

INTRODUCED: November 14, 2022

AN ORDINANCE No. 2022-328

To amend and reordain Ord. No. 2019-303, adopted Nov. 12, 2019, which authorized the special use of the property known as 3200 West Broad Street for the purpose of a temporary wireless telecommunications monopole and associated equipment, to now authorize an automatic teller machine accessible from the exterior of the building, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 12 2022 AT 6 P.M.

I. That Ordinance No. 2019-303, adopted November 12, 2019, is hereby amended and reordained as follows:

WHEREAS, the owner of the property known as 3200 West Broad Street, which is situated in a TOD-1 Transit-Oriented Nodal District, desires to use such property for the purpose of a temporary wireless telecommunications monopole and associated equipment, and an automatic teller machine accessible from the exterior of the building, which use, among other things, is not currently allowed by section 30-457.2 of the Code of the City of Richmond [~~(2015)~~ (2020)], as amended; and

AYES: 9 NOES: 0 ABSTAIN:

ADOPTED: DEC 12 2022 REJECTED: STRICKEN:

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond [~~(2018)~~] (2020), 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 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 30-1050.1 of the Code of the City of Richmond [~~(2015)~~] (2020), 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 amendatory ordinance, the property known as 3200 West Broad Street and identified as Tax Parcel No. N000-1711/002 in the ~~[2019]~~ 2022 records of the City Assessor, being more particularly shown on sheet ~~[L1-02]~~ C3.00 of the plans entitled, “3200 ~~[W]~~ West Broad Street~~[-West Broad Street, Richmond, Virginia, Cell Tower Site Plan]~~,” prepared by SWA Architects-VA, Inc., ~~[and]~~ dated ~~[July 8,]~~ September 26, 2019, and last revised August 20, 2020, a copy of which is attached to and made a part of this amendatory ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a temporary wireless telecommunications monopole and associated equipment and an automatic teller machine accessible from the exterior of the building, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “3200 W Broad Street, West Broad Street, Richmond, Virginia, Cell Tower Site Plan,” prepared by SWA Architects-VA, Inc., and dated July 8, 2019, and the photographs entitled “3200 – Cell Tower – 3 - Receivers,” “3200 – Cell Tower – 4 - Electronic Cables,” “3200 – Cell Tower – 5 - Concrete and Steel Counter Weights,” and “3200 – Cell Tower – 6 – Receivers and Electronics,” prepared by an unknown preparer, and undated, ~~[referred to, collectively, as “the Plans,”]~~ copies of which are attached to and made a part of ~~[this ordinance]~~ Ordinance No. 2019-303, adopted November 12, 2019, and on

the plans entitled “3200 West Broad Street,” prepared by SWA Architects-VA, Inc., dated September 26, 2019, and last revised August 20, 2020, copies of which are attached to and made a part of this amendatory ordinance, all of which are referred to, collectively, as “the Plans[-].”

(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 as a temporary wireless telecommunications monopole and associated equipment and as an automatic teller machine accessible from the exterior of the building, substantially as shown on the Plans.

(b) The temporary wireless communications monopole and associated equipment shall be removed within 60 months after the effective date of [~~this ordinance~~] Ordinance No. 2019-303, adopted November 12, 2019, or within 30 months after the issuance of the building permit for the permanent support structure for the wireless communication facility, whichever occurs first.

(c) The height of the temporary wireless communications monopole shall not exceed a height of 175 feet.

(d) The Special Use of the Property shall abide by all applicable provisions of the Virginia Statewide Building Code.

(e) The Owner shall have a structural inspection of the temporary wireless communications monopole and associated equipment conducted annually by a professional engineer licensed in the Commonwealth of Virginia, and a copy of the inspection report shall be filed with the Department of Planning and Development Review.

(f) The automatic teller machine may contain a sign or signs that do not exceed six square feet in area in the aggregate.

§ 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)~~] (2020), 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 30-1220 of the Code of the City of Richmond [~~(2015)~~ (2020)], 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)~~ (2020)], 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)~~ (2020)], 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.

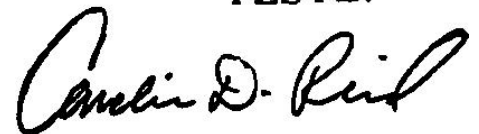
§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this amendatory ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this amendatory 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 amendatory 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.

