

INTRODUCED: May 22, 2017

AN ORDINANCE No. 2017-107

To amend and reordain Ord. No. 2006-294-293, adopted Dec. 11, 2006, which authorized the special use of the property known as 1508 and 1510 West Broad Street for the purpose of converting the existing building for up to 17 multifamily dwelling units and commercial space, upon certain terms and conditions, to modify the parking requirements of the special use.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUNE 26 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2006-294-293, adopted December 11, 2006, be and is hereby amended as follows:

§ 1. That the property known as 1508 and 1510 West Broad Street and identified as Tax Parcel No. N000-0670/019 in the [~~2006~~] 2017 records of the City Assessor, being more particularly shown on a survey entitled “Survey of 1510 W. Broad St.”, prepared by Long Surveying, LLC, and dated July 20, 2006, a copy of which is attached to and made a part of [~~this ordinance~~] Ordinance No. 2006-294-293, adopted December 11, 2006, is hereby permitted to be

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUNE 26 2017 REJECTED: _____ STRICKEN: _____

used for the purpose of converting the existing building for up to [~~seventeen (17) multi-family~~]
17 multifamily dwelling units and commercial space, substantially as shown on sheets A2.1,
A2.2-2.3A, A2.2-2.3B, and A4.1 of the plans entitled “Renovations to Firestone Building, 1510
West Broad Street, Richmond, Virginia”, prepared by Marcellus Wright Cox Architects, P.C.,
and dated August 15, 2006, copies of which are attached to and made a part of [~~this ordinance~~]
Ordinance No. 2006-294-293, adopted December 11, 2006.

§ 2. That the adoption of this ordinance shall constitute the granting of a special use
permit for the property, which shall be transferable from the owner of the property to the
successor or successors in fee simple title of the owner, whether acquired by operation of law,
deed or otherwise, and which shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of the
property a building permit substantially in accordance with the plans referred to above for the
aforementioned purpose, subject to the following terms and conditions:

(a) The owner of the property shall be bound by, shall observe and shall comply with
all other laws, ordinances, rules and regulations applicable to the property, except as otherwise
provided in this ordinance.

(b) An application for a building permit shall be made within [~~twenty-four (24)~~] 24
months from the effective date of this ordinance. This building permit shall expire and shall
become null and void if any necessary construction has not commenced within [~~one hundred~~
~~eighty (180)~~] 180 days from the date of the building permit or if construction is suspended or
abandoned for a period of [~~one hundred eighty (180)~~] 180 days at any time after such
construction has commenced, as provided in any applicable provisions of the Virginia Uniform
Statewide Building Code. Should application for the building permit not be made within
[~~twenty-four (24)~~] 24 months after the effective date of this ordinance or should the building

permit expire and become null and void after the expiration of the [~~twenty-four (24)~~] 24 month time period for making application for the building permit, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

(c) 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 subject property have been paid.

(d) All required final grading and drainage plans, together with all easements made necessary by such plans, shall be approved by the Director of [~~Community~~] Planning and Development Review prior to the issuance of building permits.

(e) 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 adjacent property or public streets and the use thereof.

(f) 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.

(g) A maximum of [~~seventeen (17)~~] 17 dwelling units may be provided with renovations and amenities substantially as shown on the [~~attached~~] plans attached to Ordinance No. 2006-294-293, adopted December 11, 2006. The dwelling units shall be arranged and configured with minimum square footages substantially as shown on the [~~attached~~] plans attached to Ordinance No. 2006-294-293, adopted December 11, 2006.

(h) Commercial space may be provided and shall be substantially in the location as shown on the [~~attached~~] plans attached to Ordinance No. 2006-294-293, adopted December 11, 2006. The commercial uses shall be limited to those principal and accessory uses of the B-5

Central Business District, subject to the provisions of section [~~114-442.1~~] 30-442.1 of the Code of the City of Richmond [~~(2004)~~] (2015), as amended.

