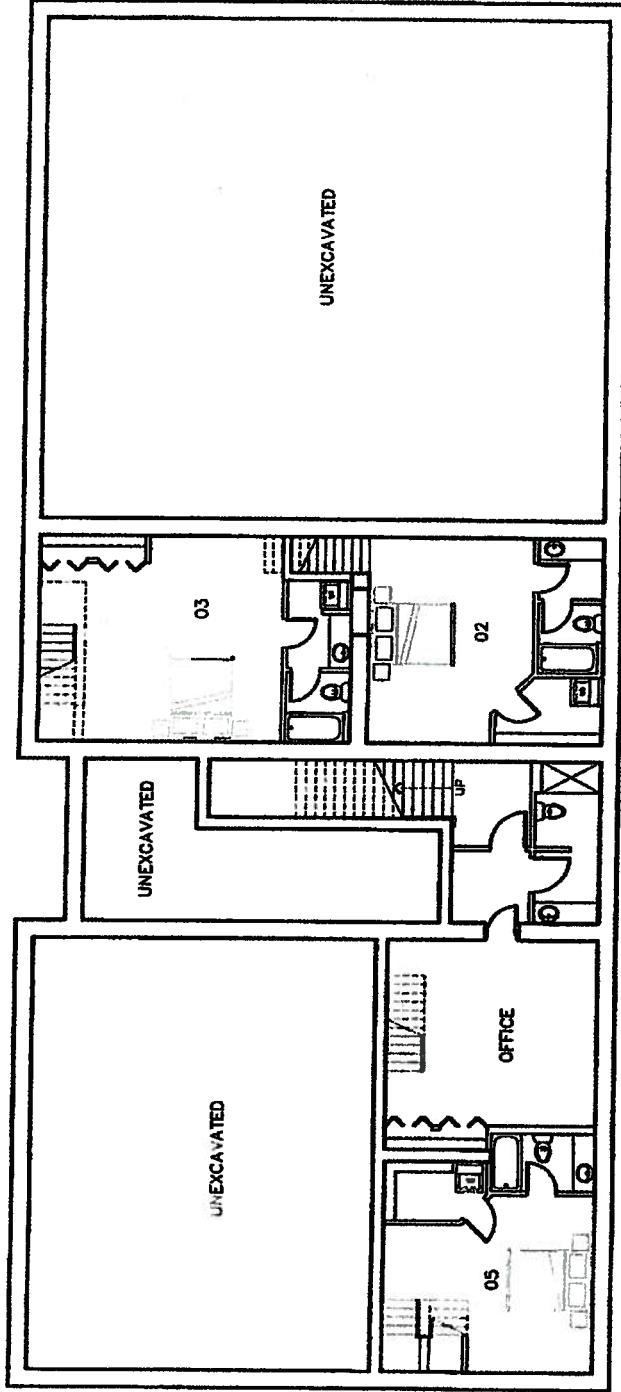
SCALE 1" = 20'

FEBRUARY 24, 1984



FOSTER & MILLER, P.C.  
CERTIFIED SURVEYORS  
RICHMOND, VIRGINIA

RL 37887



LOWER LEVEL 1/16" = 1'-0"

MAR 7, 2014



**swa** Architects-VA, Inc.  
1553 E. Main Street Richmond, Va 23219

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PROJECT NO:

