



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: 305 N. 18th Street Date: June 9, 2021
Tax Map #: E0000186026 Fee: \$1,800
Total area of affected site in acres: 1.55 acres

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

Zoning

Current Zoning: M-1

Existing Use: Multifamily - Mixed Use

Proposed Use

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

Add swimming pool and deck as accessory to multifamily use of the property, adjust parking layout and landscape to accomodate pool/deck

Existing Use: Multifamily Residential with ground floor B-6 uses

Is this property subject to any previous land use cases?

Yes
☒

No
☐

If Yes, please list the Ordinance Number: Most recent ordinance number is 2009-45-125, adopted 4/27/09
Original ordinance was 2008-192-194, adopted Sept 8, 2008.

Applicant/Contact Person: John Grier

Company: Emerson-Roper Companies

Mailing Address: 2903 A Boulevard

City: Colonial Heights

State: VA

Zip Code: 23834

Telephone: (804) 419-2285

Fax: (804) 419-2211

Email: kgrier@plusmgt.com

Property Owner: CB Richmond Associates LC

If Business Entity, name and title of authorized signer: Philip R. Roper, III

(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: 2903 A Boulevard

City: Colonial Heights

State: VA

Zip Code: 23834

Telephone: (804) 518-1498

Fax: (804) 419-2211

Email: ccogle@whittle-roper.com

Property Owner Signature: _____

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

APPLICANT'S REPORT - SPECIAL USE PERMIT AMENDMENT REQUEST

305 NORTH 18TH STREET - THE CEDAR BROAD APARTMENTS

BACKGROUND

This Special Use Permit Amendment is requested to update an existing Special Use Permit adopted in 2009, which authorized the development of a multifamily community (the Cedar Broad Apartments) along E. Broad Street in Shockoe Bottom.

The initial Special Use Permit for the Cedar Broad Apartments was granted on September 8, 2008, by Ordinance Number 2008-192-194, for up to 192 multifamily units, with a site layout and building designs locked in. Final building designs resulted in plans for 204 multifamily units, so a Special Use Permit Amendment was requested and received on June 22, 2009, by Ordinance No. 2009-45-125.

This 2009 Ordinance locked in a building designs, a site layout and landscaping details, and set minimums for the number of on on-site and off-site parking spaces.

The Cedar Broad Apartments were constructed in 2010, and after more than a decade of operation, it is clear there are adjustments needed to those Special Use Permit requirements to fine-tune the community to better match the current market needs of renters seeking housing in the Shockoe Bottom area.

REQUEST

This request is intended to allow the continued evolution of the Cedar-Broad Apartments to match the current expectations and needs of downtown renters, by:

1. Provide enhanced amenities for the residents by amending the site layout plan to accommodate installation of an on-site swimming pool and pool deck; and by
2. changing the minimum parking requirements to reflect the actual parking demands of the actual renters, as demonstrated from the operation of this apartment community over the past decade, so that unused spaces can be put to good use by other Shockoe Bottom residents and businesses.

Specially, we ask approval of this Special Use Permit Amendment to:

1. ACCOMMODATE THE ADDITION OF A POOL AND POOL DECK AS AN AMENITY: A portion of the landscaped area along the surface parking lot will be converted to a swimming pool and adjacent paver hardscaped area, and a sun deck will be constructed over a portion of the surface parking area, necessitating the elimination of a few parking spaces. Thus, this request incorporates the elimination of the landscape area, the elimination of three parking spaces for the sun deck area and for relocation of an emergency

power generator, and the inclusion of elevation drawings and site plan adjustment for the sun deck;

2. ADJUST THE PARKING REQUIREMENTS: This aspect of the request would adjust the parking requirements to address the displacement of the three parking spaces on-site necessary for the pool deck construction, and to eliminate the requirement to have thirty-one off-site spaces leased to be available if needed for Cedar Broad residents.

STATEMENT OF JUSTIFICATION

From the very outset, the Cedar Broad Apartments have attracted a resident base that works or goes to school in close proximity to the Apartments. Across the variety of rental multifamily properties within the Downtown, Shockoe Bottom and Tobacco Row areas, there are properties that are positioned geographically and/or by project design to serve specific segments of the market. The Cedar Broad Apartments, by virtue of its location at the bottom of the “Broad Street Hill” just down from the VCU Health Medical Campus, has attracted many walkers and cyclists that work or attend classes within just a few walkable blocks of their homes at the Cedar Broad Apartments.

