

INTRODUCED: September 9, 2024

AN ORDINANCE No. 2024-248

To authorize the special use of the property known as 1701 Roseneath Road for the purpose of a parking area providing up to 94 percent of on-site parking spaces at compact dimensions, upon certain terms and conditions.

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

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

PUBLIC HEARING: OCT 15 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 1701 Roseneath Road, which is situated in a B-7 Mixed-Use Business District, desires to use such property for the purpose of a parking area providing up to 94 percent of on-site parking spaces at compact dimensions, which is not currently allowed by section 30-710.3:1, concerning dimensions of parking spaces, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (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

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

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 (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 ordinance, the property known as 1701 Roseneath Road and identified as Tax Parcel No. N000-1792/015 in the 2024 records of the City Assessor, being more particularly shown on a survey entitled “ALTA/NSPS Land Title Survey of Two Parcels of Land Located on the North Line of Norfolk Street and the East Line of Roseneath Road,” prepared by JenningsStephenson P.C., dated March 15, 2022, and last revised May 26, 2022, 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 a parking area providing up to 94 percent of on-site parking spaces at compact dimensions, hereinafter referred to as “the Special Use,” substantially as shown on the parking layout entitled “Level 1 – Compact Parking Configuration” of the plans entitled “Comparison Study – Waiver from Compact Parking Maximums,” prepared by 510 Architects, and dated March 29, 2024, hereinafter referred to as “the Parking Plan,” 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 Special Use of the Property shall be as a parking area providing up to 94 percent of on-site parking spaces at compact dimensions, substantially as shown on the Parking Plan.

(b) All site improvements shall be substantially as shown on the Parking Plan.

§ 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 Parking Plan 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 (2020), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the public right-of-way, including the closure of both vehicular entrances on Roseneath Road and the installation of one vehicular entrance on Rockbridge Street, substantially as shown on the Parking Plan, 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 or his designee that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, or his designee, 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 30-1220 of the Code of the City of Richmond (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 (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 (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 Parking Plan 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 1,096 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.

APPROVED AS TO FORM:

  
CITY ATTORNEY'S OFFICE



# City of Richmond

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

## Master

**File Number: Admin-2024-0469**

**File ID:** Admin-2024-0469

**Type:** Request for Ordinance or Resolution

**Status:** Regular Agenda

**Version:** 1

**Reference:**

**In Control:** City Clerk Waiting Room

**Department:** Richmond Dept of Planning & Development. Review

**Cost:**

**File Created:** 05/13/2024

**Subject:**

**Final Action:**

**Title:**

**Internal Notes:**

**Code Sections:**

**Agenda Date:** 09/09/2024

**Indexes:**

**Agenda Number:**

**Patron(s):**

**Enactment Date:**

**Attachments:** Admin-2024-0469 - APPLICATION DOCS, Admin-2024-0469 -Ordinance AATF

**Enactment Number:**

**Contact:**

**Introduction Date:**

**Drafter:** jonathan.brown@richmondgov.com

**Effective Date:**

**Related Files:**

### Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	8/20/2024	Matthew Ebinger	Approve	8/22/2024
1	2	8/20/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
1	3	8/20/2024	Kevin Vonck	Approve	8/27/2024
1	4	8/20/2024	Alecia Blackwell - FYI	Notified - FYI	
1	5	8/21/2024	Sharon Ebert	Approve	8/22/2024
1	6	8/21/2024	Caitlin Sedano - FYI	Notified - FYI	
1	7	8/21/2024	Jeff Gray	Approve	8/23/2024
<b>Notes:</b> Approved: Out of Office					
1	8	8/21/2024	Lincoln Saunders	Approve	8/23/2024
1	9	8/22/2024	Mayor Stoney	Approve	8/23/2024

### History of Legislative File

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Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2024-0469

# City of Richmond

## Intracity Correspondence

**O&R Transmittal**

**DATE:** August 20, 2024

**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, DCAO for Planning & Economic Development

**FROM:** Kevin J. Vonck, Director of Planning & Development Review

**RE:** To authorize the special use of the property known as 1701 Roseneath Road for the purpose of a parking area providing up to 94 percent of on-site parking spaces at compact dimensions, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** The applicant is requesting a Special Use Permit to authorize an increase in the maximum number of compact parking spaces within an off-street parking area which is not currently allowed by section 30-710.3:1(b), concerning dimensions of parking spaces, of the Code of the City of Richmond (2020), as amended.

**BACKGROUND:** The property is located in the Scott's Addition neighborhood on Roseneath Road between Rockbridge and Norfolk Streets. The property is currently a 51,758 sq. ft. (1.2 acre) parcel of land. The City's Richmond 300 Master Plan designates a future land use for the subject property as Industrial Mixed-Use, which is defined as "Formerly traditional industrial areas that are transitioning to mixed-use because of their proximity to growing neighborhoods and changes in market conditions. These areas may still retain some light industrial uses Intensity: Medium- to high-density, three to eight

stories. Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space. Secondary Uses: Institutional and government. (p. 62)

The current zoning for this property is B-7 Mixed-Use Business District. All adjacent and nearby properties are located within the same B-7 zone. The area is primarily a mix of multi-family residential, commercial, and small industrial sites.

**COMMUNITY ENGAGEMENT:** The Scott’s Addition Civic Association was notified. Letters of notification shall be sent to nearby property owners, and a sign noting this request shall be placed on the property once the ordinance is introduced to City Council.

**STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL:** Richmond 300 Master Plan

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

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** September 9, 2024

**CITY COUNCIL PUBLIC HEARING DATE:** October 15, 2024

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** Planning Commission, October 8, 2024

**AFFECTED AGENCIES:** Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**ATTACHMENTS:** Draft Ordinance, Application Form, Applicant’s Report, Plans, Survey, Map

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



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: 1701 Roseneath Road, Richmond, VA 23230 Date: 4/4/2024  
 Parcel I.D. #: N0001792015 Fee: \$2400.00  
 Total area of affected site in acres: 1.188

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

**Zoning**

Current Zoning: B-7

Richmond 300 Land Use Designation: Greater Scott's Addition - Priority Growth Node

**Proposed Use**

(Please include a detailed description of the proposed use in the required applicant's report)  
Approval to waive the requirement limiting the number of compact parking spaces to a maximum of 20%, in order to permit up to 160 compact parking spaces in addition to full-size, accessible, and full-size on-street parking spaces.

