

INTRODUCED: April 26, 2021

AN ORDINANCE No. 2021-112

To authorize the special use of the property known as 1402 Roseneath Road for the purpose of an automated teller machine accessible from the exterior of a building, upon certain terms and conditions.

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

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

PUBLIC HEARING: MAY 24 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 1402 Roseneath Road, which is situated in a TOD-1 Transit-Oriented Nodal District, desires to use such property for the purpose of an automated teller machine accessible from the exterior of a building, which use, among other things, is not currently allowed by section 30-457.2(3) 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:            8            NOES:            0            ABSTAIN:        \_\_\_\_\_

ADOPTED:        MAY 24 2021    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 1402 Roseneath Road and identified as Tax Parcel No. N001-1786/004 in the 2021 records of the City Assessor, being more particularly shown on sheet A7.04 D of the plans entitled “Scott’s View, 1400 Roseneath Road, Richmond, VA,” prepared by SWA Architects-VA, Inc., and dated October 21, 2020, 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 an automated teller machine accessible from the exterior of a building, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Scott’s View, 1400 Roseneath Road, Richmond, VA,” prepared by SWA Architects-VA, Inc., and dated October 21, 2020, 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 an automated teller machine accessible from the exterior of a building, substantially as shown on the Plans.

(b) The height of the Special Use shall not exceed the height as shown on the Plans.

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

(d) The automated teller machine shall be enclosed by a kiosk, substantially as shown on the Plans.

§ 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

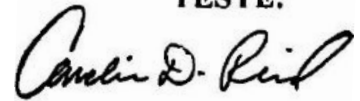
otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:**

**TESTE:**

A handwritten signature in black ink, appearing to read "Amelia D. Reed".

**City Clerk**

# City of Richmond

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

## Item Request File Number: PRE.2021.584

### O & R Request

**DATE:** March 29, 2021

**EDITION:** 1

**TO:** The Honorable Members of City Council

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



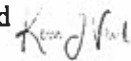
**THROUGH:** J.E. Lincoln Saunders, Acting Chief Administrative Officer



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



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



**RE:** To authorize the special use of the property known as 1402 Roseneath Road for the purpose of an automated teller machine accessible from the exterior of a building, upon certain terms and conditions.

**ORD. OR RES. No.** \_\_\_\_

**PURPOSE:** To authorize the special use of the property known as 1402 Roseneath Road for the purpose of an automated teller machine accessible from the exterior of a building, upon certain terms and conditions.

**REASON:** The applicant is requesting a Special Use Permit for the purpose of an exterior automated teller machine and kiosk within a Transit Oriented Nodal District Zoning District. The proposed use is not currently allowed by section 30-457.2, regarding the placement of automated teller machines. Automated Teller Machines are required to be placed on the interior of buildings. A Special Use Permit is therefore 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 May 17, 2021, meeting.

**BACKGROUND:** The property is currently improved with a 345 unit, mixed-use building, constructed in 2019, situated on a 110,610 sq. ft. (2.5 acre) parcel of land. The property is located in the Scott's Addition neighborhood on Roseneath Road, between West Clay and West Leigh Streets.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Destination Mixed-Use which is defined as "key gateways featuring prominent destinations, such as retail, sports venues, and large employers, as well as housing and open space. Located at the convergence of several modes of transportation, including Pulse BRT or other planned transit improvements."

Development within this category is "Higher density, transit-oriented development encouraged on vacant or underutilized sites. New development should be urban in form, may be of larger scale than existing context, and, where relevant, should pay special attention to the historic character of the existing context. Development should enhance the public realm and create a sense of place. Many buildings are vertically mixed-use. Developments continue or introduce a gridded street pattern to increase connectivity. Ground floor uses engage with, and enliven, the street. Monolithic walls are discouraged, while windows, doors, storefronts, and other features that allow transparency and interaction between building and street are encouraged. Active commercial ground floor uses are required on street-oriented commercial frontages. Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. Driveway entrances are required to be of alleys whenever possible; new driveways are prohibited on priority and principal street frontages. Surface parking is 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. Parking requirements are reduced to allow more market-based parking strategies, including shared parking. Buildings typically a minimum height of five stories. (p. 64)

The property is also located within the vicinity of the Scott's Addition Neighborhood Node.