II. This amendatory ordinance shall be in force and effect upon adoption.

A TRUE COPY:

TESTE:



City Clerk



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Item Request File Number: PRE.2022.0381

O & R Request

DATE: October 17, 2022

EDITION: 1

TO: The Honorable Members of City Council

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

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review

RE: To amend Ordinance No. 2019-303 authorizing the special use of the property known as 3200 West Broad Street for the purpose of a temporary wireless telecommunications monopole and associated equipment to also include an outdoor ATM, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To amend Ordinance No. 2019-303 authorizing the special use of the property known as 3200 West Broad Street for the purpose of a temporary wireless telecommunications monopole and associated equipment to also include an outdoor ATM, upon certain terms and conditions.

REASON: The subject property is located in the TOD-1 Transit-Oriented Nodal District and a freestanding automated teller machine that is accessible from the public right-of-way is not a specified permitted use listed in this zoning district. 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.

BACKGROUND: The 2.2968 acre subject property encompasses the block along the north side of West Broad Street between MacTavish Avenue and Highpoint Avenue. The property is improved with two buildings containing 287 dwelling units and ground floor commercial area. The Virginia Credit Union will be occupying a

portion of this ground floor commercial area and proposes installing an ATM that shall be accessible from the exterior of the building.

The Richmond 300 Master Plan recommends Destination Mixed-Uses for the subject property. These areas are noted as Key gateways featuring prominent destinations, such as retail, sports venues, and large employers, as well as housing and open space. Located at the convergence of several modes of transportation, including Pulse BRT or other planned transit improvements. Ground floor uses should engage with, and enliven, the street.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

BUDGET AMENDMENT NECESSARY: None

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: November 14, 2022

CITY COUNCIL PUBLIC HEARING DATE: December 12, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
December 5, 2022

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application and Narrative, Plans and Property, Map

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036



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: _____ Date: _____

Tax Map #: _____ Fee: _____

Total area of affected site in acres: _____

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

Zoning

Current Zoning: _____

Existing Use: _____

Proposed Use

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

Existing Use: _____

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _(_____) Fax: _(_____) _____

Email: _____

Property Owner: _____

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

(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: _____

City: _____ State: _____ Zip Code: _____

Telephone: _(_____) Fax: _(_____) _____

Email: _____

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)

APPLICANT'S NARRATIVE

July 25th, 2022

*Special Use Permit Amendment Request
SUP-058858-2019, Ord. No. 2019-303
3200 West Broad Street, Richmond, Virginia
Map Reference Number: N000-1711/002*

Submitted to:

City of Richmond

Department of Planning and Development Review
Land Use Administration
900 East Broad Street, Suite 511
Richmond, Virginia 23219

Submitted by:

Mark Baker
Baker Development Resources
530 East Main Street, Suite 730
Richmond, VA 23230

Introduction

The applicant is requesting a special use permit amendment (the “SUPA”) for the property known as 3200 West Broad Street (the “Property”). The construction of a temporary wireless telecommunications monopole and associated equipment was authorized by SUP-057758-20219 (the “SUP”) which was approved by City Council on November 12, 2019. The proposed SUPA would authorize the construction of an automated teller machine (“ATM”) on the parcel. All other aspects of the previous special use permit request, including all other restrictions and requirements, would be retained.

Existing Conditions

The Property is located on the north side of West Broad Street between its intersection with MacTavish Avenue and Highpoint Avenue. The Property is referenced by the City Assessor as tax map number N0001711002, taking up the whole block, and contains roughly 2.3 acres in lot area. The Property is improved as a mixed-use development including a six-story building located on Broad Street and a twelve-story building behind it.

The Richmond 300 plan (the “Master Plan”) suggests “Destination Mixed-Use” (“D-MU”) as the appropriate future land use designation for the Property. The D-MU classification supports “key gateways featuring prominent destinations, such as retail, sports venues, and large employers, as well as housing and open space. Located at the convergence of several modes of transportation, including Pulse BRT or other planned transit improvements.” The Property also falls within the Scott’s Addition Regional/National Node as designated in the Master Plan’s appendix. This node celebrates the unique “evolution as a mixed-use neighborhood by adding more residential, office, entertainment, and “maker” uses” (C-16). Moreover, the vision for the node includes “W. Broad Street and Arthur Ashe Boulevard transform[ing] into a pair of high-quality urban avenues that are safe to cross, while becoming a destination in their own right for residential, office, retail and compatible entertainment uses” (C-16). The SUP is consistent with this guidance.

