INTRODUCED: April 13, 2015

AN ORDINANCE No. 2015-92-75

To authorize the special use of the property known as 1817 East Main Street for the purpose of permitting up to 78 multifamily dwelling units, accessory parking and uses permitted in the B-5 Central Business District, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: MAY 11 2015 AT 6 P.M.

WHEREAS, the owner of the property known as 1817 East Main Street, which is situated in a M-1 Light Industrial District, desires to use such property for the purpose of up to 78 multifamily dwelling units, accessory parking, and uses permitted in the B-5 Central Business District, which use, among other things, is not currently allowed by section 114-452.1 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 detrimental to the safety, health, morals and general welfare of the community involved, will not

AYES:	9	NOES:	0	ABSTAIN:	
				_	
ADOPTED:	MAY 11 2015	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 1817 East Main Street and identified as Tax Parcel No. E000-0133/009 in the 2015 records of the City Assessor, being more particularly shown on a survey entitled "Canal Walk 5, (1871 E. Main ST.) 19th and Main Streets, Richmond, Virginia," prepared by SWA Architects-VA, Inc., and dated November 14, 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 up to 78 dwelling units, accessory parking, and uses permitted in the B-5 Central Business District, hereinafter referred to as "the Special Use," substantially as shown on sheets A100 through A104, A200 through A202 and A2.05 of the plans entitled "Canal Walk 5, (1871 E. Main ST.) 19th and Main Streets, Richmond, Virginia," prepared by SWA Architects-VA, Inc., dated November 14, 2014, and last revised February 10, 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 as a multifamily dwelling fronting on 19th Street and a mixed-use building fronting on East Main Street. The multifamily dwelling fronting on 19th Street shall contain up to 76 dwelling units with accessory parking and uses permitted in the

- B-5 Central Business District, substantially as shown on the Plans. The mixed-use building fronting on East Main Street shall contain uses permitted in the B-5 Central Business District on the ground floor and up to two dwelling units above the ground floor.
- (b) A minimum of one parking space per dwelling unit in the building fronting on South 19th Street shall be provided. A minimum of 19 parking spaces shall be provided on the Property as shown on the Plans, and the remaining 57 parking spaces shall be provided in accordance with subsections (1) through (4) of section 114-710.4 of the Code of the City of Richmond (2004), amended. The off-premises parking spaces need not be identified as required by subsection (5) of section 114-710.4 of the Code of the City of Richmond (2004), as amended.
- (c) The building fronting on East Main Street shall be developed substantially as shown on the Plans. In addition, the following conditions shall apply to this building:
 - (1) The lot may be subdivided as shown on the Plans and in accordance with Chapter 94 of the Code of the City of Richmond (2004), as amended.
 - (2) Principal uses permitted in the B-5 Central Business District shall be permitted in the building.
 - (3) A maximum of two dwelling units shall be permitted. The dwelling units shall not be located on the ground floor. Each dwelling unit shall have a minimum of one window.
 - (4) The building shall be constructed of glass and predominantly brick.
 - (5) The building shall be no less than two stories in height and no more than three stories in height.
 - (6) The building design shall be subject to the approval of the Director of Planning and Development Review prior to issuance of a building permit.

- (7) No parking spaces shall be required for uses located within this building.
- (d) The final certificate of occupancy for the building fronting on South 19th Street shall not be issued until a building permit application has been filed for the building fronting on East Main Street and construction has commenced.
- § 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) The Owner shall make improvements within the right-of-way, 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, (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 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

Intracity Correspondence Report: TMP-943

O&RREQUEST

FEB 2 4 2015

File Number:

TMP-943

Chief Administration Office City of Richmond

To authorize the special use of the property known as 1817 East Main Street for the purpose of authorizing up to seventy-eight (78) multi-family dwelling units, accessory parking, and use(s) permitted in the B-5 Central Business District, upon certain terms and conditions.

O & R Request

DATE:

February 24, 2015

EDITION: 1

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 May

THROUGH:

Christopher L. Beschler, Interim Chief Administrative Off

THROUGH:

Peter L. Downey, Interim Deputy Chief Administrative Officer for Economic

Development and Planning

FROM:

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

SUBJECT:

To authorize the special use of the property known as 1817 East Main Street for

the purpose of authorizing up to seventy-eight (78) multi-family dwelling units, accessory parking, and use(s) permitted in the B-5 Central Business District,

upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1817 East Main Street for the purpose of authorizing up to seventy-eight (78) multi-family dwelling units, accessory parking, and use(s) permitted in the B-5 Central Business District, upon certain terms and conditions.