(i) No [~~fewer than nine (9)~~] parking [~~spaces for the multi-family dwelling units~~] shall be [~~provided on-site substantially as shown on the attached plans~~] required for the uses of the property. [~~Said~~] If on-site parking is provided, the parking shall be paved with an all-weather, dust-free surface, and spaces shall be delineated on the pavement surface. [No parking shall be required for the commercial uses.] Screening of on-site parking with decorative fencing, supplemented with landscaping where practicable, shall be approved by the Director of Planning and Development Review. Plans showing such improvements shall be submitted to the Director for approval no later than 30 days after the effective date of this amendatory ordinance. Such improvements shall be installed no later than 60 days after approval by the Director.

(j) Signage shall be limited to wall signs and roof signs substantially in the locations as shown on the [~~attached~~] plans attached to Ordinance No. 2006-295-293, adopted December 11, 2006, and subject to the provisions of section [~~114-517(2)~~] 30-517(2) of the Code of the City of Richmond [~~(2004)~~] (2015), as amended, except that any roof sign shall not exceed a maximum area of [~~forty (40)~~] 40 square feet.

(k) A final lighting and landscaping plan must be approved by the Director of [~~Community~~] Planning and Development Review prior to the issuance of a building permit.

§ 4. That [~~the privileges granted by this ordinance may under certain circumstances be revoked. Upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit pursuant to the provisions of sections 114-1050.7~~]

~~through 114-1050.11 of the Code of the City of Richmond (2004), as amended, if (a) the property owner does not abate the violation within thirty (30) days of the issuance of the notice or (b) three (3) notices of violation are issued to the property owner within any twelve (12) month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner]~~ the privileges granted by this amendatory 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 [~~114-1080~~] 30-1080 of the Code of the City of Richmond [~~(2004)~~] (2015), as amended, or any other applicable laws or regulations.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the [~~premises~~] property is abandoned for a period of [~~twenty four (24)~~] 24 consecutive months, use of the property shall be governed thereafter by the zoning regulations prescribed for the district in which the property is then situated.

§ 6. This ordinance shall be in force and effect upon adoption.

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

RECEIVED

City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond VA 23219
www.richmondgov.com

MAY 04 2017

Item Request
File Number: PRE. 2017.157

OFFICE OF CITY ATTORNEY

O & R REQUEST

4-6447

APR 13 2017

O & R Request

Office of the
Chief Administrative Officer

DATE: April 13, 2017

EDITION: 1

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.)

JS 5/4/17

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer *SCG*

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development & Planning *PLD*

FROM: Mark A. Olinger, Director, Department of Planning & Development Review *MAO*

RE: Amendment to a special use permit at 1508 and 1510 West Broad Street to modify the parking requirements of the special use.

ORD. OR RES. No. _____

PURPOSE: To amend and reordain Ord. No. 2006-294-293, adopted December 11, 2006, which authorized the special use of the property known as 1508 and 1510 West Broad Street, upon certain terms and conditions, to modify the parking requirements of the special use.

REASON: The applicant has request an amendment to the existing special use permit ordinance in order to remove the parking requirement for the property and to screen the existing parking area located on the property.

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 June 5, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 17,100 SF or .4 acre parcel of land improved with a three story, 30,158 SF building constructed, per tax assessment records, in 1920. The building currently contains 17 apartments and ground floor retail, pursuant to the 2006 special use permit. The property is located in the Carver neighborhood within the City's Near West Planning District.

The City of Richmond's current Master Plan designates the subject property for General Commercial uses which include, "...a broad range of office, retail, general commercial, wholesale and service uses, typically located along major transportation corridors and serving large portions of the City, the region or the traveling public. Land uses in this category are typically of larger scale and intensity than Community Commercial uses, and may not always be highly compatible with residential areas."