Existing Use: Three, one story commercial buildings for industrial use.

Is this property subject to any previous land use cases?

Yes  No   
 If Yes, please list the Ordinance Number: Special Use Permit 2022-234

**Applicant/Contact Person:** Susan S. Smith

Company: Hirschler  
 Mailing Address: 2100 E. Cary Street  
 City: Richmond State: VA Zip Code: 23223  
 Telephone: (804) 771-9526 Fax: ( )  
 Email: SSMITH@HIRSCHLERLAW.COM

**Property Owner:** Richmond Machinery and Equipment Company, Inc.

If Business Entity, name and title of authorized signee: Susan S. Smith, Attorney-in-fact

(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: 2100 E. Cary Street  
 City: Richmond State: VA Zip Code: 23223  
 Telephone: (804) 771-9526 Fax: ( )  
 Email: SSMITH@HIRSCHLERLAW.COM

**Property Owner Signature:** *Susan S. Smith*

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)



## Review & Approval process for **SPECIAL USE PERMIT**

In instances where it has been determined that underlying zoning regulations cannot be met, a special use permit may be granted by City Council to provide relief from zoning regulations.

Special use permit applications are reviewed for compliance with the *Richmond 300* to ensure the proposal is compatible with the surrounding area and that it is an appropriate use for the site. Specifically, applications are reviewed to ensure that the City Charter conditions for granting special use permits have been met. The City Charter requires that prior to City Council approval; it must be shown that the proposed special use will **not**:

1. be detrimental to the safety, health, morals and general welfare of the community involved;
2. create congestion in streets, roads, alleys and other public ways and places in the area involved;
3. create hazards from fire, panic or other dangers;
4. tend to cause overcrowding of land and an undue concentration of population;
5. adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or
6. interfere with adequate light and air.

Applicants **are encouraged** to schedule a pre-application conference with the Division of Land Use Administration staff to review related Master Plan, land use and other issues that may be involved prior to making application. Please call (804) 646-6304 to schedule an appointment with the staff. Staff will review submitted applications to ensure all required materials and information are provided. If the application is not acceptable, the required information must be provided prior to formal staff review.

Applicants should also discuss the proposed special use permit with area civic associations, property owners, residents, and the area Council Representative prior to submitting an application. Letters from the associations and property owners stating their position in regards to the request should be submitted with the application.

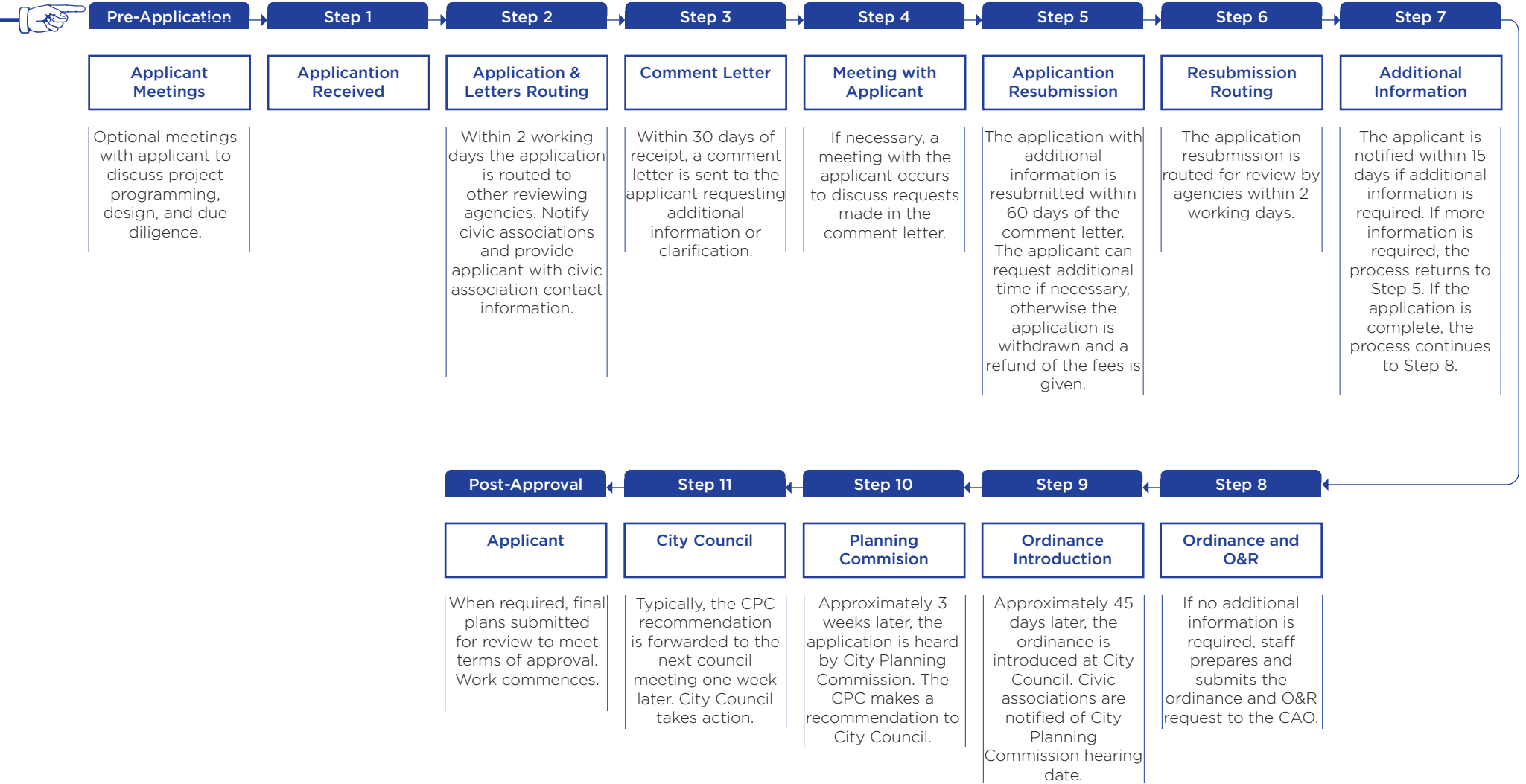
The Division of Land Use Administration circulates the special use permit application materials to appropriate City agencies as determined necessary. City agencies reviewing the proposal may include: Public Works, Building Permits & Inspections, Public Utilities, Water Resources, Zoning Administration, and Fire and Emergency Services. The Division of Land Use Administration will coordinate responses by City agencies. Written comments will be provided generally within 30 days of the application submittal date.