Proposal

Virginia Credit Unit is currently upfitting a ground floor commercial space for the purposes of a bank and desires an ATM which is accessible from the exterior of the building. The underlying zoning (TOD-1) for the Property allows for an accessory ATM but only if it is accessible from the inside of the building. The previously approved SUP did not contemplate the ATM as it was limited in scale and only permitted the construction of a temporary wireless telecommunications monopole and associated equipment. The SUPA would amend the SUP in order to allow for the operation of an ATM on the property accessible from the public right-of-way. The proposed ATM would be located on the Highpoint Avenue frontage. It would be oriented to an accessed directly from an east-west walkway on the property, thereby avoiding any encroachment into the right-of-way. The ATM would be small in size at approximately 42 inches in height and 38 inches in width. All other aspects of the previously approved SUP, including all other restrictions and requirements, would be retained.

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 SUPA will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed site improvements and density are compatible with the existing development in the vicinity. This request would simply permit the efficient utilization of the Property by allowing for new development to occur. The improvement of the Property in conjunction with the high quality/benefits provided by the SUPA will provide positive impacts in terms of health, welfare, etc., and furthermore will add to the vibrancy of the neighborhood.

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

The proposed SUPA will not result in significant traffic impacts to nearby residential neighborhoods and will not create congestion on streets, roads, alleys or any other public right of way.

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

The Property will be developed 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 this development are designed to eliminate such hazards.

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

The SUPA will not tend to overcrowd the land or create an undue concentration of population.

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

The SUPA would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

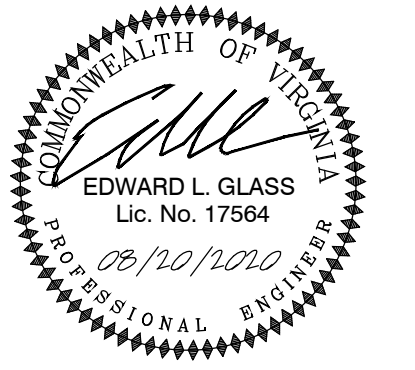
- ***Interfere with adequate light and air.***

The light and air available to the subject and adjacent properties will not be affected.

Summary

In summary we are seeking approval for a SUPA which will allow for the use of the Property in a manner which better suits the needs of the current owner. Changes are only proposed to the previously approved addition which was recently reviewed by the relevant City Agencies and approved by City Planning Staff, the Planning Commission, and Richmond City Council. Absent the described changes, all other aspects of the previously approved SUP will remain unchanged. The proposed SUPA represent an ideal commercial development for this location

which is pedestrian-friendly and will provide an active and community-oriented use which enlivens the public realm and benefits local businesses.