The subject property is located within the study area of the City's Draft Pulse Corridor Plan and has been designated as "Nodal Mixed Use". This designation provides the following description, characteristics, and land use implications that are relevant to this application:

- Transit-oriented district located immediately adjacent to the Pulse BRT or other frequent transit service at key gateways and prominent places in the city in order to provide for significant, urban-form development in appropriate locations.
- Higher-density pedestrian- and transit-oriented development encouraged on vacant and underutilized sites: new development should be urban in form and may be of larger scale than existing context. It should directly engage with the prominence of Nodal Mixed-Use places and the public realm
- Highly active street frontages and urban design features that encourage pedestrian activity required
- Driveway entrances required to be of alleys whenever possible; new driveways prohibited on street-oriented commercial and priority street frontages
- Little to no setback of new development unless to create pedestrian-oriented amenities like plazas and outdoor dining
- Surface parking prohibited as a principal use; when surface parking is provided as an accessory use, it should be located to the rear of buildings and screened by shade trees
 - Parking requirements are reduced to allow more market-based parking strategies, including shared parking

The current zoning designation for this property is M-1, Light Industrial. Adjacent and nearby properties are located within the M-1 District, as well as the UB-PO4 Urban Business (Parking Overlay) District on the opposite side of Broad Street.

The applicant has request an amendment to the existing special use permit ordinance in order to remove the 9-space parking requirement for the property. The existing, unscreened parking area located on the property along Broad Street would be screened as part of the amendment.

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: 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

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: May 8, 2017

CITY COUNCIL PUBLIC HEARING DATE: June 12, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, June 5, 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.: Amend and reordain Ord. No. 2006-294-293. adopted December 11, 2006

REQUIRED CHANGES TO WORK PROGRAM(S): None.

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

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646 5734

PDR O&R No. 17-07



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: 1510-1512 West Broad Street Date: 02/02/2017
 Tax Map #: N0000670019 Fee: _____
 Total area of affected site in acres: 0.393 acres

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

Zoning

Current Zoning: M-1

Existing Use: Multi-family residential and ground floor retail

Proposed Use

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

No change in use

Existing Use: Multi-family residential and ground floor retail

Is this property subject to any previous land use cases?

- Yes No If Yes, please list the Ordinance Number: 2006-294-293

Applicant/Contact Person: Jeffrey P. Galger, Esq.

Company: Hirschler Fleischer
 Mailing Address: PO Box 500
 City: Richmond State: VA Zip Code: 23218-0500
 Telephone: (804) 771-9557 Fax: (804) 644-0957
 Email: jgalger@hf-law.com

Property Owner: Richmond 1, LLC

If Business Entity, name and title of authorized signer: See attached

(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: c/o RAMZ, LLC, Mr. Edward A. Preston, 336 Fourth Avenue, 9th Floor
 City: Pittsburgh State: PA Zip Code: 15222
 Telephone: (412) 391-7887 Fax: (412) 391-8879
 Email: _____

Property Owner Signature: See Attached


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, check list, and a check for the application fee (see Filing Procedures for special use permits)

OWNER:

Richmond 1, LLC,
a Delaware limited liability company

By: RAMZ, LLC, a Delaware limited
liability company and the sole managing
member of Richmond 1, LLC


By: _____ (SEAL)
Name: Michael G. Zamagias
Title: Member

By: _____ (SEAL)
Name: Albert Rabil, III, Member
Title: Member

8553615-1 039544.00004

OWNER:

Richmond 1, LLC,
a Delaware limited liability company

By: RAMZ, LLC, a Delaware limited
liability company and the sole managing
member of Richmond 1, LLC

By: _____ (SEAL)
Name: Michael G. Zamagias
Title: Member

By:  _____ (SEAL)
Name: Albert Rabil, III, Member
Title: Member

8553615-1 039544.00004

February 3, 2017

APPLICANT'S REPORT

*Modification of Special Use Permit 2006-294-293 (the "Existing SUP")
1510-1512 West Broad Street, Richmond, Virginia
Map Reference Number: N0000670019 (the "Property")*

Submitted to:	City of Richmond Department of Community Development Land Use Administration 900 East Broad Street, Suite 511 Richmond, Virginia 23219
Submitted by:	Richmond 1, LLC c/o RAMZ, LLC Mr. Edward A. Preston 336 Fourth Avenue, 8th Floor Pittsburgh, Pennsylvania 15222
Prepared by:	Hirschler Fleischer , Attorneys at Law Jeffrey P. Geiger, Esquire 2100 East Cary Street Richmond, Virginia 23223

Request

Richmond 1, LLC (the "Applicant") requests an amendment to the Existing SUP to delete the residential parking requirement in Section 3(i) of the Existing SUP. The Applicant proposes to revise Section 3(i) to state that: "No parking shall be required for the residential and commercial uses." Previously, no parking was required for the commercial uses.