After review by these agencies and by the Division of Land Use Administration, the staff will confer with the applicant regarding suggested conditions to be included in the ordinance and any suggested changes to the plans. If the property is located in a City Old and Historic District and the request involves exterior alterations, additions or new construction, the plans should also be reviewed by the Commission of Architectural Review prior to an ordinance being introduced in City Council. Once the plans are in final form, an ordinance is drafted and the plans are attached to and are made a part of the ordinance. The staff will forward a copy of the ordinance to the applicant for review and approval.

The ordinance is then reviewed by the City Attorney's office and the City Administration. Once their review is complete, the ordinance is introduced to City Council and a public hearing is scheduled, usually thirty days after introduction. During this thirty-day period, public notice of the hearing is posted on the site and in a daily newspaper. Notices are also mailed to the owners of all properties within 150 feet of the subject property. One week prior to the City Council public hearing, the Planning Commission, after receiving a report from the Department of Planning and Development Review, considers the proposed special use permit and forwards a recommendation to City Council. The Planning Commission welcomes information submitted prior to the meeting and may ask questions of proponents and opponents during the course of its deliberation on the ordinance. Six affirmative votes of City Council are required to adopt a special use ordinance. Please note that there is a fee of \$250 for each continuance caused by the applicant.

If the special use ordinance is adopted by City Council, the applicant has a specified time period in which to apply for a building permit to implement the special use permit. Building permit plans must be substantially in accordance with the adopted special use permit plans, otherwise a building permit will not be issued. In general, the approval process for special use permits takes between 120 to 180 days. However, depending on the complexity of the proposed special use permit, more or less time may be required. The City Planning Commission considers approval of special use permits at its regular meetings on the first and third Monday of each month. **Incomplete submissions or major modifications to the plan during the review process may cause delays in the schedule.**

# Legislative Land Use Application Process





## FILING

Special use permit applications are filed with the:

Department of Planning and Development Review  
Land Use Administration Division, Room 511  
City Hall, 900 East Broad Street, Richmond, Virginia 23219  
Telephone (804) 646-6304

## APPLICATION REQUIREMENTS

The application for a special use permit must include the following, each part of which is explained below. ***Application must be submitted in an electronic format (PDF).***

1. **Application form;**
2. **Application fee;**
3. **Applicant's report;**
4. **Electronic PDF plans; and**
5. **Survey plat.**

1. **Application Form:** All owners of the property must sign the application form. If a legal representative signs for a property owner, a copy of an executed power of attorney is required.
2. **Application Fee:** The appropriate fee must accompany the application. Checks should be made payable to the "City of Richmond". The fees are determined from the attached fee schedule.
3. **Applicant's Report: A written report must be submitted describing the proposed use.** For non-residential development, the description should include the anticipated number of employees, hours of operation, and an estimated amount of vehicular traffic that will be generated by the use. The report should point out the specific features of the special use that will ensure that it will be compatible with the surrounding area, and that it is an appropriate use for the site. In addition, the City Charter specifies certain conditions that must be met before City Council can approve a special use permit. It must be shown that the proposed special use will ***not:***
  - a. be detrimental to the safety, health, morals and general welfare of the community involved;
  - b. tend to create congestion in streets, roads, alleys and other public ways and places in the area involved;
  - c. create hazards from fire, panic or other dangers;
  - d. tend to cause overcrowding of land and an undue concentration of population;
  - e. adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or
  - f. interfere with adequate light and air.

The report must indicate the reasons why the applicant feels these conditions will be met (e.g., features of the plan, characteristics of the proposed use or surrounding area). ***Please note*** that the ***above materials will be forwarded to the City Planning Commission and City Council along with the special use permit ordinance.***



## FILING

- 4. Plans:** Plans are required to provide sufficient detail to permit the staff to make a determination of the compatibility of the proposed project with surrounding development. Plans must be properly scaled and include a scale bar. Depending on the request, plans may include the following:

- a.** Site Plan
- b.** Elevation Plans
- c.** Floor Plans
- d.** Landscape Plans
- e.** Signage Plan & Details
- f.** Lighting Plan & Details

In some cases not all plans would be relevant to the request and may not be required. If there is a question about the level of detail required, please contact Land Use Administration Staff. Electronic Plans (PDF) are required with the initial application and any subsequent resubmissions. Electronic plans may be submitted on a disk or via email at: [DCDLanduseadmin@richmondgov.com](mailto:DCDLanduseadmin@richmondgov.com).

- 5. Survey Plat:** A PDF of a survey plat showing the property and including metes and bounds is required. The plat should show existing physical features of the property, including:
- a.** North arrow, scale, property address, the distance to nearest public street, preparer of plat, date, revision dates, area of site;
  - b.** Existing structures, buildings, paved areas, fences, streets, alleys, easements, and limits of the 100 year flood plain, Chesapeake Bay Preservation Area limits, wetlands, and streams.



**COMMUNITY UNIT PLAN**

Preliminary	\$3,000 + \$100/acre <sup>1</sup>
Extension of Preliminary Approval	\$1,500
Final	\$1,500 + \$100/acre <sup>1</sup>
Amendment	\$1,500 + \$100/acre <sup>1</sup>

**CONDITIONAL USE PERMIT**

Initial	\$1,500 + \$100/acre <sup>2</sup>
Amendment	\$1,000 + \$100/acre <sup>2</sup>

**PLAN OF DEVELOPMENT**

Floor area & Land disturbed ≤5,000 square feet	\$500 + \$100/acre <sup>2</sup>
Floor area & Land disturbed ≥5,001 & ≤50,000 square feet	\$1,000 + \$100/acre <sup>2</sup>
Floor area & Land disturbed ≥50,001 square feet	\$1,500 + \$100/acre <sup>2</sup>

**REZONING/CONDITIONAL REZONING**

Each continuance caused by the applicant	\$1,500 + \$100/acre <sup>2</sup>
	\$250

**SPECIAL USE PERMIT**

<i>Use</i>	<i>Initial</i>	<i>Amendment</i>
Day Nursery	\$300	\$200
Single- or two-family detached or attached dwelling	\$300	\$200
Outdoor dining	\$300	\$200
Mobile food business	\$300	\$200
Sign	\$300	\$200
Multi-family dwelling (3 to ten units)	\$1,800	\$1,200
Commercial or industrial equal to or less than 5,000 sq ft	\$1,800	\$1,200
Multi-family dwelling (more than 10 units)	\$2,400	\$1,800
Commercial or industrial more than 5,000 sq ft	\$2,400	\$1,800

Each continuance caused by the applicant	\$250
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**SUBDIVISION**

Preliminary Plat	\$500 + \$15/lot
Extension of Preliminary Plat Approval	\$150
Final Plat	\$500 + \$15/lot
Subdivision Confirmation Letter	\$100
Continuance*	\$50
Plat of Correction	\$100

**A full refund of the application fee is permitted if the application is withdrawn prior to the second submittal of plans. Once a second submittal of plans is made, fees are not refundable.**

<sup>1</sup>For Community Unit Plans (CUP), the first 10 acres are included in the base price.

