

INTRODUCED: February 22, 2021

AN ORDINANCE No. 2021-037

To authorize the special use of the property known as 1312 Bainbridge Street for the purpose of a mixed-use building containing personal services businesses, and medical and dental offices and clinics, within the commercial area of the building, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 22 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 1312 Bainbridge Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of a mixed-use building containing personal services businesses, and medical and dental offices and clinics, within the commercial area of the building, which use, among other things, is not currently allowed by section 30-419.3, concerning permitted principal uses on corner lots, 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAR 22 2021 REJECTED: _____ STRICKEN: _____

safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (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 1312 Bainbridge Street and identified as Tax Parcel No. S000-0119/001 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “As-Built Survey, 1312 Bainbridge St, Richmond, Virginia,” prepared by Parker Design Group, and dated January 30, 2018, 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 mixed-use building containing personal services businesses, and medical and dental offices and clinics, within the commercial area of the building, hereinafter referred to as “the Special Use,” substantially as shown on the untitled plans, prepared by an unknown preparer, and undated, 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 Special Use of the Property shall be as a mixed-use building containing personal services businesses, and medical and dental offices and clinics, within the commercial area of the building, substantially as shown on the Plans. Uses permitted by the zoning regulations

prescribed for the district in which the Property is situated may also be contained within the commercial area of the building.

(b) Personal service businesses located on the Property shall provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops, and similar establishments.

(c) Nineteen parking spaces shall be provided on the Property for the uses located on the Property.

(d) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

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

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (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.

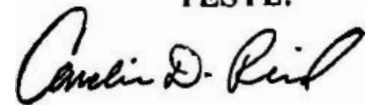
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, 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.

A TRUE COPY:

TESTE:



City Clerk

City of Richmond

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

Item Request File Number: PRE.2021.448

O & R Request

DATE: January 11, 2021

EDITION: 1

TO: The Honorable Members of City Council

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



THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer *JELS*



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

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



RE: To authorize the special use of the property known as 1312 Bainbridge Street for the purpose allowing uses permitted in the B-5 District including personal services, medical and dental office uses, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 1312 Bainbridge Street for the purpose allowing uses permitted in the B-5 District including personal services, medical and dental office uses, upon certain terms and conditions.

REASON: The subject property is a corner lot located in the R-63 Multi-Family Urban Residential District zoning district. Personal services, medical and dental office uses among other uses are not permitted uses on corner parcels in this zoning district. Therefore a special use permit is required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its March 1, 2021, meeting.

BACKGROUND: The subject property is located on the corner of Bainbridge Street and West 14th Street and contains a four story mixed-use building. In regard to commercial uses on corner properties in the R-63 Multi-Family Urban Residential District, the zoning ordinance states that *the district regulations permit corner commercial uses that are limited in location, type and scale and are intended to provide for the convenience of neighborhood residents within walking distance, to respect the primary residential character of the neighborhood and to avoid traffic, parking, noise and other impacts that typically result from uses that draw patrons from outside a neighborhood.*

The Richmond 300 Master Plan recommends Neighborhood Mixed-Use for the property where retail/office/personal service, institutional, cultural, and government are listed as secondary uses. The property is also within the Manchester Priority Growth Node.

The properties to the north, east and west of the subject property are located within the same R-63 Multi-Family Urban Residential District. Properties to the south are located in the B-5 Central Business District.

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 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 8, 2021

CITY COUNCIL PUBLIC HEARING DATE: March 8, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
March 1, 2021