Characteristics of this resident demographic include the following aspects that are relevant to this request:

- The renter profile is generally a younger, active person, that seeks more outdoor activities than currently provided, thereby necessitating the installation of the pool in the parking area to supplement the roof deck on the current building;
- The renter profile includes students and employees of the nearby VCU Health Campus, as well as employees of nearby Shockoe Bottom business establishments, and a sufficient number of these renters chose to not own vehicles due to their ability to walk to work and to entertainment, thereby leaving a number of on-site parking spaces unused each month, and not ever needing the reserved off-site spaces.

The specific numbers for the parking demand is as follows:

<u>Number of multifamily units:</u>	Total Built Units:	204
	Typ. Vacancy:	≥ 11 (incl. model unit)
	Typ. Leased Units:	≤ 193 (historical max.)

Required Spaces: 173 on-site, 31 off-site, for total of 204

Number of Spaces Typically Assigned to Residents: 161 on-site spaces***

*** field surveys indicate typical peak spaces occupied is around 145, including staff spaces, due to resident work and travel schedules.

Given this historical total occupancy and total parking demand, this request proposes addressing the parking needs of the residents as follows:

- Eliminate off-site parking requirements completely, as those spaces have never been needed;
- Set the on-site parking requirement at 168 spaces, which would be more than adequate to accommodate historical demand, and would accommodate the proposed displacement of three on-site spaces for construction of the sun deck and relocation of the generator.

This reduction would equate to 1 space per 1.2 units, which compares favorably to the requirements applied to the B-5 zoned properties in Shockoe Bottom, where the parking requirement is 1 space per 4 units.

COMPARISON TO COMPREHENSIVE PLAN GUIDANCE

The recently-adopted Richmond 300 Plan encourages housing strategies that foster continued investment in the city's housing resources to adapt those resources to current market needs, and promotes policies that will result in reduced reliance on individual automobile transport, and implies throughout that urban parking requirements could effectively be less than 1 per unit as alternative modes of transport become more prevalent in the City, particularly in the Downtown and surrounding neighborhoods.

While similarly encouraging high-quality, market driven housing, the recently-released draft of the Shockoe Bottom area plan offers a slightly more nuanced set of strategies regarding parking needs, by suggesting there is a need to examine overall parking needs in Shockoe Bottom, as there is at least the perception of a parking shortage overall, and there are potential conflicts between overnight on-street parking (and sometimes day-time parking) by residents, and parking needs of area employees during the day and restaurant and entertainment patrons in evenings.

As a possible solution, the draft Plan notes that there may be spaces in existing parking areas and decks that are not needed by the primary use, and could be a source of parking spaces for other uses that have an inadequate on-site supply or cannot be adequately supported by the on-street parking.

Thus, while the applicant recognizes the need for care in this request for a reduced parking requirement, it is noted that a) the request is based on the real-world experience in the past decade where a steady percentage of residents forego car ownership due to the proximity to work or school, and b) the off-site spaces are reserved in another Shockoe Bottom property where the primary use does not need them, and given that the spaces are going unused year-after-year, this off-site parking resource is wasted when it could be used by others if the current 31-space off-site requirement imposed on Cedar Broad Apartments is dropped.

As such, the reinvestment in the Cedar Broad Apartments by adding a pool and sun deck are supported with housing policies in both Plan documents, and similarly, adjusting the parking requirements would not be inconsistent with the two documents.

CITY CHARTER REQUIREMENTS

The City Charter requires that prior to City Council approval of a Special Use Permit, 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.