The effect of this amendment would be to remove a residential parking requirement for this Property in the VCU/GRTC Pulse ("Pulse") corridor and would be consistent with the land use planning for the Pulse corridor. No other change to the Existing SUP is requested and the permitted uses will continue to operate under the remaining SUP requirements. The existing parking spaces would remain for use by residents in the surrounding residential area to patron the commercial use.

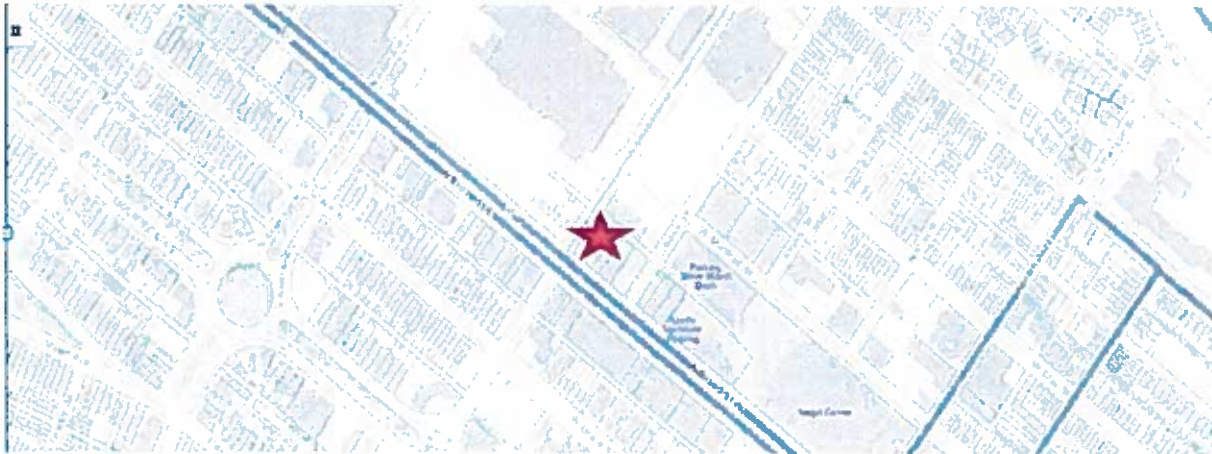
Background

The Applicant is the owner of the Property, which is commonly referred to as the Firestone Building. The Property is zoned M-1 Light Industrial and contains approximately .393 acres of land.

Originally built in 1920, the building on the Property was previously occupied by a former automotive maintenance and tire retail facility. The Existing SUP permitted an adaptive re-use of the building as 17 multi-family dwelling units with 9 parking spaces and 11,000 square feet of ground floor commercial. The commercial uses were limited to those uses permitted in the B-5 commercial district, with no parking requirement.

The Property is located on the northeast corner of Lombardy and West Broad Street in the Carver neighborhood which is in the Near West Planning District. The Property is designated by the City of Richmond's Master Plan for "General Commercial". The area is made up of a variety of land uses, including commercial, retail and restaurant uses. The properties to the north, east and west are also zoned M-1 and are occupied by a mix of commercial, retail and restaurant uses. The properties to the south across Broad Street are zoned UB Urban Business and are also occupied by a mix of commercial uses.

The Property is located on the GRTC bus line and within walking distance of Kroger, Lowe's and VCU, among other retail uses. The GRTC bus line serves the area, and the Pulse will have a stop within walking distance.



City of Richmond Parcel Map



Google Aerial

Reason for Request

The Property serves the residential and college communities in the area. The adaptive re-use of the building has been a successful project: a historical building was preserved; it enjoys a high demand for its residential units; and it houses a top performing Dollar Tree.

Over time, the commercial use on the Property has generated the demand for the on-site parking spaces. Residents from the surrounding residential neighborhoods and travelers along Broad Street are the primary users of the parking spaces when they patron the commercial use. The parking spaces provide the commercial patrons with convenience.