REASON: The property is zoned M-1 Light Industrial District. The applicant proposes up to seventy-eight (78) multi-family dwelling units and uses permitted in the B-5 Central Business District. Dwelling units are not permitted principal uses in the M-1 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. This item will be scheduled for consideration by the Commission at its April 20, 2015, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The applicant proposes to develop an eight-story apartment building with up to seventy-six (76) multi-family dwelling units. The building would be located along 19th Street. In addition, the applicant proposes to develop a two-story mixed-use building on East Main Street, which would contain commercial uses permitted in the B-5 Central Business District on the first floor and up to two (2) dwelling units on the second floor.

A minimum of one (1) parking space per dwelling unit in the building located on South 19th Street would be required. There would be nineteen (19) parking spaces on-site and a minimum of fifty-seven (57) off-premises parking spaces. Other site amenities include a roof garden and recreation area, as well as on-site storage units for resident use only.

The applicant has also agreed to certain conditions regarding the proposed mixed-use building on East Main Street. Some of the conditions include that a maximum of two dwelling units would be permitted on the second floor only. Each dwelling unit would have at least one window. The building would be constructed of glass and predominantly brick and be no less than two stories in height. The building design would be subject to the approval of the Director of Planning and Development Review prior to issuance of a building permit, and the final occupancy of the eight-story building on South 19th Street would not be issued until a building permit application has been filed for the building located on East Main Street and construction has commenced.

The Richmond Downtown Plan designates this area as Urban Center Area. "The Urban Center Area is characterized by higher density, mixed-use development, typically arranged on a fine-grained street network, with wide sidewalks, regular tree planting, and minimal setbacks" (p. 3.25).

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: March 23, 2015

CITY COUNCIL PUBLIC HEARING DATE: April 27, 2015

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, April 20, 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

PDR O&R No. 15-02



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	Principles Canaly					
Project Name/Location						
Project Name: CANAL WALK X	Date: 11/20/14-					
Property Address: 1817 E. MAIN ST	23223 Tax Map # E0000/33009					
Fee: 5/800 Total area of affected site in acres: 305 ACRE (See page 3 for fee schedule, please make check payable to the "City of Richmond")						
Zoning Current Zoning:	Proposed Use (Please include a detailed description of the proposed use in the required applicant's report)					
Existing Use: PARKING LOT Is this property subject to any previous land use cases? Yes MNo						
If Yes, please list the Ordinance Number:	AUNITS BEING LIVE/WORK ALLOWED.OR COMMERCIAL					
Applicant/Contact Person: HLSALOMONSKY Company: HISTORIC HOUSING LLC						
Mailing Address: 1553 E. MAIN ST.						
City: RICHMOND	State: VA Zip Code: 23219					
Telephone: (804) 237 8247						
Email: HLSALOMONSKY @ SWA-CO.COM						
Property Owner: BACON HOUSING SCP LP						
If Business Entity, name and title of authorized signee: HLSALOMONSKY: MGR of its GP						
Mailing Address: SAME	, p					
City:	State: Zip Code:					
Telephone: _()	Fax: _()					
Email:						
Property Owner Signature:	lley					
(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