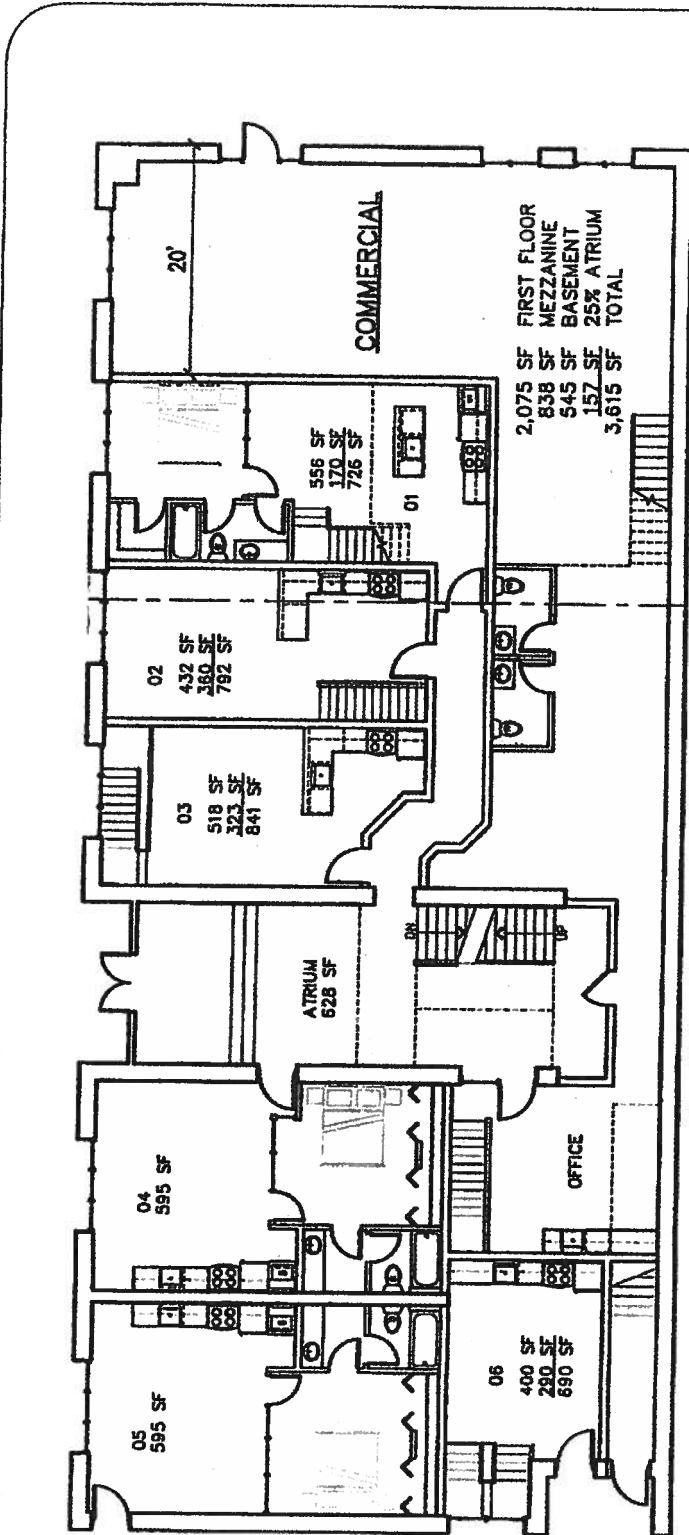
Broad & Lombardy

# BROAD & LOMBARDY

613 North Lombardy Street  
Richmond, Virginia

North Lombardy St.

West Broad Street



FIRST FLOOR

1/16" = 1'-0"