On-site parking is not a convenience that the Property's residential tenants seek. Daily living at the Property does not require a car. The residents enjoy the lifestyle of the area as they walk, bike and/or bus to VCU, to work, to the grocery store, and to other services and restaurants. The Property is located on the GRTC bus line, and the Pulse will have a stop within walking distance. The demand for these residential units is high even though the units are leased without on-site parking.

One of the basic principles and goals of the land use planning for the Pulse corridor is "conservation of parking on Broad Street" whereby the market will determine where parking is needed. This request is in keeping with that principle.

Over time, the market has changed the need for on-site parking, and the land use planning for this corridor has changed with the addition of the Pulse. The Applicant requests that the SUP be modified to reflect the market and planning evolution that has taken place since the Existing SUP was approved.

Findings of Fact

The following are factors indicated in Section 17.11 of the Charter and Section 114-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed modification of the Special Use Permit will:

- ***NOT be detrimental to the safety, health, morals and general welfare of the community involved.***

The requested modification of the Existing SUP to eliminate required parking for the multi-family dwellings will not negatively impact the safety, health, morals and general welfare of the nearby neighborhoods. The existing parking spaces will remain, meeting the market driven parking demand. The Property is located on the GRTC bus line and is within walking distance of a Pulse stop. The residents tend to walk, bike and/or use the bus system to go to school, work, shopping and dining. This modification will enable the continued success and positive impact of this project on the safety, health, morals and general welfare of the surrounding community.

- ***NOT tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.***

The requested modification of the Existing SUP will not create congestion in the streets, roads, alleys and other public ways and places in the area involved. The use will not change. Over time, demand for parking has been for the commercial use of the Property rather than the dwelling units. The requested modification reflects this change to avoid pushing the parking demand onto the street and increasing congestion.

- ***NOT create hazards from fire, panic or other dangers.***

The requested modification to the Existing SUP will have no negative impact relative to fire, panic or other dangers. The existing parking spaces will remain. The existing uses remain unchanged. The Property was developed in a manner consistent with the requirements of the Existing SUP, the building code and in accordance with the requirements of Fire and Emergency Services. These requirements are designed to eliminate such hazards.

- ***NOT tend to overcrowding of land and cause an undue concentration of population.***

The requested modification to the Existing SUP will not tend to overcrowd the land or create an undue concentration of population. The building already exists, and its adaptive reuse has not caused any sort of overcrowding of land because the footprint of the existing building did not change. The existing parking spaces will remain.

- ***NOT adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.***

The requested modification to the Existing SUP would not adversely affect the above-referenced City services. The request addresses on-site parking only, and the existing parking spaces will remain. The Property is already located on the GRTC bus line, the residential units typically do not generate school-age children, and the retail component adds a convenience shopping element to the community.

- ***NOT interfere with adequate light and air.***

The requested modification to the Existing SUP will have no impact on the existing light and air available to the Property. The existing improvements and uses on the Property are not being changed with this requested modification.

Very truly yours,

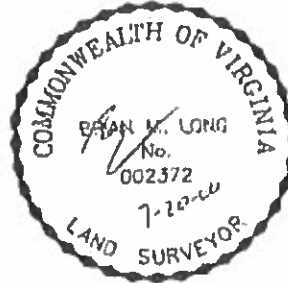


Jeffrey P. Geiger

JPG/pg

cc: The Honorable Kimberly B. Gray (via email)
Edward A. Preston, Esquire (via email)
Vincent E. Zappa (via email)
Laura Lee Garrett, Esquire (via email)
Joseph R. Noble, Esquire (via email)
Matthew Raggi (via email)