The current zoning for this property is TOD-1 Transit Oriented Nodal District Zoning District. Properties to the North and West are located within the B-7 Mixed-Use Business Zoning District. Properties to the South and East are located within the TOD-1 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:** \$1,500 application fee

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** April 26, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** May 24, 2021



**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
May 17, 2021

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

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

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Application Form, Applicant's Report, Draft Ordinance, Plans, 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: 1402 ROSENEATH ROAD Date: NOVEMBER 17,  
 Tax Map #: N0001786004 Fee: \$1500  
 Total area of affected site in acres: 50 SQUARE FEET

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

**Zoning**

Current Zoning: TOD-1

Existing Use: OPEN SPACE

**Proposed Use**

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

ATM KIOSK

Existing Use: \_\_\_\_\_

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

Applicant/Contact Person: H. LOUIS SALOMONSKY

Company: SCOTT'S VIEW L.L.C.

Mailing Address: 1553 E MAIN STREET

City: RICHMOND, VA State: VA Zip Code: 23219

Telephone: (804) 239 3546 Fax: ( )

Email: HLSALOMONSKY@SWA-CO.COM

Property Owner: SCOTT'S VIEW L.L.C.

If Business Entity, name and title of authorized signee: HLSALOMONSKY, MGR. OF ITS MGR

(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: SAME AS ABOVE

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: ( ) Fax: ( )

Email: \_\_\_\_\_

Property Owner Signature: [Signature] MANAGER OF IT 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)

**SCOTT'S VIEW LLC**  
1553 East Main Street  
Richmond, Virginia 23219  
(804) 782-9444

November 17, 2020

Mr. Matthew Ebinger  
Planning Department  
City of Richmond  
900 East Broad Street  
Room 108  
Richmond, Virginia 23219

Reference: 1402 Rosencath Road: ATM KIOSK

Dear Mr. Ebinger:


The referenced Use Permit Request satisfies all the following issues.

1. The Kiosk creates no safety, health, morals or general welfare concerns.
2. The Kiosk does not create congestion.
3. The Kiosk creates no fire, panic or other damages.
4. The Kiosk does not affect adversely sewage, transportation, schools, etc.
5. The Kiosk does not interfere with light or air issues.

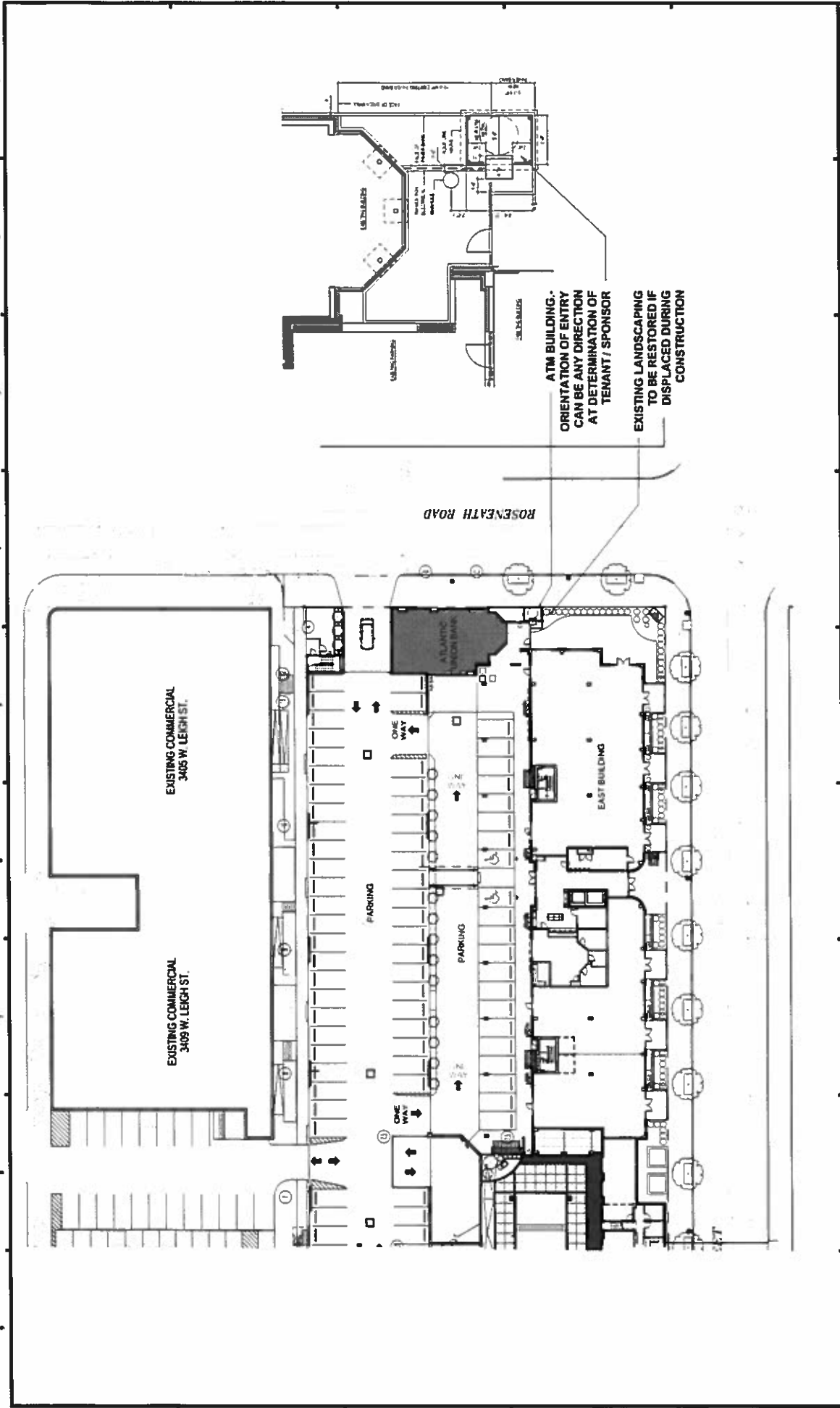
By separate cover we are mailing you a check for \$1,500.00.