3200 West Broad Street
Richmond Virginia

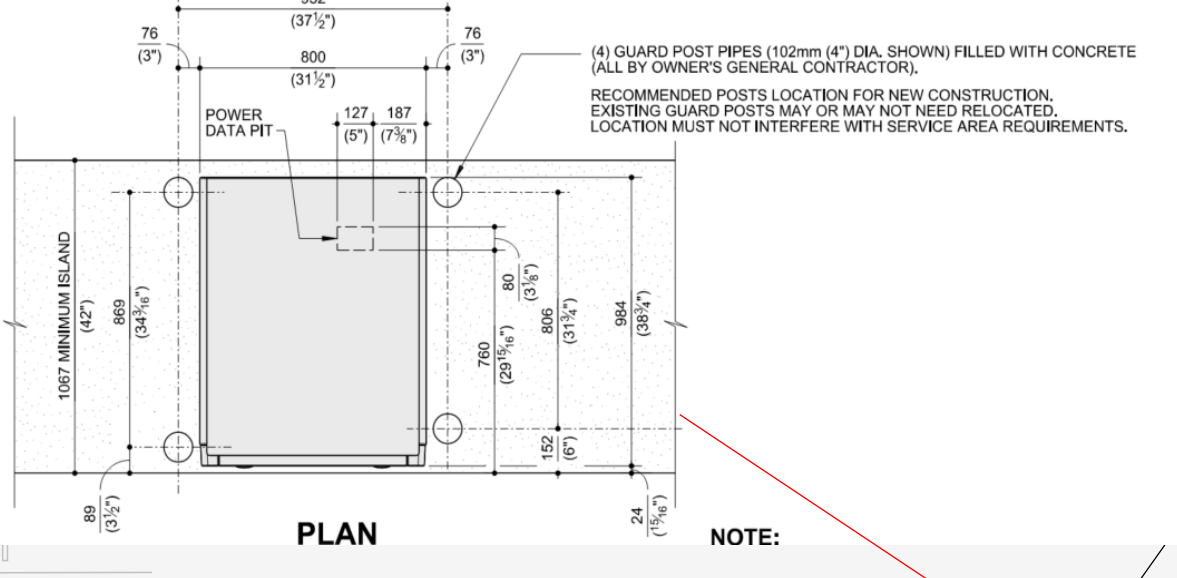
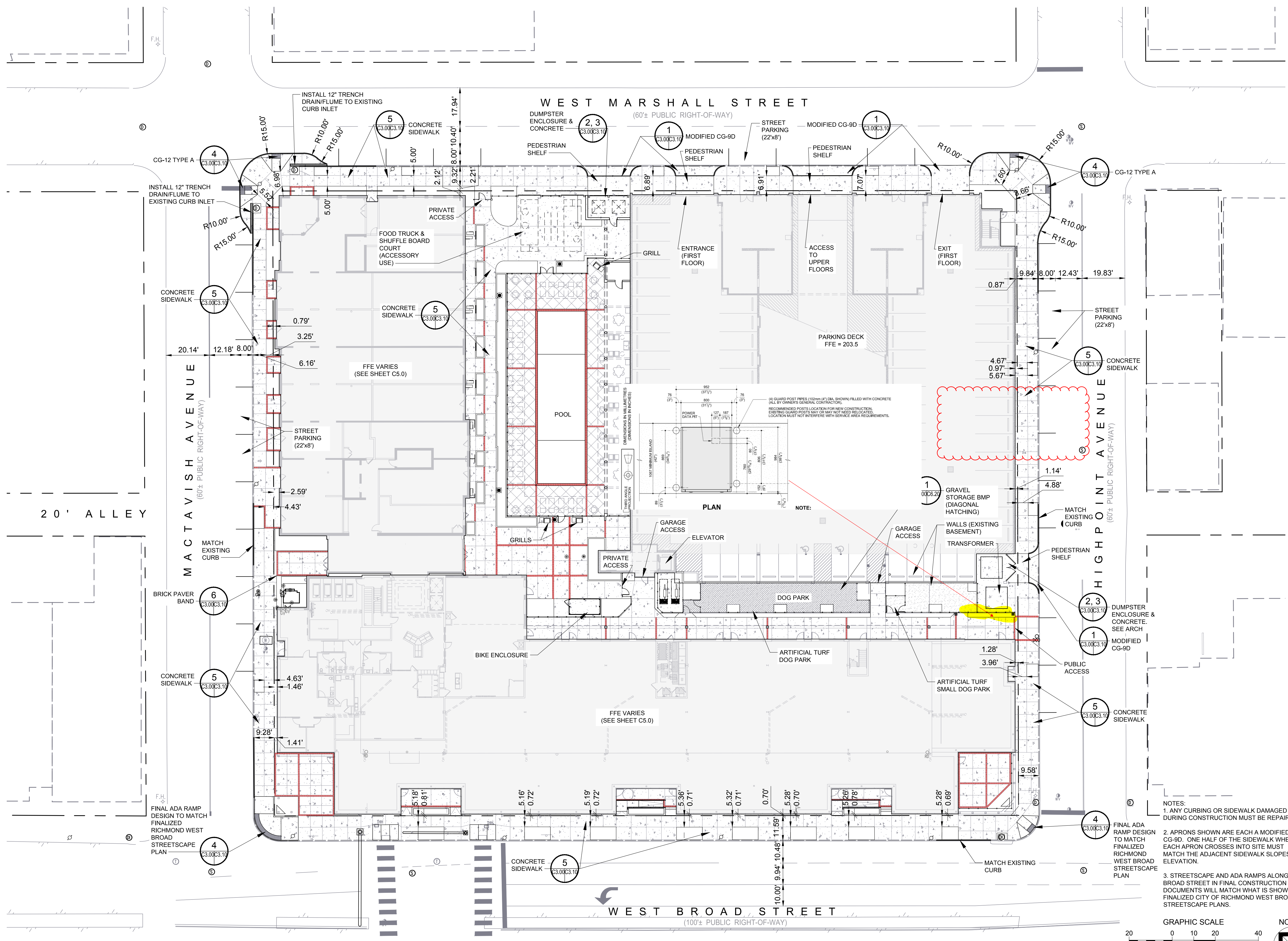