<sup>2</sup>For Conditional Use Permits, Plans of Development, and Rezoning, the first acre is included in the base price.

For all applications with an additional price per acre, fractions of an acre are rounded up to the nearest whole number. Do not prorate the fee per fraction of acre.

- Example: A Conditional Use Permit (CUP) for a 0.76 acre property would owe \$1,500 (base fee only). A CUP for a 2.3 acre property would owe \$1,700 (\$1,500 base fee + 2\*100 (for the 1.3 acres over the first acre))

\* No charge for the 1st continuance requested by the applicant or for any continuance requested by the Planning Commission. The second or subsequent continuance request by the applicant costs \$50.

Fees went into effect upon adoption of Ordinance No. 2018-209 by City Council on September 10, 2018.



**Special Use Permit Applicant's Report**  
Tax Map Parcel IDs: N0001792015

**INTRODUCTION**

Breakwater Companies LLC (“Applicant”) is the contract purchaser for 1701 Roseneath Road, Richmond, VA 23230, currently owned by Richmond Machinery and Equipment Company (the “Property”). The Property is located in the heart of Scott’s Addition. The Property is improved by three, one story commercial buildings, which have reached the end of their useful life, and the Applicant intend to raze.

The Property is currently zoned to the B-7 District and is also subject to Special Use Permit 2022-234 (“SUP”). The Applicant desires to develop the Property under the B-7 District zoning. The Applicant would terminate the SUP at the time the Applicant applies for Plan of Development approval under the B-7 District.

The Applicant plans to construct a multi-family apartment complex with up to 200 dwelling units as permitted by-right in the B-7 District (the “Project”). The ground level of the Project will be comprised of commercial space fronting Roseneath Road and a parking structure directly behind the commercial space. The Applicant desires approval of a Limited Special Use Permit (“Limited SUP”) to waive the requirement limiting the number of compact parking spaces to a maximum of 20%, in order to permit up to 160 compact parking spaces in addition to full-size, accessible, and full-size on-street parking spaces. Approving this request will allow the Project to provide more on-site parking, as sought by the Greater Scott’s Addition Association.

**PROPOSED USE AND SPECIAL USE PERMIT REQUEST**

The Property is located in the Mixed-Use Business District (B-7). The Applicant plans to construct the Project by-right and desires to terminate the current SUP on the Property if this Limited SUP is approved.

The Applicant is requesting a Limited SUP only to waive the requirement limiting the number of compact parking spaces to a maximum of 20%, in order to permit up to 160 compact parking spaces.

Pursuant to Section 30-710.3:1(b) of the City of Richmond’s zoning ordinance, parking areas with five or more spaces may provide a maximum of 20% of spaces at compact dimensions and such spaces must be labeled as compact spaces. Current business owners and property owners in Scott’s Addition have expressed their desire for more on-site parking areas to reduce the residents’ use of on-street parking spaces. Approving the Limited SUP will increase the total number of parking spaces on-site and allow more business patrons and visitors to use on-street parking.

**EXISTING PROPERTY AND SURROUNDING AREA**

The Property is in the heart of Scott’s Addition. The Property is adjacent to and surrounded by numerous mixed-use apartment complexes with commercial space fronting the streets. In

addition, there are a myriad of businesses, neighborhoods and restaurants surrounding the Property. Scott's Addition is a highly visited area with a high-density population.

### THE RICHMOND 300 PLAN

The Richmond 300 Plan designates the Property as located within Greater Scott's Addition – a Priority Growth Node. A Node that is encouraging for growth in residents, jobs, and commercial activity over the next 20 years. The City's vision for Scott's Addition includes mixed-use neighborhoods, offices, street oriented commercial space, entertainment with features that enhance the public realm. This Project conforms with the future uses of the Richmond 300 Plan and will likely inspire other redevelopment opportunities in the surrounding area.

### PROPOSED USE

The proposed use of the Property, as described herein, is compatible with the surrounding area and an appropriate use for the site. This Property is in line with the Property's Priority Growth goals designated in the Richmond 300 Plan. The Project's increased compact parking will allow residents to safely park their vehicles and walk to surrounding businesses, allowing visitors to use on street parking, and as a result, reduce the competition for on street parking.

### SUITABILITY OF REZONING and FINDINGS OF FACT

The following are factors listed in Section 30-1050.1 of the City's zoning ordinance to be considered with the review of special use permit applications.

*The proposed SUP will:*

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

The Project will provide high quality housing and will inspire other redevelopment opportunities in the surrounding area. The Project will be of a lower density and height than the Special Use Permit 2022-234 that is currently approved for the Property.

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

The infrastructure and road systems in place have ample capacity to handle the proposed use. Scott's Addition is constructed to handle a high-density population and transit. The Project will further reduce congestion on the street by increasing parking spaces for residents in the Complex. The Project will be of a lower density than the Special Use Permit 2022-234 that is currently approved for the Property.

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

The Project is in compliance with applicable building and fire safety codes and energy conservation requirements. The Project will be of a lower density than the Special Use Permit 2022-234 that is currently approved for the Property.

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

The Project will provide comfortable luxury housing to numerous existing residents and new residents of the City who work in the City and will not contribute to the overcrowding of land.

- *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 above-referenced City services will not be adversely affected by the proposed use of the Project. Utilities and infrastructure are in place and adequate for the proposed use. The proposed reuse of the Property will enhance the area without affecting existing public facilities. The Project will be of a lower density and height than the Special Use Permit 2022-234 that is currently approved for the Property.