MAR 7, 2014

8,957 RESIDENTIAL SF  
 3,615 COMMERCIAL SF  
 14,819 GSF  
 2,964 SF 20% OF GSF

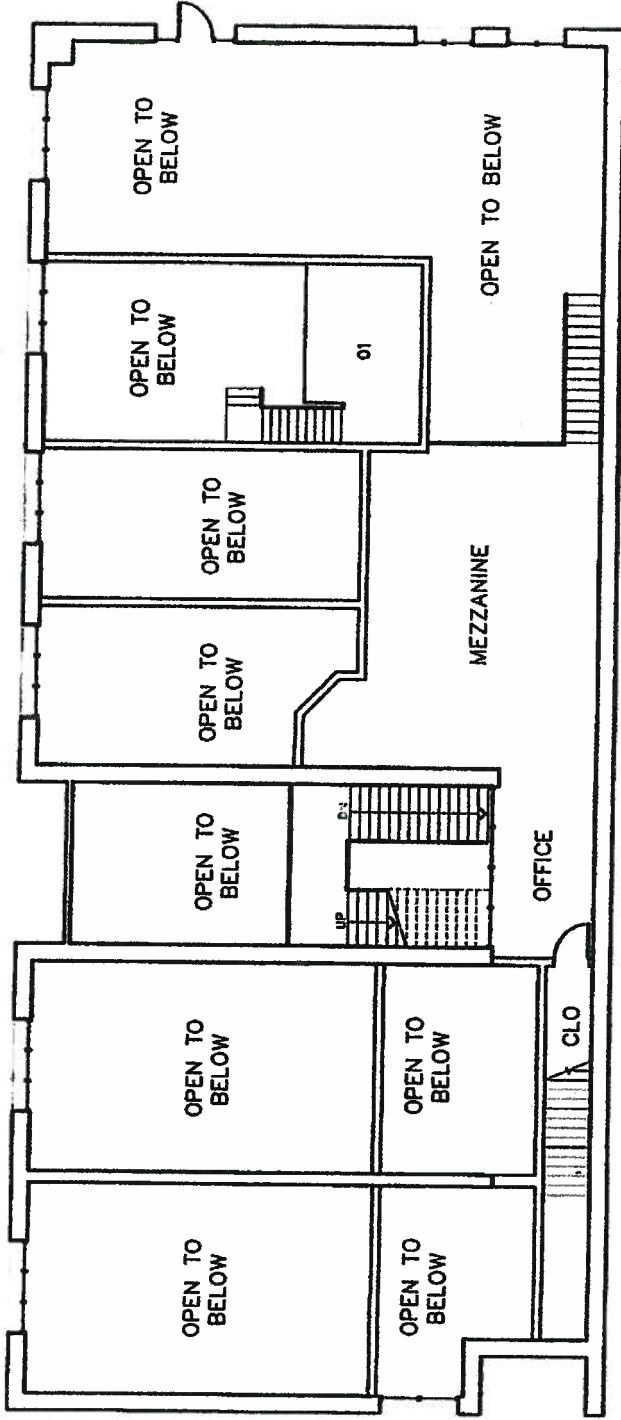
5,745 SF FIRST FLOOR TOTAL  
 $\times .332$   
 1,915 SF REQ'D AREA FOR PERMITTED USES

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 1553 E. Main Street Richmond, Va 23219

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PROJECT NO:  
 Broad & Lombardy

**BROAD & LOMBARDY**  
 613 North Lombardy Street  
 Richmond, Virginia



MEZZANINE LEVEL

1/16" = 1'-0"