Use permit for Canal Walk V Lofts

1817 E. Main St.

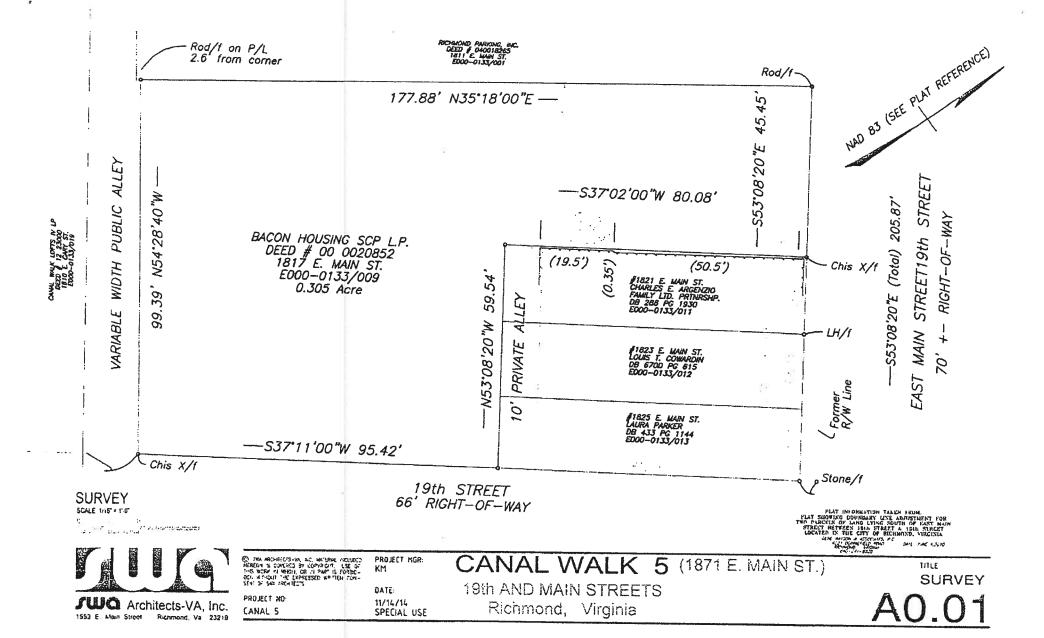
Richmond, VA 23223

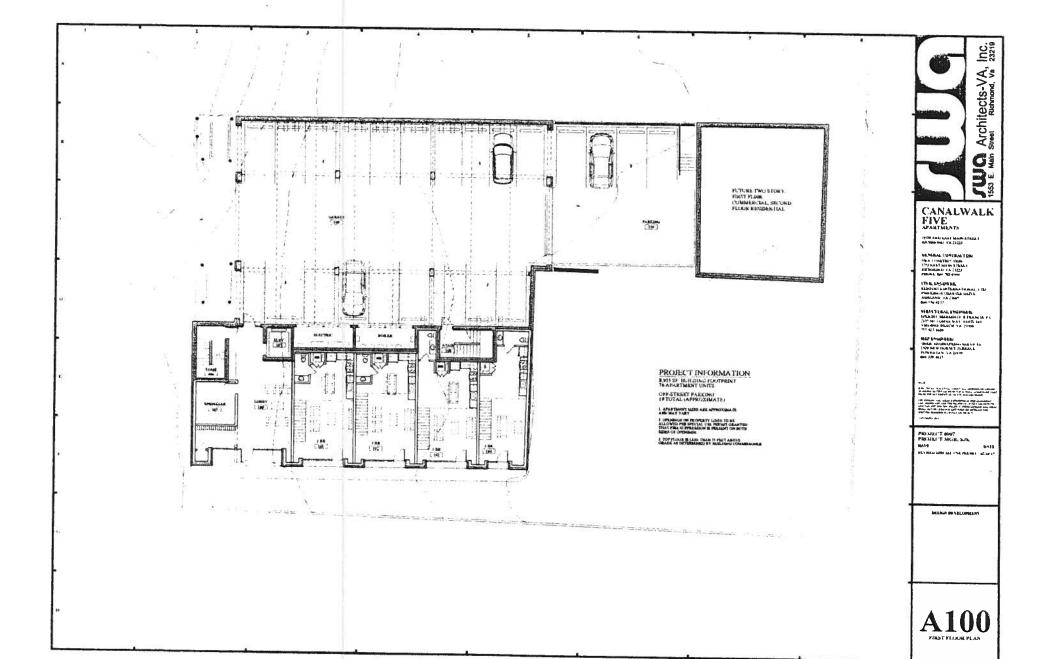
- 1. The building will be renovated for occupancy by good credit tenants required to meet the quality standards of the community.
- 2. The traffic and congestion will be less than the church/school use presently in the building which has caused us no problems.
- 3. The building will have a sprinkler system thus eliminating fire hazard.
- 4. The concentration of people will be less than the present use, which has been no problem.
- 5. The occupancy of the building will produce probably no school age children except for university students. All use will not create a problem for public utilities.
- 6. The large windows will give good light, air, and ventilation together with the HVAC units to each occupied space.