- *NOT interfere with adequate light and air.*

The Property is in a location with ample air, light and space components. The light and air available to the Property and adjacent properties will not change if the Limited SUP is granted. The light and air available to the Property and adjacent properties will likely be greater than Special Use Permit 2022-234 that is currently approved for the Property..

## CONCLUSION

The Applicant desires to provide more on-site parking consistent with the position of the Greater Scott's Addition Association. If this Limited SUP is granted, this Project will help contribute to the area's evolution, provide more on-site parking for residents and further the City's aspirations for Scott's Addition.

**SPECIAL LIMITED POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS:

- 1. That I, Michael S. Colley, President of Richmond Machinery & Equipment Co., Inc., a Virginia corporation

(Telephone) 804-359-4048

(Address) 1701 Roseneath Road, Richmond, VA 23230

as owner of the property described as:

- 2. Parcel: N0001792015 and authorized to take such action, do hereby make, constitute and appoint:

- 3. Jeffrey P. Geiger (804) 771.9557, R. Robert Benaicha (804) 771.9512, and Susan S. Smith (Telephone) (804) 771.9526 (Address) Hirschler Fleischer, P. O. Box 500, Richmond, VA 23218-0500, any one of whom may act as my true and lawful attorney-in-fact for and in my name, place and stead with full power and authority I would have if acting personally to seek site plan approval, plan of development approval, subdivision approval, construction plan approval, rezoning approval, conditional use approval, special use permit and/or special exception approval, and to set forth and offer such legally acceptable voluntarily proffered conditions, and agree to any imposed conditions, including any additions, amendments, modifications or deletions thereto that in his discretion are deemed reasonable, appropriate and necessary.

- 4. In witness thereof, I have hereto set my hand and seal this 1<sup>st</sup> day of April, 2024.

RICHMOND MACHINERY & EQUIPMENT CO., INC.,  
a Virginia corporation

By: [Signature]  
Name: Michael S. Colley  
Title: President

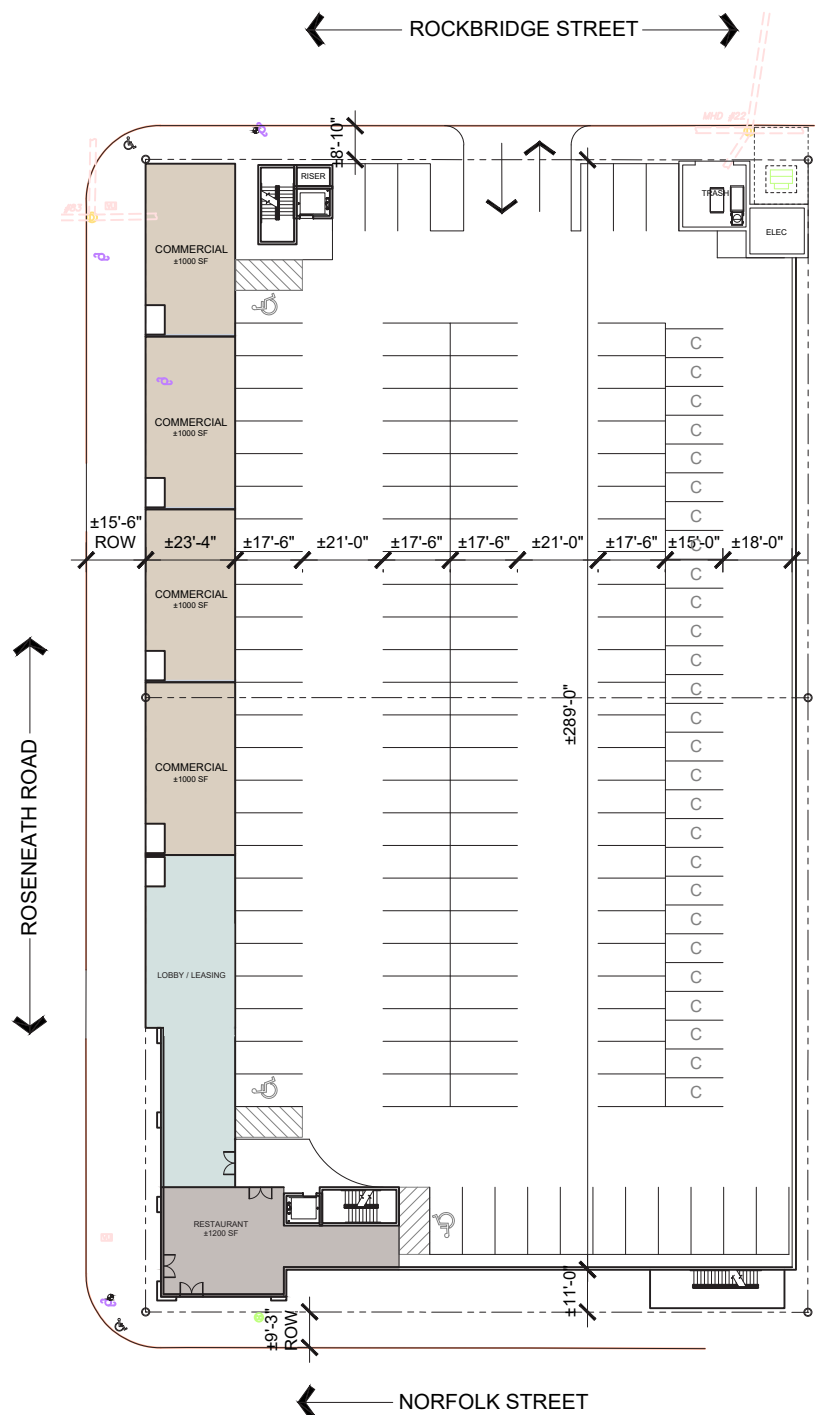
STATE OF Virginia,  
CITY/COUNTY OF Genrico, to-wit:

The foregoing Power of Attorney was acknowledged before me in my jurisdiction aforesaid by Michael S. Colley as President of Richmond Machinery & Equipment Co., Inc., a Virginia corporation, this 1<sup>st</sup> day of April, 2024.