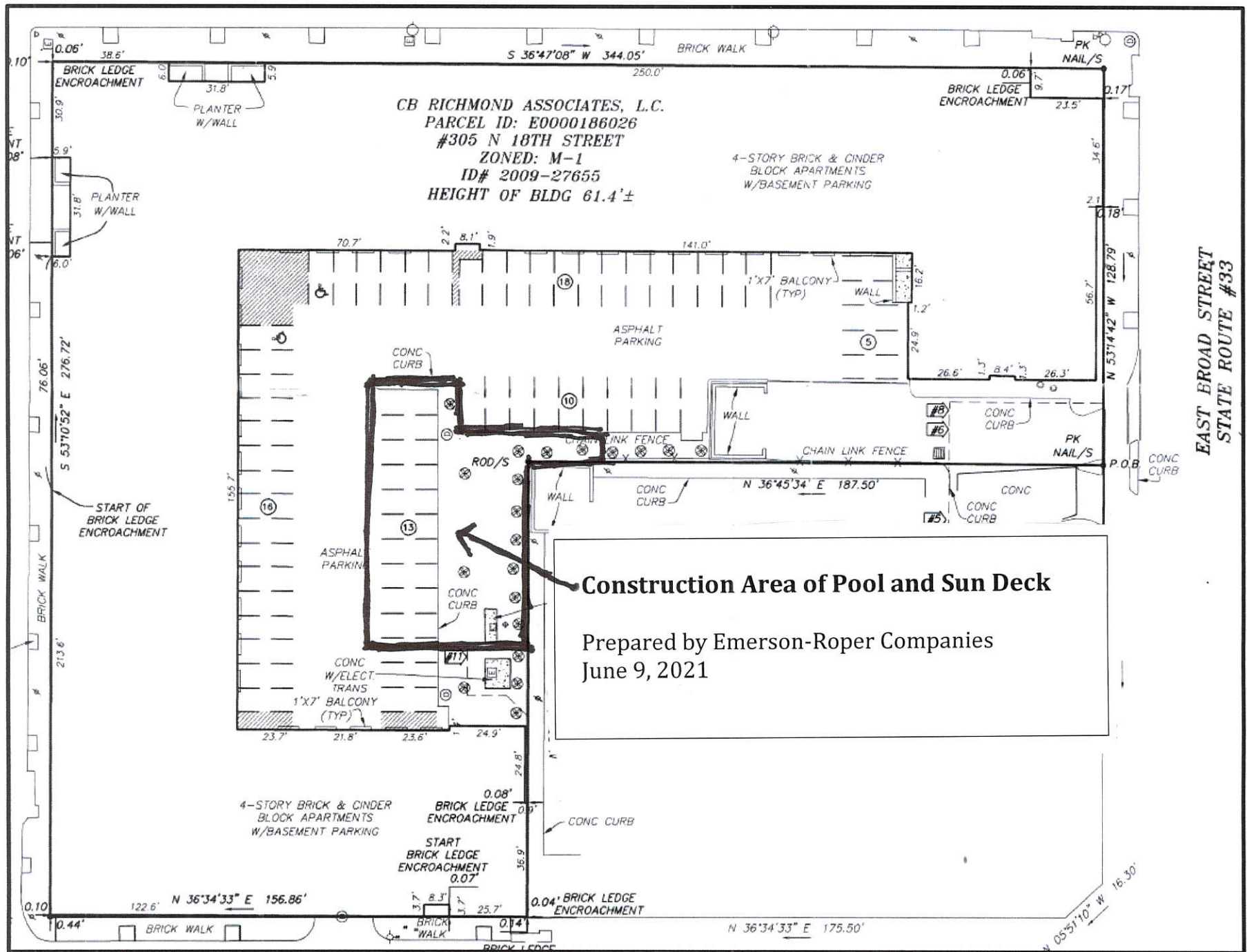
In general, the proposed Special Use Permit Amendment would not contribute to any of the negative impacts prohibited by the City Charter, and would, in fact, contribute to an enhanced housing experience for the residents of the Cedar Broad Apartments by facilitating a significant investment in the community's amenity package, and adjusting the parking requirements would free up unused spaces that might someday be supportive of other uses within the Shockoe Bottom area.