Please advise use if you need additional exhibits. Light and signage plans will be submitted upon filing of the Building Permit for approval by the Director of Planning.

Respectfully submitted,



David White  
Manager of its Manager



OVERALL SITE PLAN

# A7.04 D

PROJECT # 1 2002  
PROJECT NAME  
DATE  
SCALE

SCOTT'S VIEW  
1400 ROSEMEATH ROAD, RICHMOND, VA

ARCHITECTS  
SWA ARCHITECTS, P.A. INC.  
1553 E. MAIN STREET  
RICHMOND, VA 23219  
CONTACT: BOB MCGONAGLE  
PHONE: 781 941 3000

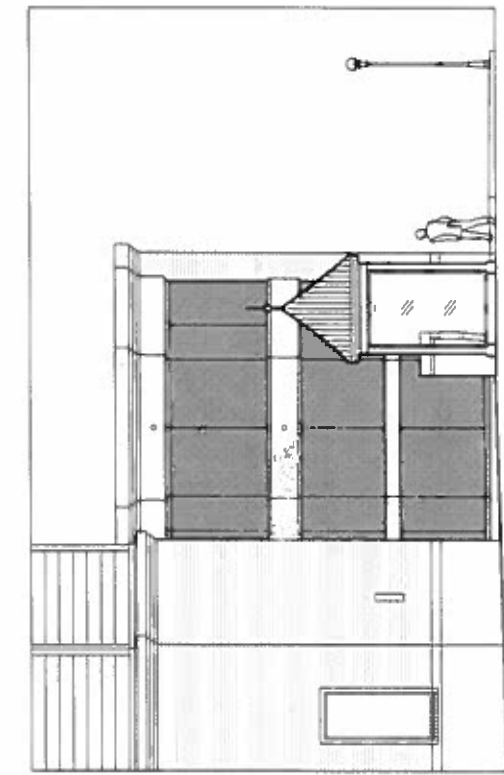
CONTRACTOR  
KIM CONSTRUCTION  
1553 E. MAIN STREET  
RICHMOND, VA 23219  
CONTACT: JEFFREY MCGONAGLE  
PHONE: 781 941 3000

ENGINEER  
JAMES M. HARRIS & ASSOCIATES, P.C.  
7101 W. WOODBRIDGE BLVD.  
ARLINGTON, VA 22202  
CONTACT: GUY F. HARRIS  
PHONE: 703 471 7000

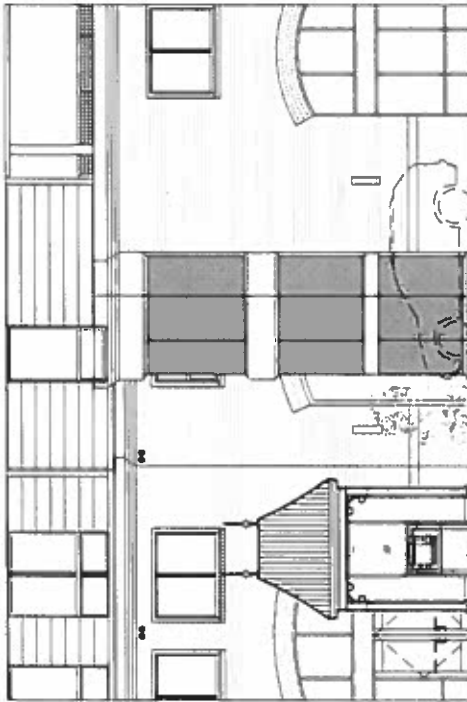
LANDSCAPE ARCHITECT  
SCOTT'S VIEW LANDSCAPE ARCHITECTURE  
1553 E. MAIN STREET  
RICHMOND, VA 23219  
CONTACT: BOB MCGONAGLE  
PHONE: 781 941 3000