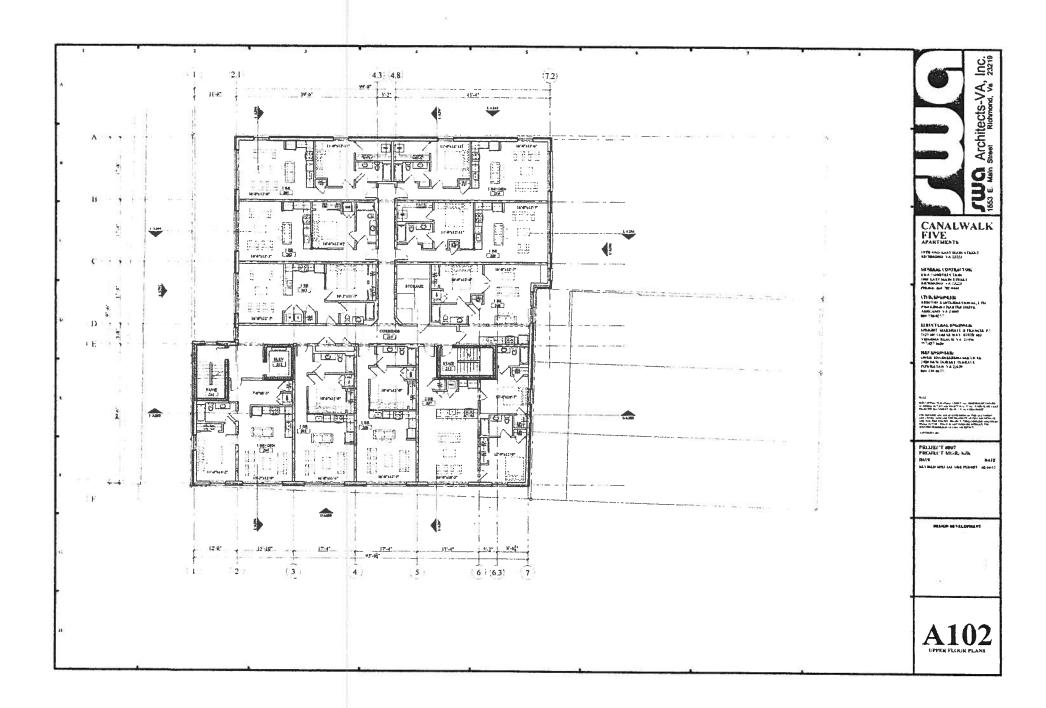
Sincerely:

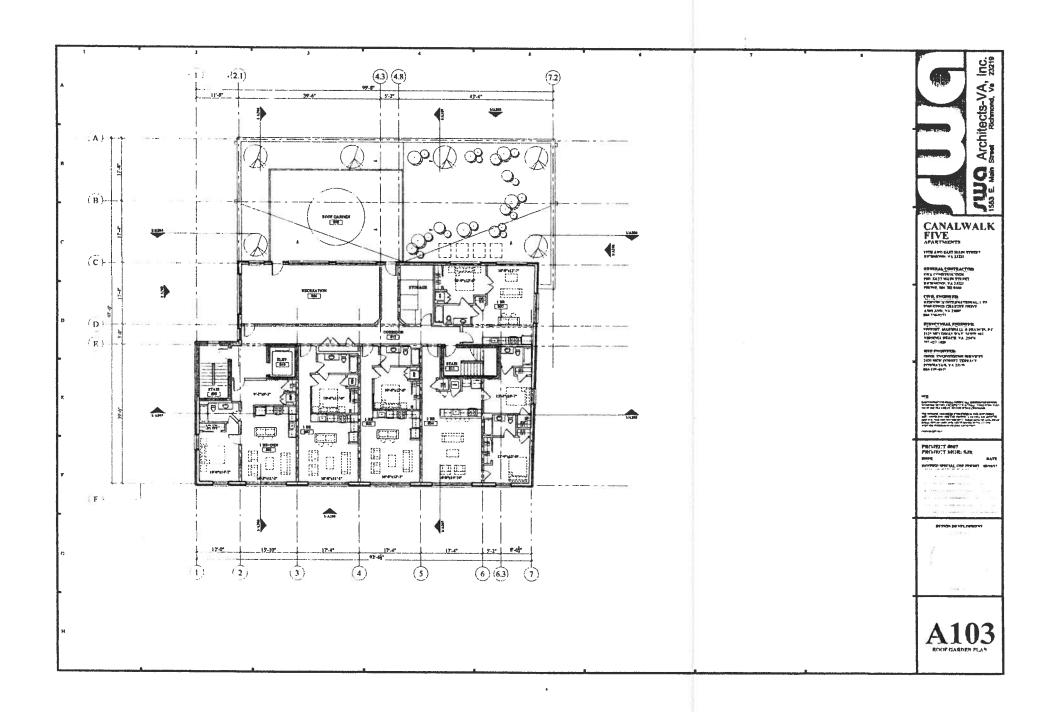
H. Louis Salomonsky, applicant

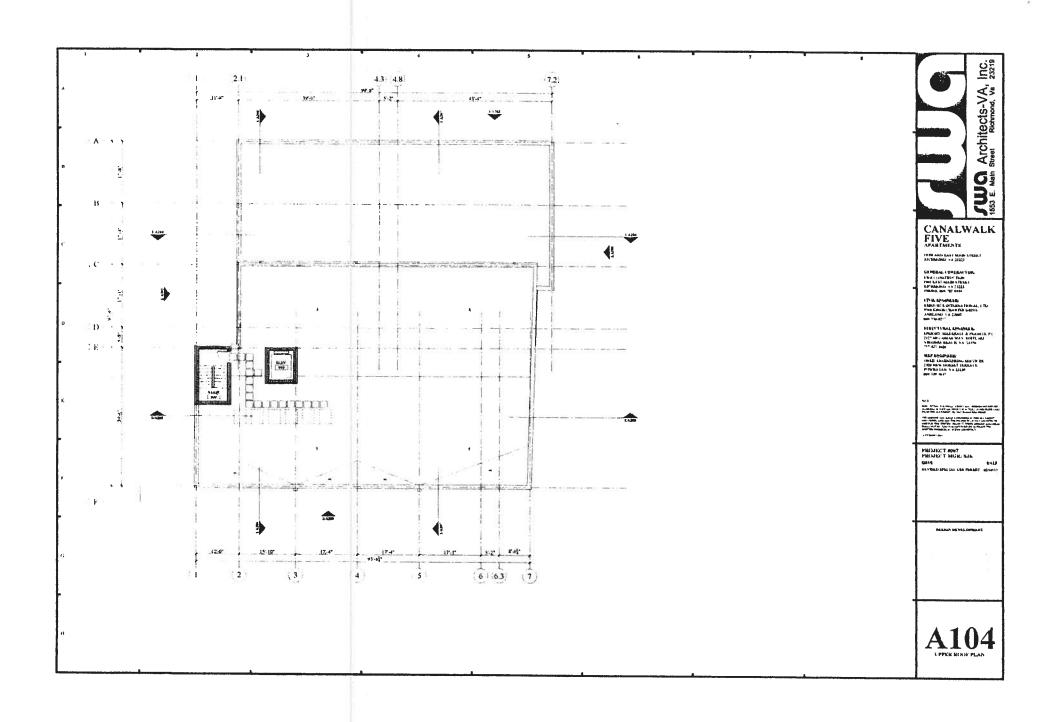
November 20, 2014

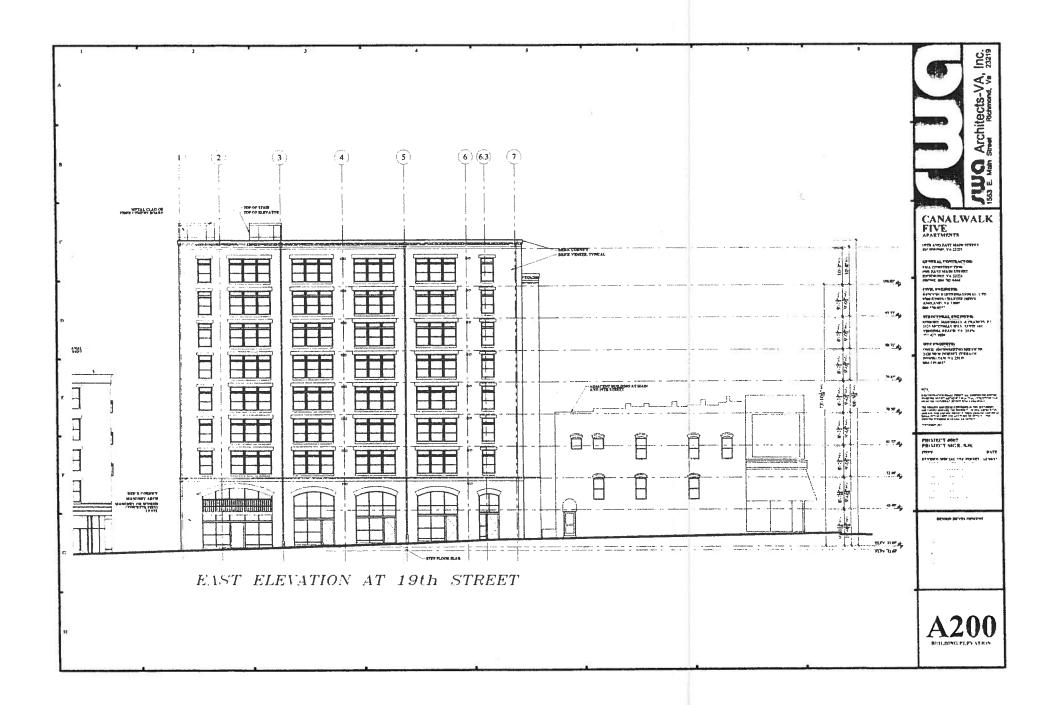


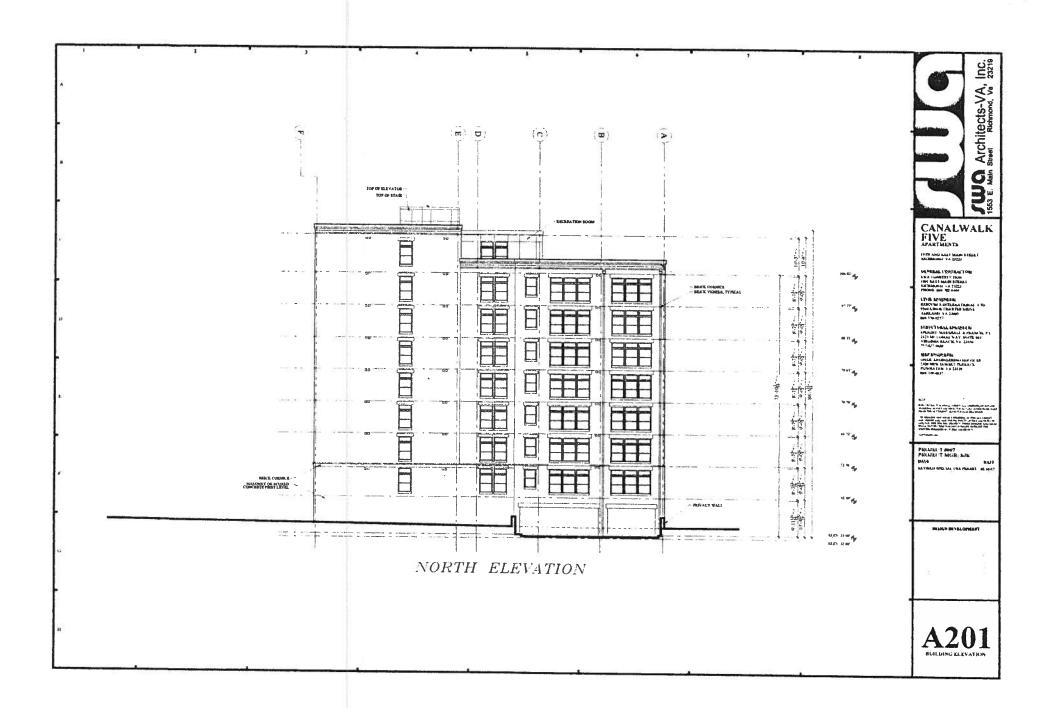


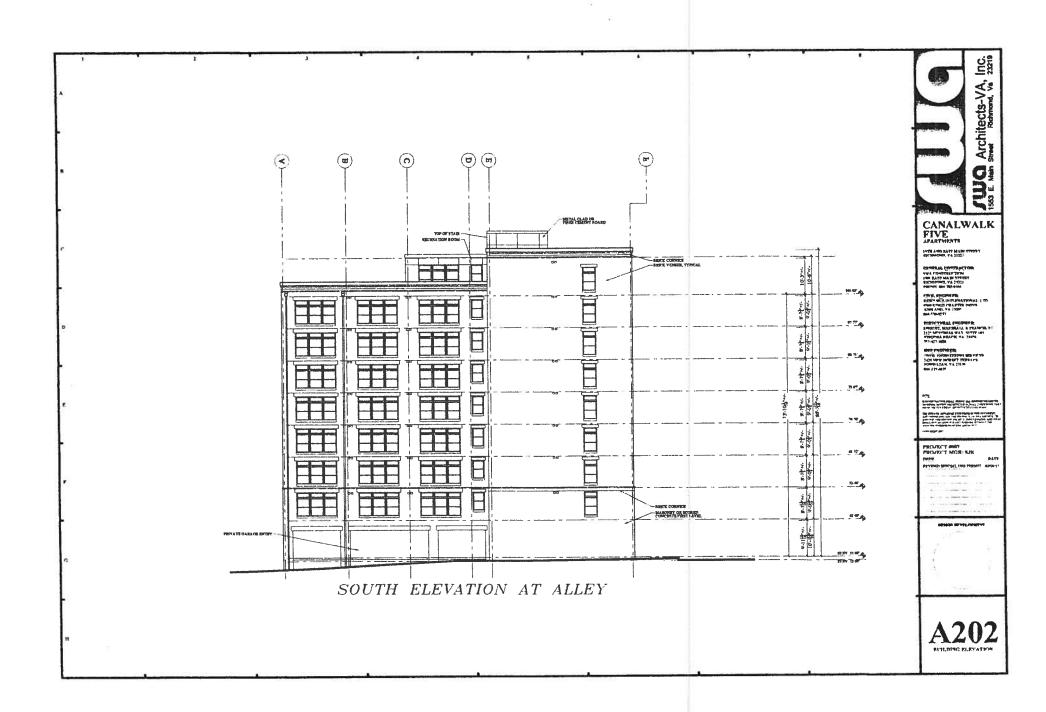


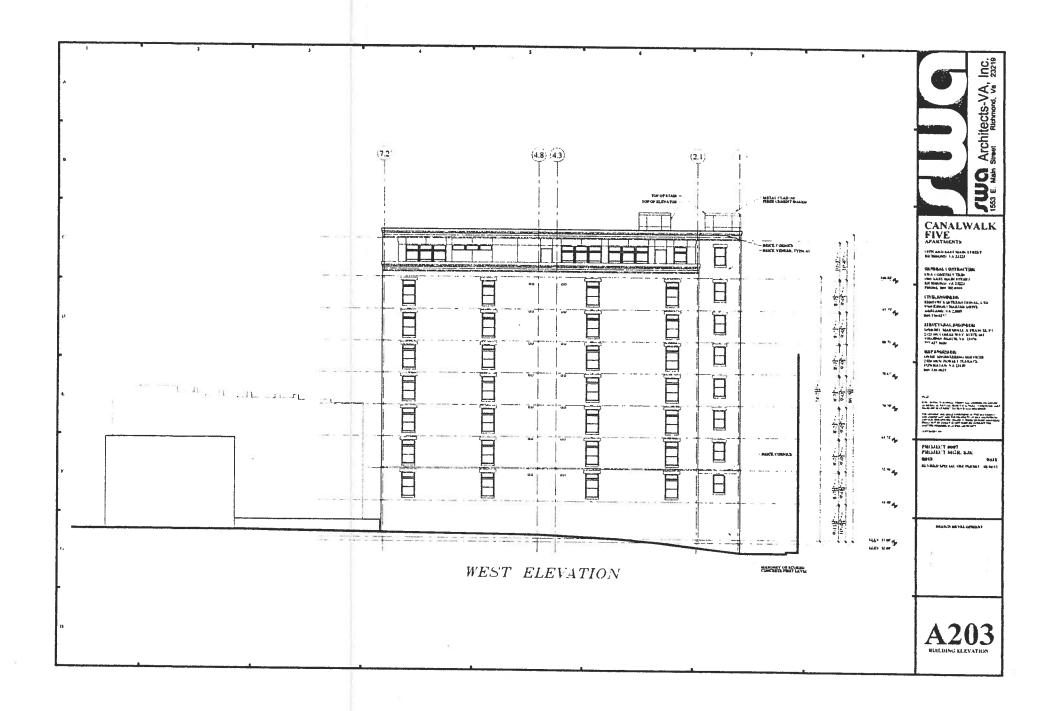


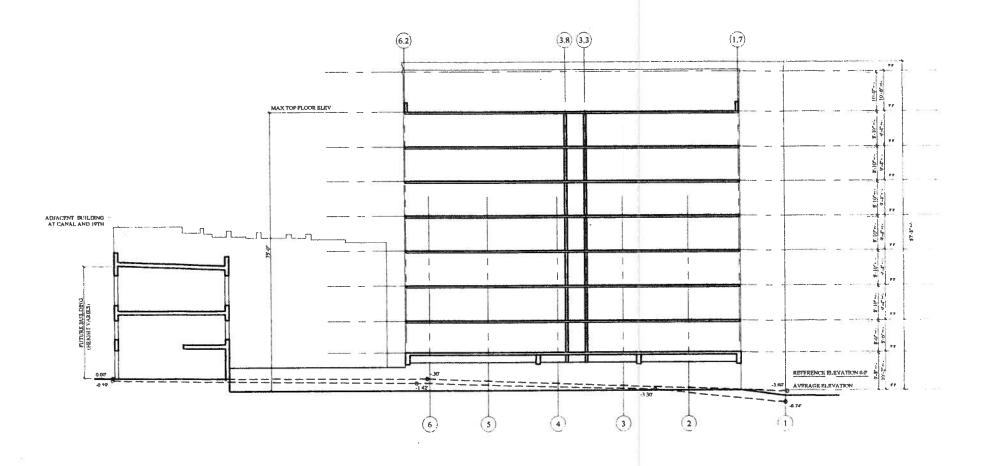












BUILDING SECTION

0 5 16 32



C) SWA APCHTECTS-VA, INC. MATERIAL INCLIDED HEREON IS COVERED BY COPPRIGHT. USE OF THIS WORK IN WHOLE OR IN PART IS FORBIDDEN WITHOUT THE EXPRESSED WRITTEN CONSENT OF SWA APCHTECTS.