[Signature]  
Notary Public

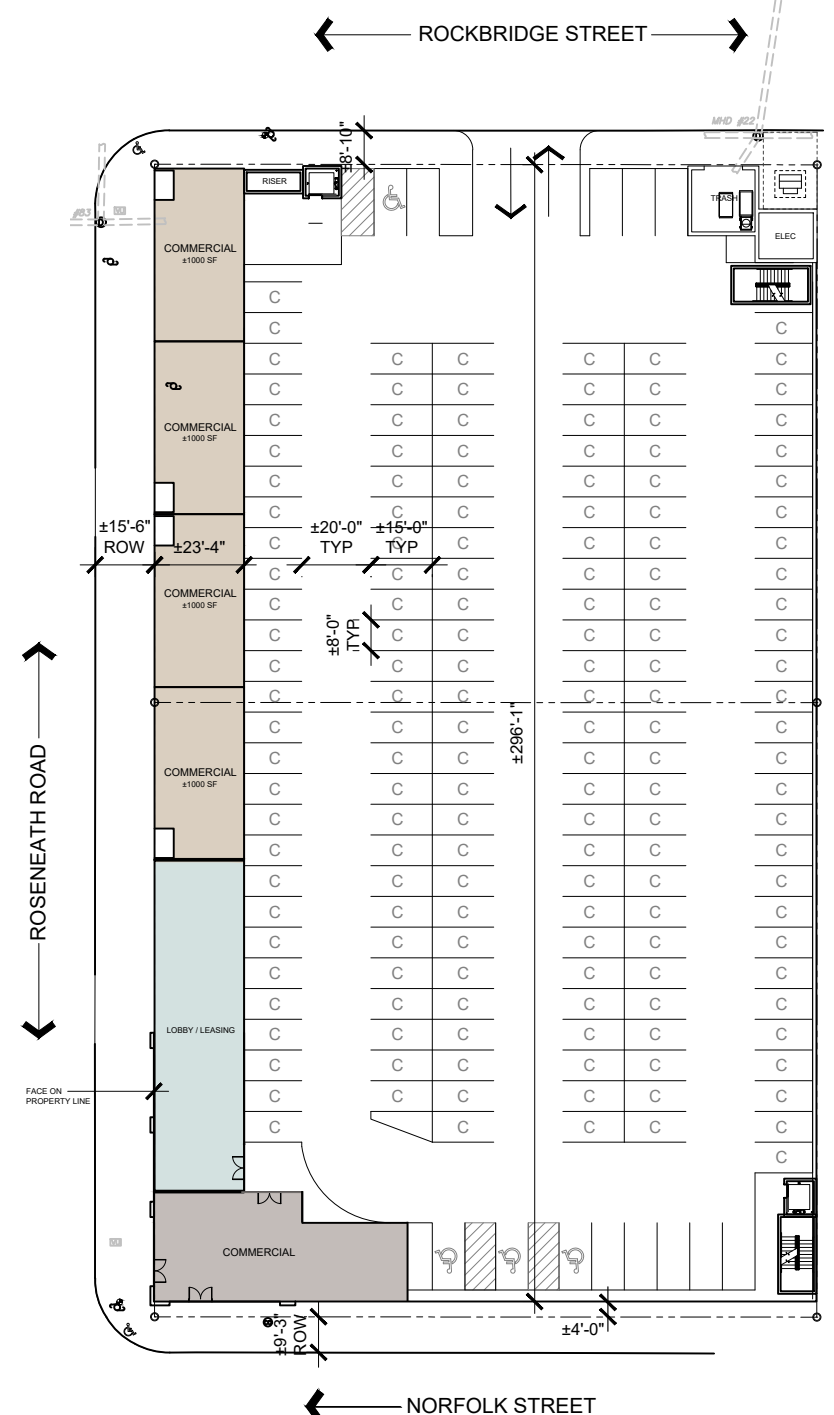
My commission expires: 6/30/25  
My notary registration number is: 257323





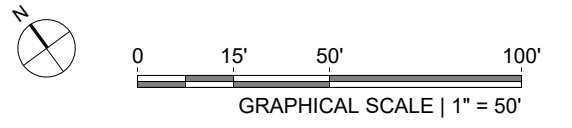
LEVEL 1 - BY-RIGHT PARKING CONFIGURATION

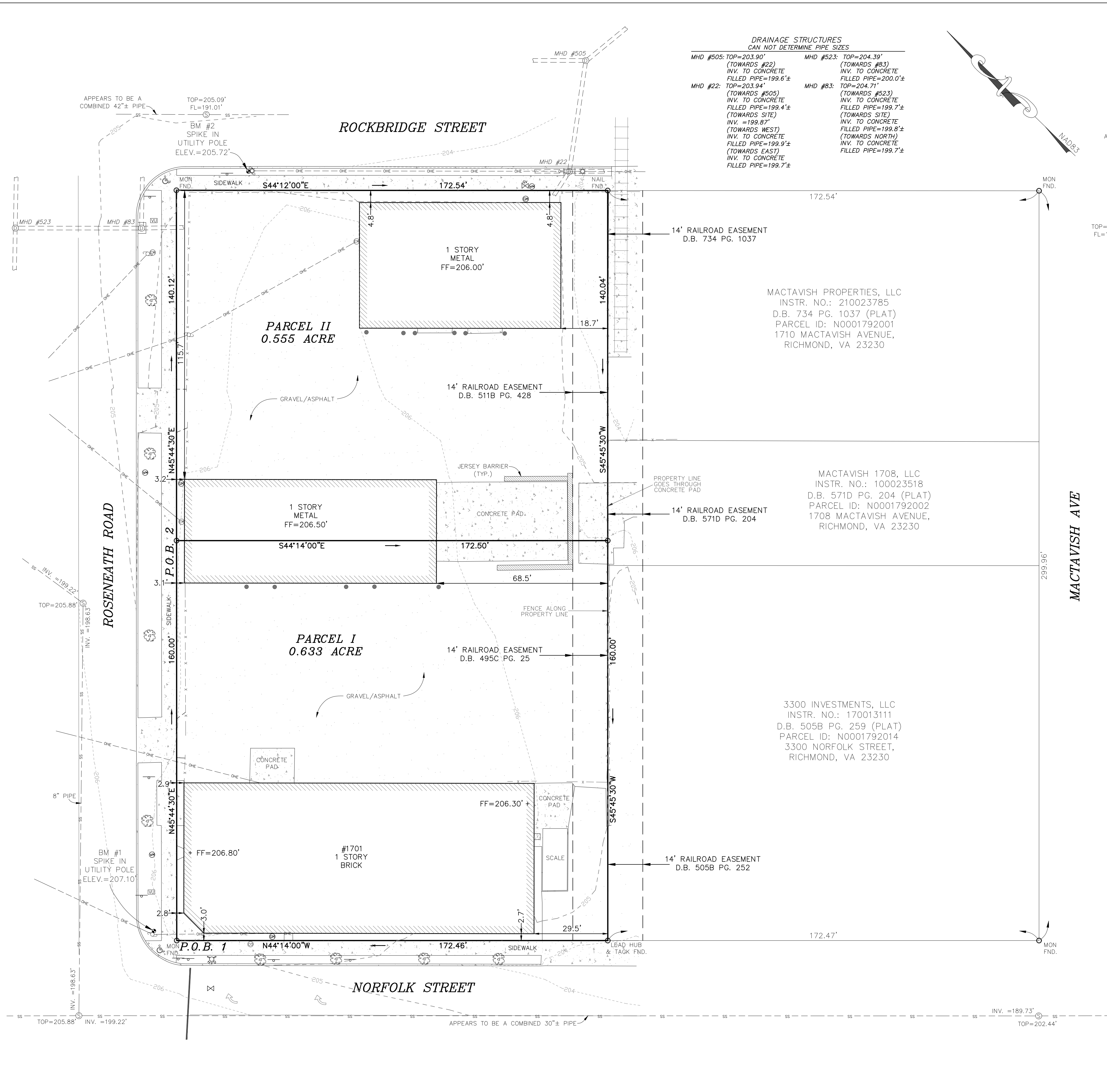
PARKING PROVIDED	
PARKING AREA	PARKING
L1	140
on-street	24
<b>TOTAL</b>	<b>164</b>
compact provided	27
accessible provided	3