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

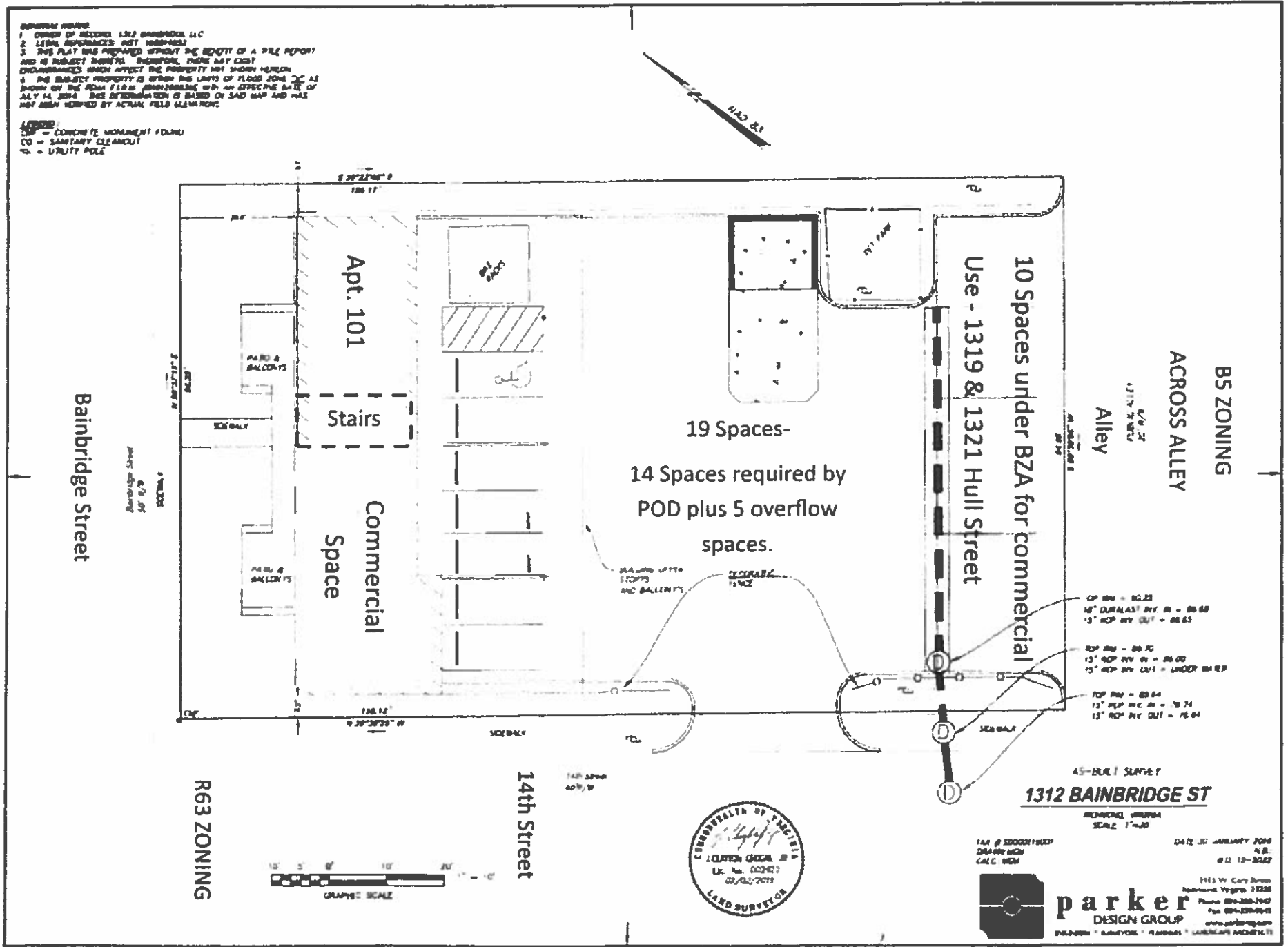
ATTACHMENTS: Draft Ordinance, Application and Narrative, The Plans, The Property, Map

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

DISCLAIMER

- 1. OWNER OF RECORD IS A PARTNER OF LLC
- 2. LEGAL REFERENCES NOT VERIFIED
- 3. THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A PILE REPORT AND IS SUBJECT TO FUTURE DISCOVERY. THERE MAY EXIST ENCUMBRANCES WHICH AFFECT THE PROPERTY AND SHOW HEREON
- 4. THE SUBJECT PROPERTY IS WITHIN THE LIMITS OF FLOOD ZONE 'C' AS SHOWN ON THE FEMA F100 (DISASTER) WITH AN EFFECTIVE DATE OF JULY 14, 2004. THIS DETERMINATION IS BASED ON SAD MAP AND HAS NOT BEEN VERIFIED BY ACTUAL FIELD MEASUREMENT.

