



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**Ord. No. 2014-196:** To amend Ord. No. 2013-245-2014-14, adopted Feb. 10, 2014, which authorized the special use of a portion of the property known as 3805 Cutshaw Avenue for a multifamily dwelling with a total of up to sixty-six (66) dwelling units, for the purpose of amending the site plan and removing the requirements to provide a rooftop deck and to subdivide the property, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** October 6, 2014

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#### **PETITIONER**

Tom Dickey  
The Monument Companies  
1425 East Cary Street  
Richmond, Virginia 23219

#### **LOCATION**

3805 Cutshaw Avenue

#### **PURPOSE**

To amend the special use permit for 3805 Cutshaw Avenue to remove requirements for a rooftop deck and to subdivide the property for a multifamily development.

#### **SUMMARY & RECOMMENDATION**

The subject property is located in an RO-2 Residential-Office zoning district. The applicant is proposing the adaptive reuse of a vacant office building into a multifamily residential building with a residential density that is not permitted in the RO-2 district.

The applicant received a special use permit for the development in early 2014. That authorization required a rooftop deck be provided as amenity space for the future residents. The special use permit also permitted the property to be subdivided, which allowed for future development on a portion of the site. The proposed subdivision of the property was required by the special use permit. The applicant no longer wishes to subdivide the property and is able to provide outdoor amenity space for the residents on the existing parcel, which removes the necessity for the rooftop deck. Therefore, the applicant has requested a special use permit amendment.

The original special use permit allowed for the renovation of the existing office building for multifamily use with up to 66 total units. This five-story building was constructed in 1964 with a height of approximately 70 feet and predates the RO-2 zoning of the property and the district's 35 feet maximum height limitation. Under current RO-2 zoning, multifamily uses are permitted at

a density of approximately 35 units per acre. The original proposal would provide a residential density of approximately 75 units per acre taking into account the proposed division of the property. The proposed amendment that would remove the ability to subdivide the property would provide a residential density of approximately 51 units per acre. Also, under normal zoning requirements, 40% of the parcel area must be devoted to usable open space. The proposed amendment would provide 54% of the parcel area as usable open space.

Staff finds that the proposed multifamily use, which is a permitted use in the underlying zoning district, would contribute to the intent of the Transitional Office land use designation by serving as a separation between adjacent residential uses and nearby higher intensity uses. Staff also finds that the proposed amendment provides for less density, more open space and a use that is more compatible with the surrounding area.

Staff further finds that with the conditions of the ordinance, the safeguards contained within the City Charter, relative to the granting of special use permits, are met. Therefore, staff recommends approval of the special use permit request.

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## FINDINGS OF FACT

### Site Description

The subject property is a 1.283 acre parcel located in the City's Sauer's Gardens neighborhood at the corner of Cutshaw Avenue, North Hamilton Street, and Kent Road. The property consists of a 5-story vacant office building and unscreened surface parking.

### Proposed Use of the Property

The applicant is proposing the adaptive reuse of a vacant office building into a multifamily residential building with 66 dwelling units, a residential density that is not permitted in the RO-2 district. The applicant received a special use permit for the development in early 2014. That authorization required a rooftop deck be provided as amenity space for the future residents. The special use permit also permitted the property to be subdivided, which allowed for future development on a portion of the site. The proposed subdivision of the property was required by the special use permit. The applicant no longer wishes to subdivide the property and is able to provide outdoor amenity space for the residents on the existing parcel, which removes the necessity for the rooftop deck. Therefore, the applicant has requested a special use permit amendment.

### Master Plan

The City of Richmond's Master Plan designates the subject property for Transitional Office land use. Primary uses are low to medium intensity professional, business and administrative offices, and medical and dental clinics that are compatible with adjacent residential uses and serve as separation between residential areas and nearby commercial or other higher intensity land uses or features (p. 134). The Plan recommends RO-2 Residential Office zoning for these areas, which, as stated above, is the underlying zoning of the subject property.

### **Zoning & Ordinance Conditions**

The subject property is located in the RO-2 Residential Office zoning district, which permits multifamily dwellings. The original special use permit allowed for the renovation of the existing office building for multifamily use with up to 66 total units. This five-story building was constructed in 1964 with a height of approximately 70 feet and predates the RO-2 zoning of the property and the district's 35 feet maximum height limitation. Under current RO-2 zoning, multifamily uses are permitted at a density of approximately 35 units per acre. The original proposal would provide a residential density of approximately 75 units per acre taking into account the proposed division of the property. The proposed amendment that would remove the ability to subdivide the property would provide a residential density of approximately 51 units per acre. Also, under normal zoning requirements, 40% of the parcel area must be devoted to usable open space. The proposed amendment would provide 54% of the parcel area as usable open space.

### **Surrounding Area**

The subject property is part of a larger RO-2 district and is across Kent Road from R-53 and R-5 districts. A mix of commercial, institutional, office, and single- and multifamily land uses are present in the area.

### **Neighborhood Participation**

Staff has received no letters of opposition or support from the public.

**Staff Contact:** Lory Markham, Principal Planner, (804) 646-6309