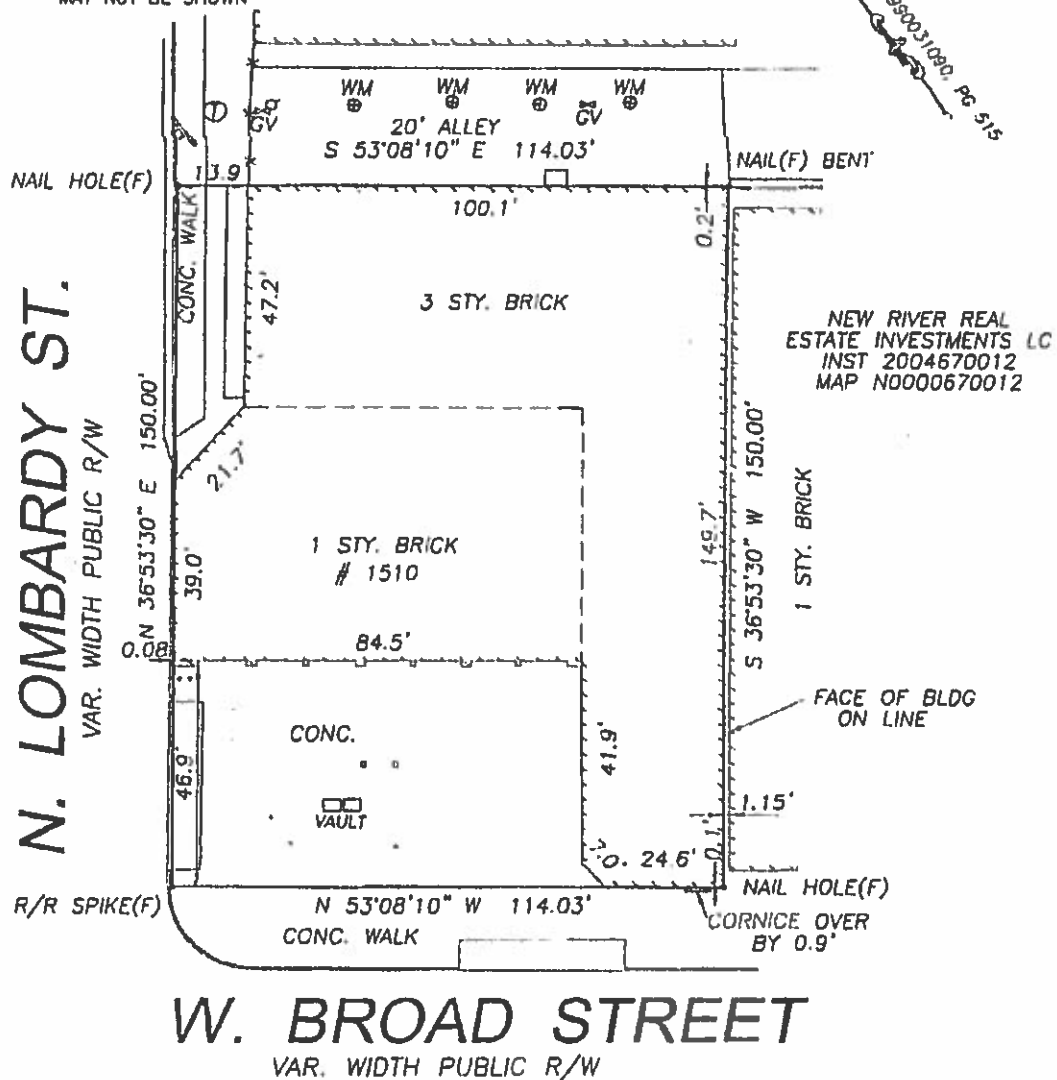
THIS IS TO CERTIFY THAT ON JULY 20, 2006, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND WALLS OF THE BUILDING ARE AS SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN



BRIAN LONG, L.S.

- 1) THIS PARCEL IS NOT IN A FEMA DEFINED FLOOD HAZARD ZONE.
- 2) THIS SURVEY IS BASED ON CURRENT FIELD WORK
- 3) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE ALL ENCUMBRANCES MAY NOT BE SHOWN

INST 9500310910, PG 515



SURVEY OF
1510 W. BROAD ST.
CITY OF RICHMOND
VIRGINIA

LONG SURVEYING, LLC
3408 SHERWOOD BLUFF WAY
POWHATAN, VA 23139

JULY 20, 2006
SCALE: 1"=30'

FOR: COX