LEGEND
 CM - CONCRETE MONUMENT FOUND
 CO - SANITARY CLEANOUT
 U - UTILITY POLE



19 Spaces -
 14 Spaces required by
 POD plus 5 overflow
 spaces.

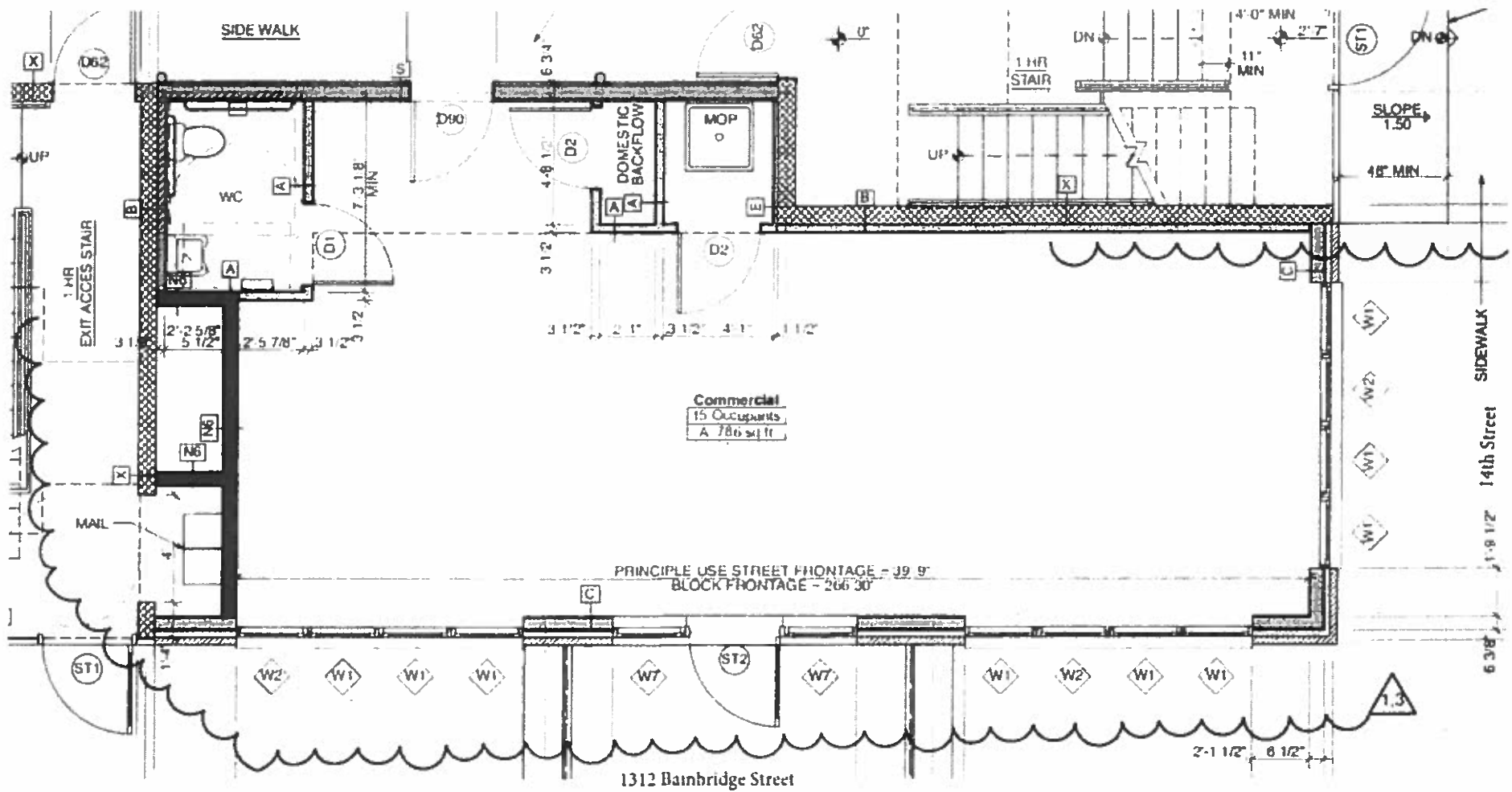
- OP PW - 00.25
- 16" DUALAST INV. IN - 00.00
- 15" DEP INV. OUT - 00.00
- OP PW - 00.70
- 15" DEP INV. IN - 00.00
- 15" DEP INV. OUT - UNCOV. W/ DEP.
- TOP PW - 00.04
- 15" DEP INV. IN - 00.74
- 15" DEP INV. OUT - 00.04



45-BULK SURVEY
1312 BAINBRIDGE ST
 MICHELE VERINA
 SCALE 1"=30'

DATE: 30 JANUARY 2009
 N.B.
 © 11 19-2008

142 # SIDDONS RD
 CHERRYBROOK, VA 22026
 Phone: 540-856-3047
 Fax: 540-856-3045
 www.parkerdesign.com
 P.L.L.C. • SURVEYING • PLANNING • LANDSCAPE ARCHITECTURE



Commercial
 15 Occupants
 A 786 sq ft

PRINCIPLE USE STREET FRONTAGE - 39' 9"
 BLOCK FRONTAGE - 266' 30"