MAR 7, 2014



**swa** Architects-VA, Inc.  
 1553 E. Main Street  
 Richmond, Va 23219

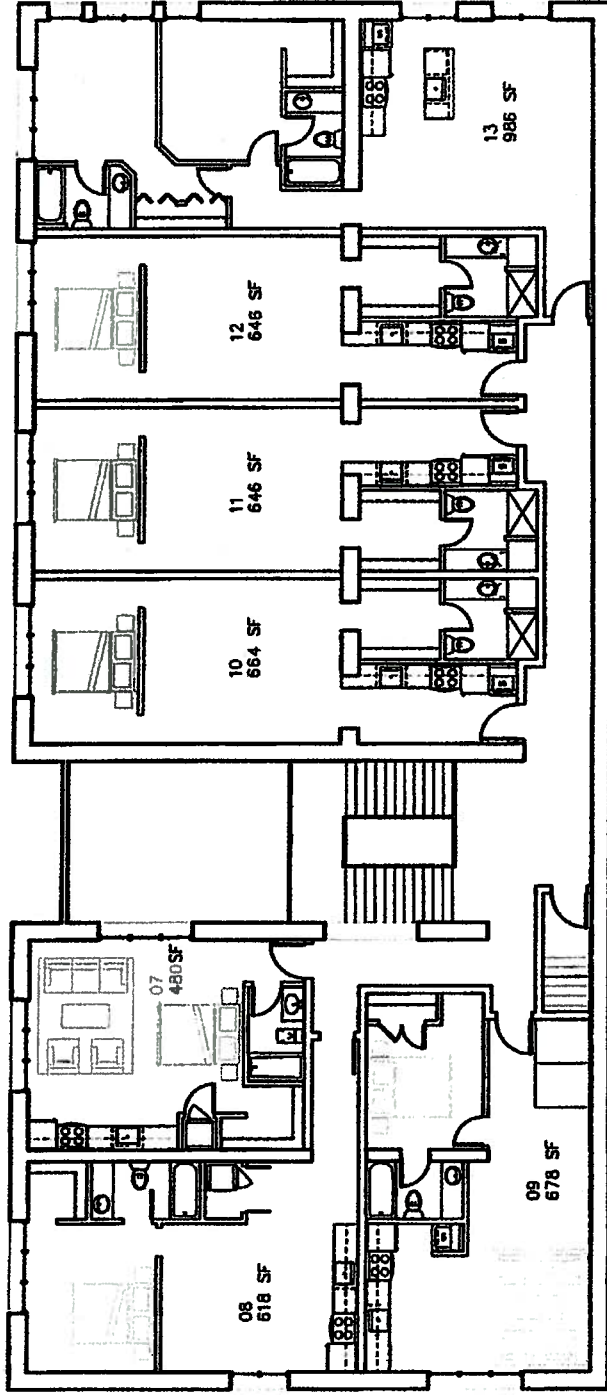
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PROJECT NO:

Broad & Lombardy

# BROAD & LOMBARDY

613 North Lombardy Street  
 Richmond, Virginia



MAR 7, 2014



SECOND FLOOR 1/16" = 1'-0"



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1553 E. Main Street Richmond, Va 23219

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PROJECT NO:  
Broad & Lombardy

**BROAD & LOMBARDY**  
613 North Lombardy Street  
Richmond, Virginia



# 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

Project Name: LOMBARDY & BROAD Date: 3/7/14

Property Address: 613 N. <sup>NORTH</sup> LOMBARDY Tax Map #: W0000615001

Fee: 1800<sup>00</sup> Total area of affected site in acres: SEE SURVEY  
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

### Zoning

Current Zoning: UB

### Proposed Use

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

Existing Use: CHURCH & SCHOOL

Is this property subject to any previous land use cases? COMMERCIAL AND

Yes  No

If Yes, please list the Ordinance Number: APARTMENTS

Applicant/Contact Person: HL SALOMONSKY

Company: 613 N. <sup>NORTH</sup> LOMBARDY LLC

Mailing Address: 1553 E MAIN ST

City: RICHMOND State: VA Zip Code: 23219

Telephone: (804) 2378247 Fax: ( )

Email: HL.SALOMONSKY@SWA-CO.COM

Property Owner: SAME

If Business Entity, name and title of authorized signee: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: ( ) Fax: ( )

Email: \_\_\_\_\_

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.)

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

**Applicant's Report for  
613 North Lombardy Street  
(SE corner of Lombardy and Broad Streets)**

**March 7, 2014**

The applicant proposes renovating the building for commercial use on the Broad Street frontages and 13 apartments entered on Lombardy Street.

1. The building will attract young professionals who will be good for the safety and morals of the community.
2. The street traffic will be less than the current use of school and church.
3. The building will be sprinklered thus protecting the community against fire.
4. The population of the building will be less than present use and not an assembly occupancy.
5. The general uses allowed will not condone activity that will interfere with public purpose.
6. All apartments will have exterior windows which will provide light, air, and ventilation.

**H. Louis Salomonsky, Manager**

**613 North Lombardy LLC**