PROJECT NO: CANAL S

DATE:
1T NO: 01/16/15
L S SPECIAL USE

PROJECT MGR:

19th AND MAIN STREETS Richmond, Virginia

CANAL WALK 5 (1871 E. MAIN ST.)

A2.05

NAD B3 (SEE PLAT REFERENCE) Rod/f on P/L 2.6 from corner Rod/f-S53.08'20"E 45.45' 177.88' N35*18'00"E ---PUBLIC ALLEY STREET -S37°02'00"W 80.08' N54.28'40"W 205.87 Bidg 0.5 -OF-WAY Birty BACON HOUSING SCP L.P. DEED # 00 0020852 1817 E. MAIN ST. E000-0133/009 0.305 Acre STREET19th S53'08'20"E (Total) (19.5') WIDTH (0.35) (50.5') Chis X/f 59.54 #1821 E. MAIN ST. CHARLES E. ARGENZIO FAMILY LTD. PRINRSHP. DB 288 PG 1930 ED00-0133/011 RIGHT. 99.39' VARIABLE N53.08'20"W MAIN LH/f PRIVATE 1823 E. MAIN ST. LOUIS T. COMMRDIN DB 6700 PG 615 E000-0133/012 70, 8 **EAST** 10, \$1825 E. WAIN ST. LAURA PARKER DB 433 PC 1144 E000-0133/013 -S37°11'00"W 95.42' 0, 1 Chis X/f 80.08 Stone/f 19th STREET 66' RIGHT-OF-WAY **SURVEY** PLAT INFORMATION TAKEN FROM:
LAT SHOWING BOUNDARY LINE ADJUSTMENT FOR
PRINCIPLE STATE OF THE STATE OF THE STATE
AND THE CITY OF EICHMOND, VIRGINIA
COLUMN ASSOCIATION OF THE C S SWA ARCHITECTS WA THE MATTHAR MICROSOFT FUNCTION IS COVERED BY COPHINGHT. 1951 OF THIS WORK IN WHOLE OR IN PART IS FOREIGNEN WITHOUT THE EXPRESSED WHITTEN CONSENT OF SWA ARCHITECTS. PROJECT MGR: CANAL WALK 5 (1871 E. MAIN ST.) TITLE: SJK **SURVEY** 19th AND MAIN STREETS DATE:

Richmond, Virginia

PROJECT NO:

CANAL 5

01/16/15

SPECIAL USE

JUG Architects-VA, Inc. 1553 E. Mein Street Richmond, Ve 23219