1312 Bainbridge Street

14th Street

SIDEWALK

1'-8 1/2"

6' 3/8"

SLOPE
1.50

4" MIN

4'-0" MIN

11" MIN

1 HR STAIR

UP

DN

DN

1 HR
EXIT ACCESS STAIR

MAIL

SIDE WALK

W1

W2

W1

W1

W2

W1

W1

W1

W7

W7

W1

W2

W1

W1

1.3

2'-1 1/2" 6' 1/2"

3' 1 1/2" 2' 1" 3' 1/2" 4' 1" 1' 1/2"

6' 3/4"

4'-8 1/2"

7' 3 1/8" MIN

3' 1/2"

2'-2 5/8"

5' 1/2"

2'-5 7/8"

1' 3/4"

3' 1/2"

3' 1/2"

3' 1/2"

3' 1/2"

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3' 1/2"

3' 1/2"

3' 1/2"



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: 1312 Bainbridge Street, Commercial Space known as Suite 101 Date: 9/29/20
 Tax Map # S0000119001 Fee \$1,800
 Total area of affected site in acres .334 acres

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

Zoning

Current Zoning R63
 Existing Use Vacant

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
Expand Existing R63 uses to include B5 uses consistent with the B5 zoning district directly behind the subject property across a 20' alley
 Existing Use Vacant

Is this property subject to any previous land use cases?

Yes No
 If Yes, please list the Ordinance Number: Case No 03-16-approved 2/3/16
10 parking spaces that back up to the rear 20' alley are designated for use by commercial tenants at 1319 & 1321 Hull St

Applicant/Contact Person: Janet King

Company: 1312 Bainbridge Street, LLC
 Mailing Address 1711 Reymet Road
 City: Richmond State VA Zip Code 23237
 Telephone: (804) 400-7820 Fax (804) 714-3353
 Email janet@trinitybuildsrva.com

Property Owner: 1312 Bainbridge Street, LLC

If Business Entity, name and title of authorized signee Janet King, Manager

(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 1711 Reymet Road
 City: Richmond State VA Zip Code 23237
 Telephone: (804) 400-7820 Fax (804) 714-3353
 Email janet@trinitybuildsrva.com

Property Owner Signature: Janet King, manager

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 REPORT for 1312 BAINBRIDGE STREET, COMMERCIAL SUITE 101

Design, Existing Conditions/Limitations and R63 Permitted Uses:

Built to the maximum square footage allowed ordinance, the subject is 14' in depth and 39' 9" throughout the majority of the "work-space" with floor to ceiling windows across 14th Street and Bainbridge Street. It has been vacant since receipt of its Certificate of Occupancy in February 2018.

The R63 permitted principal uses on corner lots are restricted to a live/work unit, day nursery, art gallery, barber shop/beauty salon, grocery and convenience store, restaurants & similar food services and video rentals (reference Sec. 30-419.3).

There is an apartment located above the space and the design limits its ability to meet several of the uses practically, affordably or at all.



Existing Uses are narrow by definition and the demand for other uses has been confirmed

We have received interest for the space from a graphic designer, a private-pay chiropractor, a company offering water safety and other training courses, a florist + retail component, and a beauty bar offering lash services and products. It also has great potential for a personal services business such as a yoga studio or fitness/personal training.

Expanding to B5 will grow uses to meet the needs of business and service companies that want to operate in upper Manchester and serve the community.

One of the intents of the R63 district is for nonresidential uses to provide residents with day-to-day convenience needs of neighborhood residents and provide opportunities for residents to live and work within the neighborhood (sec. 30-419.1). This R63 district abuts a B5 district (20' alley divides them) that has been growing with eateries, neighborhood markets, a private-pay primary care physician office, chiropractic and physical therapy office, and traditional offices.

Many of the approved R63 uses are also approved B5 uses; we do not believe this expansion will have an additional impact to parking

Current R63 zoning does not require off-street parking for the commercial space nor does the adjacent B5 zoning require off-street except in very specific uses. This is a mixed-use building with 14 apartments. 29 space lot; Zoning required 14 spaces; an additional 5 overflow spaces and 10 designated for commercial use by their commercial tenants at 1319 and 1321 Hull, directly behind the subject were built.

This space is complimentary to the existing uses in both the R63 and B5 Districts.

1312 BAINBRIDGE STREET – FRONT ELEVATION



The commercial space is on the RIGHT of the translucent wall/main sidewalk; first floor, brick/storefront.