GENERAL CONTRACTOR  
KIM CONSTRUCTION  
1553 E. MAIN STREET  
RICHMOND, VA 23219  
CONTACT: JEFFREY MCGONAGLE  
PHONE: 781 941 3000

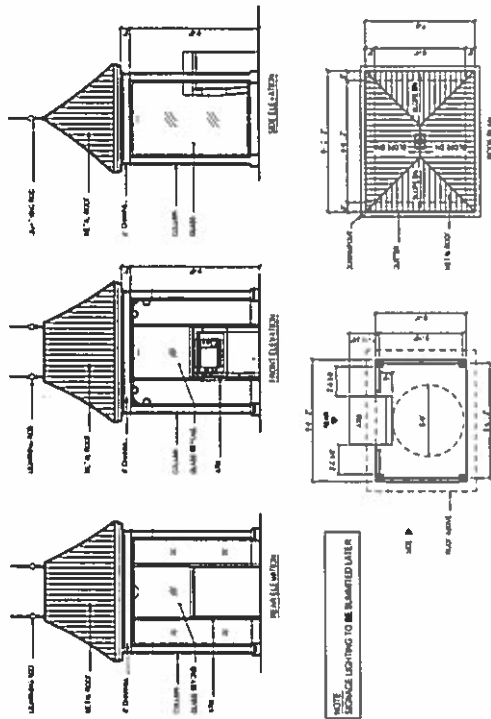
**SWA** Architects-VA, Inc. 23219  
1553 E. Main Street Richmond, Va



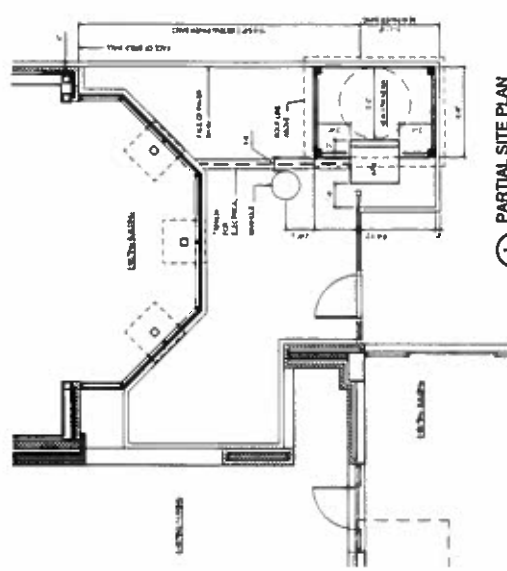
1  
KIOSK ELEVATIONS - WEST CLAY STREET  
SCALE: 1/4" = 1'-0"



1  
KIOSK ELEVATIONS - ROSENEATH RD.  
SCALE: 1/4" = 1'-0"



1  
KIOSK PLANS AND ELEVATIONS  
SCALE: 1/4" = 1'-0"



1  
PARTIAL SITE PLAN  
SCALE: 1/4" = 1'-0"



**SCOTT'S VIEW**  
1000 BONE AVE. ALTHROAD RICHMOND, VA

**ARCHITECT:**  
SWG ARCHITECTS-VA, INC.  
1553 E. MAIN STREET  
RICHMOND, VA 23219  
CONTACT: 804.353.1553

**GENERAL CONTRACTOR:**  
SWANSON CONSTRUCTION  
1553 E. MAIN STREET  
RICHMOND, VA 23219  
CONTACT: 804.353.1553

**STRUCTURAL ENGINEER:**  
DR. JAMES W. HARRIS, P.E.  
1111 W. BROAD STREET  
RICHMOND, VA 23220  
CONTACT: 804.353.1553

**MECHANICAL/ELECTRICAL/PLUMBING ENGINEER:**  
DR. JAMES W. HARRIS, P.E.  
1111 W. BROAD STREET  
RICHMOND, VA 23220  
CONTACT: 804.353.1553

**PARTIAL VIEW PLANNING PLANS & ELEVATIONS**

**A7.03D**

**PROJECT # 20002**  
PROJECT NAME: SW  
DATE: 08/11/10  
DRAWN BY: JPH