LEVEL 1 - COMPACT PARKING CONFIGURATION

PARKING PROVIDED	
PARKING AREA	PARKING
L1	172
on-street	24
<b>TOTAL</b>	<b>196</b>
compact provided	160
accessible provided	4





**DRAINAGE STRUCTURES  
CAN NOT DETERMINE PIPE SIZES**

MHD #505: TOP=203.90' (TOWARDS #22) INV. TO CONCRETE FILLED PIPE=199.6'±	MHD #523: TOP=204.39' (TOWARDS #B3) INV. TO CONCRETE FILLED PIPE=200.0'±
MHD #22: TOP=203.94' (TOWARDS #505) INV. TO CONCRETE FILLED PIPE=199.4'± (TOWARDS SITE) INV. TO CONCRETE (TOWARDS WEST) FILLED PIPE=199.9'± (TOWARDS EAST) INV. TO CONCRETE FILLED PIPE=199.7'±	MHD #B3: TOP=204.71' (TOWARDS #523) INV. TO CONCRETE FILLED PIPE=199.7'± (TOWARDS SITE) INV. TO CONCRETE (TOWARDS NORTH) FILLED PIPE=199.8'± (TOWARDS SOUTH) INV. TO CONCRETE FILLED PIPE=199.7'±

- NOTES**
1. OWNERSHIP:  
**PARCEL I**  
RICHMOND MACHINERY AND EQUIPMENT COMPANY, INC.  
D.B. 511B PG. 139  
PARCEL ID: N0001792015 (IN PART)  
1701 ROSENEATH ROAD, RICHMOND, VA 23230 (PER TITLE COMMITMENT REFERENCED IN NOTE 2 BELOW)
  2. THIS SURVEY OF WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT BY CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO.: SHTC22-157 EFFECTIVE DATE JANUARY 31, 2022 AT 8:00 A.M.
  3. SCHEDULE B - PART I OF THE ABOVE REFERENCED TITLE COMMITMENT WAS NOT ADDRESSED ON THIS SURVEY
  4. EXCEPTIONS OF SCHEDULE B-SECTION II OF THE ABOVE REFERENCED TITLE COMMITMENT
    - 1.) NOT ADDRESSED
    - 2.) NOT ADDRESSED
    - 3.) NOT ADDRESSED
    - 4.) NOT ADDRESSED
    - 5.) NOT ADDRESSED
    - 6.) ENCROACHMENTS AT TIME OF DATA SURVEY SHOWN HEREON
    - 7.) RIGHTS OF THE RAILROAD COMPANY - MAY PERTAIN, BUT CAN NOT BE SHOWN GRAPHICALLY
    - 8.) 14' EASEMENT FOR THE CONSTRUCTION, MAINTENANCE, AND USE OF RAILROAD TRACKAGE IN D.B. 495C PG. 25 - SHOWN HEREON
    - 9.) 14' EASEMENT FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF RAILROAD TRACKAGE IN D.B. 505B PG. 246 - DOES NOT PERTAIN
    - 10.) 14' EASEMENT FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF RAILROAD TRACKAGE IN D.B. 505B PG. 252 - SHOWN HEREON
    - 11.) 14' EASEMENT FOR THE CONSTRUCTION, MAINTENANCE, AND USE OF RAILROAD TRACKAGE IN D.B. 511B PG. 428 - SHOWN HEREON
  5. THIS PROPERTY LIES IN ZONE "X" OF THE FEMA DEFINED FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 510129002B, EFFECTIVE DATE APRIL 2, 2009.
  6. DURING THE PROCESS OF OUR PHYSICAL IMPROVEMENT SURVEY NO INDICATIONS OF A CEMETERY WERE FOUND. NO FURTHER INSPECTION OF THE PROPERTY HAS BEEN MADE FOR POSSIBLE CEMETERIES.
  7. THERE ARE NO REGULAR AND NO HANDICAP PARKING SPACES ON THE PROPERTY.
  8. THERE IS NO VISIBLE EVIDENCE OF RAILROAD TRACKS ON THE SUBJECT PROPERTY SHOWN HEREON.

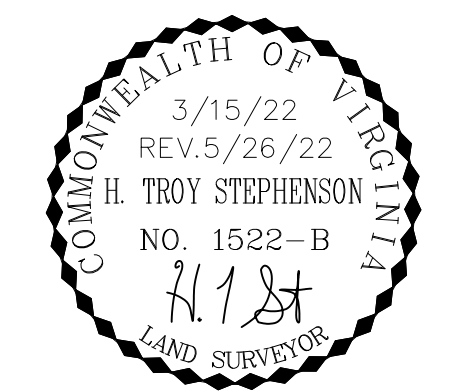
**LEGAL DESCRIPTION - PARCEL I**  
BEGINNING AT A POINT MARKED P.O.B. 1; SAID POINT BEING AT THE INTERSECTION OF THE NORTH LINE OF NORFOLK STREET AND THE EAST LINE OF ROSENEATH ROAD; THENCE ALONG THE EAST LINE OF ROSENEATH ROAD N45°44'30"E 160.00' TO A POINT; THENCE LEAVING THE EAST LINE OF ROSENEATH ROAD S44°14'00"E 172.50' TO A POINT; THENCE S45°45'30"W 160.00' TO A POINT ON THE NORTH LINE OF NORFOLK STREET; THENCE ALONG THE NORTH LINE OF NORFOLK STREET N44°14'00"W 172.46' TO THE POINT OF BEGINNING; MARKED P.O.B. 1 AND CONTAINING 0.633 ACRE.