REVISIONS	
1	6-8-2020 COMMENTS
2	7-17-2020 COMMENTS
3	8-13-2020 COMMENTS
4	8-20-2020 COMMENTS

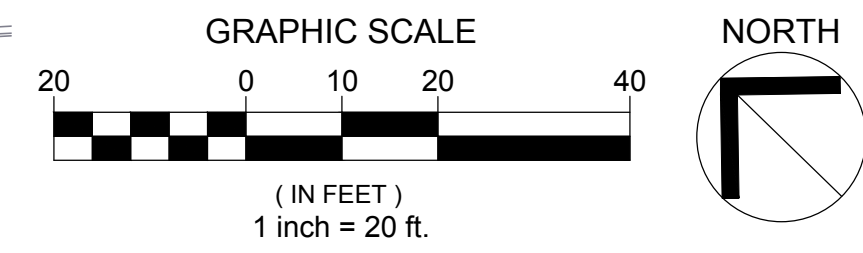


PROJECT: M19068
DATE: 09/26/2019
Site Plan Package

SITE LAYOUT PLAN
C3.00



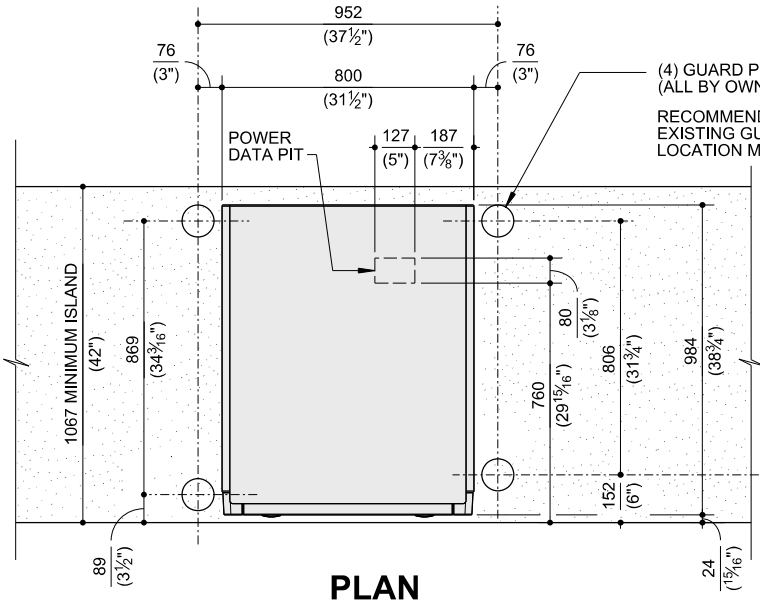
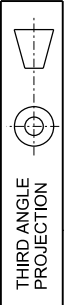
- NOTES:
1. ANY CURBING OR SIDEWALK DAMAGED DURING CONSTRUCTION MUST BE REPAIRED.
 2. APRONS SHOWN ARE EACH A MODIFIED CG-9D. ONE HALF OF THE SIDEWALK WHERE EACH APRON CROSSES INTO SITE MUST MATCH THE ADJACENT SIDEWALK SLOPES AND ELEVATION.
 3. STREETScape AND ADA RAMPS ALONG BROAD STREET IN FINAL CONSTRUCTION DOCUMENTS WILL MATCH WHAT IS SHOWN ON FINALIZED CITY OF RICHMOND WEST BROAD STREETScape PLANS.



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CONSULT WITH DIEBOLD NIXDORF INSTALLATION/SERVICE BRANCH FOR ADDITIONAL DETAILS AND INFORMATION.

DIMENSIONS IN MILLIMETRES
(DIMENSIONS IN INCHES)



ATM to receive vinyl wrap
with VACU name and logo

NOTE:

DIEBOLD NIXDORF ATMS ARE SPECIFICALLY DESIGNED TO MEET VARIOUS USER CRITERIA FOR DRIVE-UP AND WALK-UP APPLICATIONS INCLUDING REACH, PRIVACY AND SCREEN VIEW ABILITY. A DRIVE-UP ATM USED IN A WALK-UP APPLICATION MAY RESULT IN REDUCED USER PRIVACY. AN OPTIONAL KEYPAD PRIVACY SHIELD IS RECOMMENDED IN THIS APPLICATION.

THE CUSTOMER ACCEPTS ALL RESPONSIBILITY FOR ANY REDUCTION IN USER CONVENIENCE, VISIBILITY AND PRIVACY RISK ISSUES ASSOCIATED WITH USING DIEBOLD NIXDORF ATMS OUTSIDE OF THEIR INTENDED APPLICATIONS.