**LEGAL DESCRIPTION - PARCEL II**  
BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF NORFOLK STREET AND THE EAST LINE OF ROSENEATH ROAD; THENCE ALONG THE EAST LINE OF ROSENEATH ROAD N45°44'30"E 160.00' TO THE TRUE POINT OF BEGINNING MARKED P.O.B. 2; THENCE ALONG THE EAST LINE OF ROSENEATH ROAD N45°44'30"E 140.12' TO A POINT ON THE SOUTH LINE OF ROCKBRIDGE STREET; THENCE ALONG THE SOUTH LINE OF ROCKBRIDGE STREET S44°12'00"E 172.54' TO A POINT; THENCE LEAVING THE SOUTH LINE OF ROCKBRIDGE STREET S45°45'30"W 140.04' TO A POINT; THENCE N44°14'00"W 172.50' TO THE POINT OF BEGINNING MARKED P.O.B. 2 AND CONTAINING 0.555 ACRE.

**SURVEY CERTIFICATION**  
TO: CHICAGO TITLE INSURANCE COMPANY, RICHMOND MACHINERY AND EQUIPMENT COMPANY, INC., A VIRGINIA CORPORATION, AND BLACKWOOD CAPITAL, LLC, A VIRGINIA LIMITED LIABILITY COMPANY, THEIR SUCCESSORS AND/OR ASSIGNS

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH 2022 MINIMUM STANDARD DETAIL REQUIREMENT FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1.2, 3.4, 5.8, 9.13 & 14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MARCH 15, 2022.

*H. I. St*  
REGISTRATION NO. 1522-B DATE 3/15/22, REVISED 5/26/22

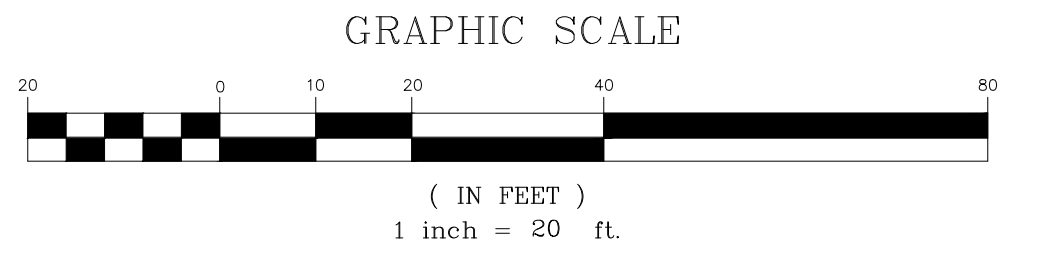


**ALTA/NSPS LAND TITLE SURVEY OF TWO PARCELS OF LAND LOCATED ON THE NORTH LINE OF NORFOLK STREET AND THE EAST LINE OF ROSENEATH ROAD**

CITY OF RICHMOND, VIRGINIA

DATE: MARCH 15, 2022 SCALE: 1" = 20'  
REV. DATE: MAY 26, 2022 ADDED NOTE #8

**JENNINGSTEPHENSON P.C.** 10160 STAPLES MILL ROAD SUITE 103  
GLEN ALLEN, VA 23060  
PHONE - 804-545-6235  
TSTEPHENSON@JSPC-VA.COM  
J.N. 22-533



- LEGEND**
- BENCHMARK
  - TREE
  - HANDICAP RAMP/PARKING
  - SIGN
  - BOLLARD
  - SANITARY MANHOLE
  - DRAINAGE MANHOLE
  - CLEAN OUT
  - LIGHT POLE
  - ELECTRIC METER
  - UTILITY POLE
  - FIRE HYDRANT
  - WATER VALVE
  - WATER METER
  - GAS METER
  - GAS VALVE
  - VAULT UNKNOWN
  - FENCE LINE
  - OVERHEAD ELECTRIC



**City of Richmond  
Department of Planning  
& Development Review**

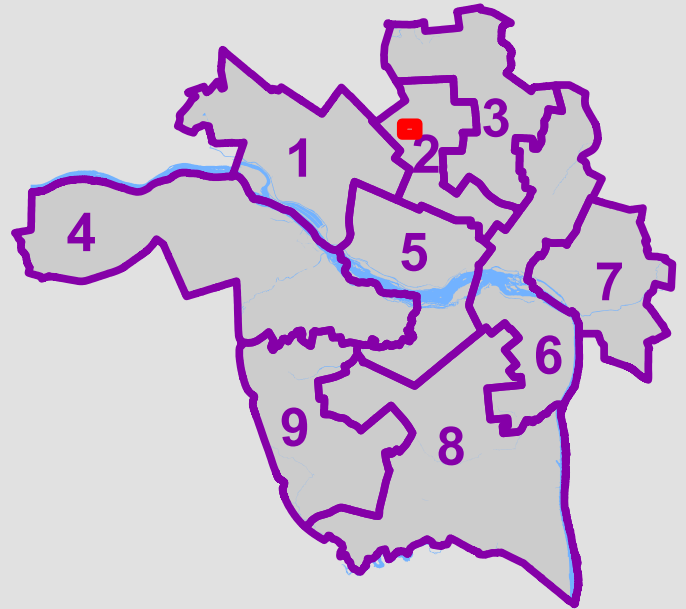
**Special Use Permit**

**LOCATION:** 1701 Roseneath Road

**APPLICANT:** Susan Smith

**COUNCIL DISTRICT:** 2

**PROPOSAL:** To authorize the special use of the property known as 1701 Roseneath Road for the purpose of reducing the off-street parking requirement within a B-7 Mixed-Use Business zoning district, upon certain terms and conditions.



*For questions, please contact Alyson Oliver  
at 804-646-5789 or [alyson.oliver@rva.gov](mailto:alyson.oliver@rva.gov)*