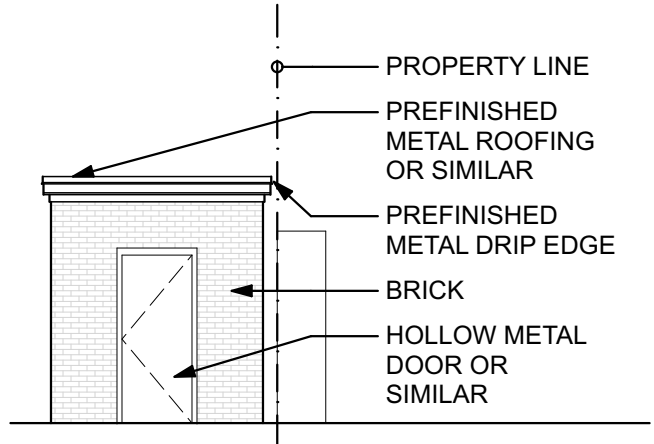
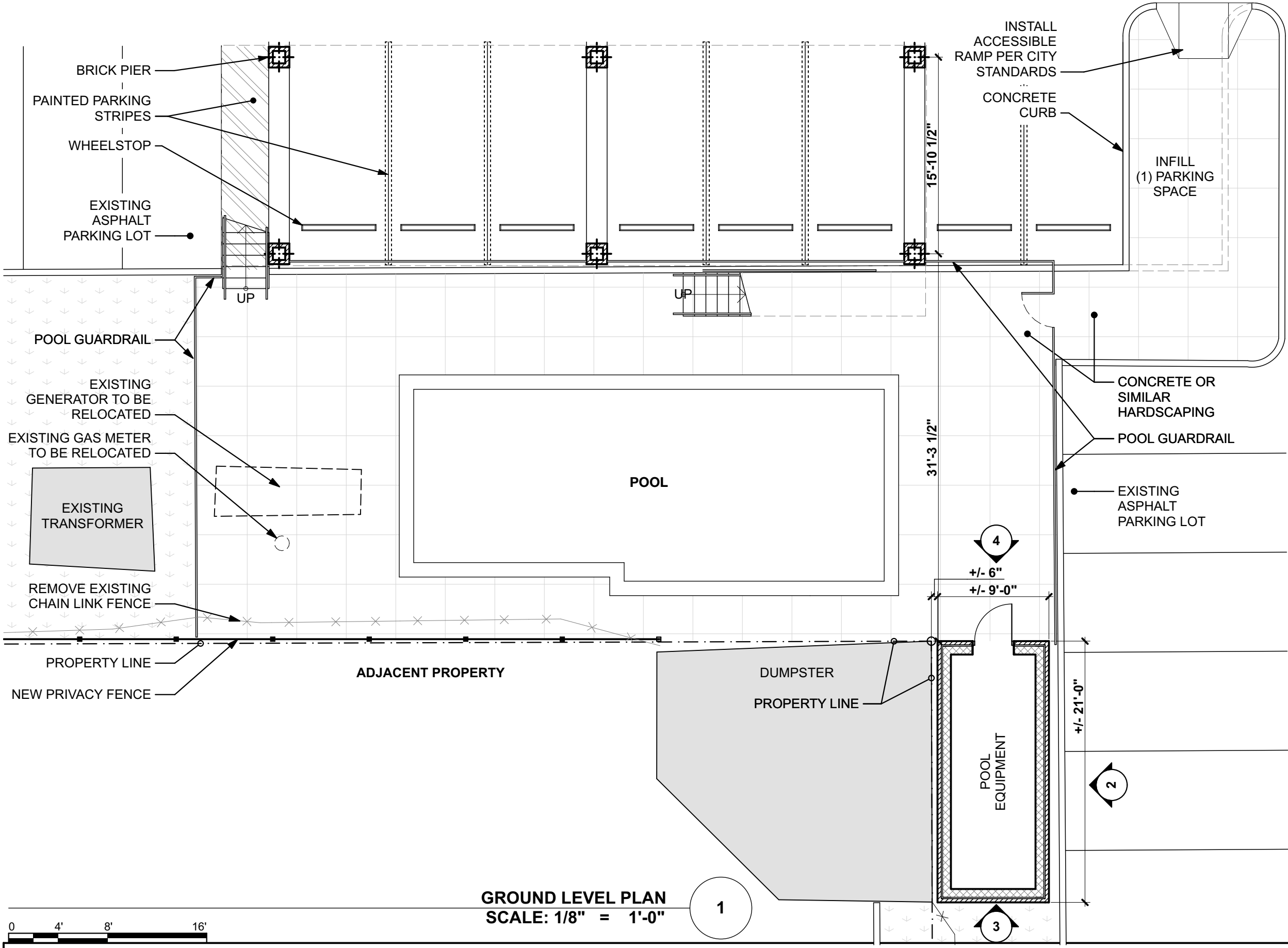
Thus, the standards set by the City Charter would be met.

SPECIFIC CHANGES TO PREVIOUS ORDINANCE

The following list outlines the specific changes to the existing Special Use Permit established by Ordinance No. 2009-45-125:

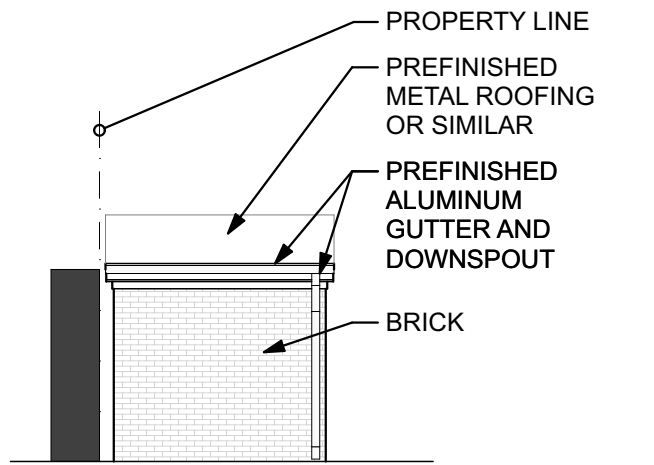
1. The existing plan references in § 1. may be retained, but the site and landscape plans therein will be modified by the submitted plan entitled “Construction Area of Pool and Sun Deck”, prepared by Emerson-Roper Companies, dated June 9, 2021, and the site and building elevation plans therein will be modified and supplemented by the submitted plans that show the pool and paver area improvements and the raised sun deck improvements, entitled “Cedar Broad Pool“, consisting of sheets A.1 and A.2, prepared by Walter Parks Architect, dated June 28, 2021.
2. The parking requirements, as set forth in § 3.(l), will be modified to read as follows: ~~(l) Parking spaces shall be provided at a minimum ratio of one parking space per dwelling unit. One hundred seven-three (173) sixty-eight~~ on-site parking spaces shall be provided to serve the use or uses of the properties configured and arranged substantially as depicted on the ~~attached plans attached to Ordinance No. 2009-45-125, as modified by the attached plans.~~ A maximum of thirty percent (30 %) of these spaces are permitted to meet the dimensions of a compact parking space as defined by section 114-710.3:1(a) of the Code of the City of Richmond (2004), as amended. ~~In addition to the on-site parking, no fewer than thirty-one (31) or the minimum number required to provide the desired one parking space per dwelling unit ratio, off-site parking spaces shall be provided within a one thousand feet (1,000') radius of the East Broad Street entrance to the residential portion of the building.~~





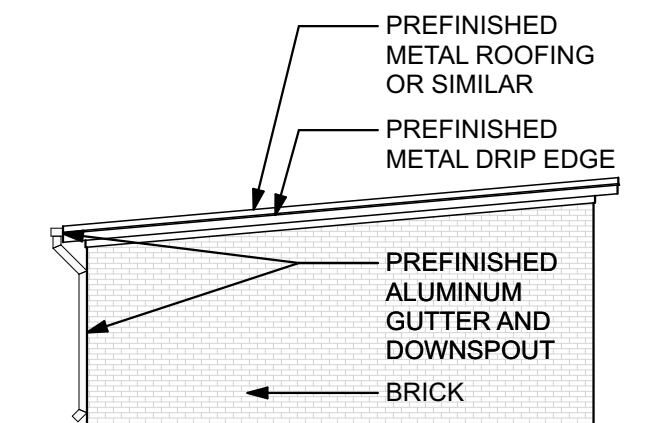
POOL SHED - NORTH ELEV
SCALE: 1/8" = 1'-0"

4



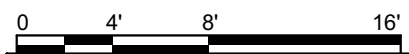
POOL SHED - SOUTH ELEV
SCALE: 1/8" = 1'-0"

3



POOL SHED - EAST ELEV
SCALE: 1/8" = 1'-0"

2

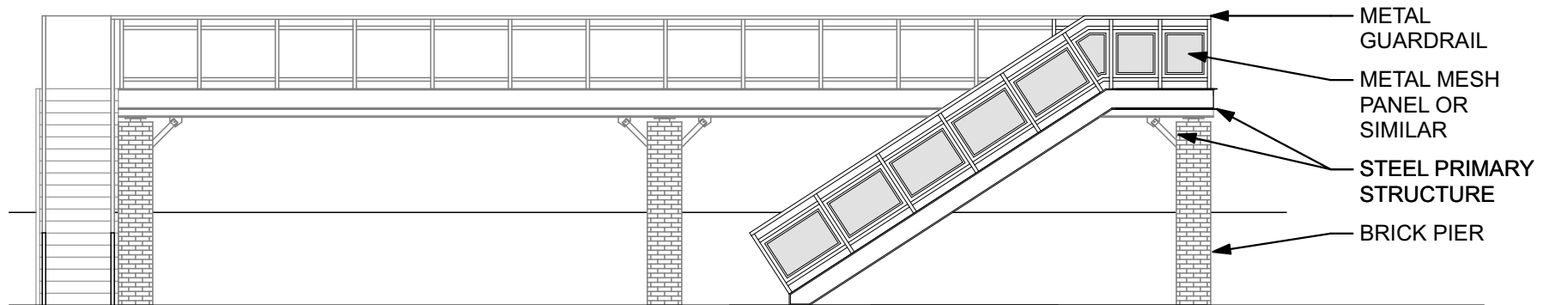


CEDAR BROAD POOL
RICHMOND, VIRGINIA

project #: 20.36
date: 6/28/21

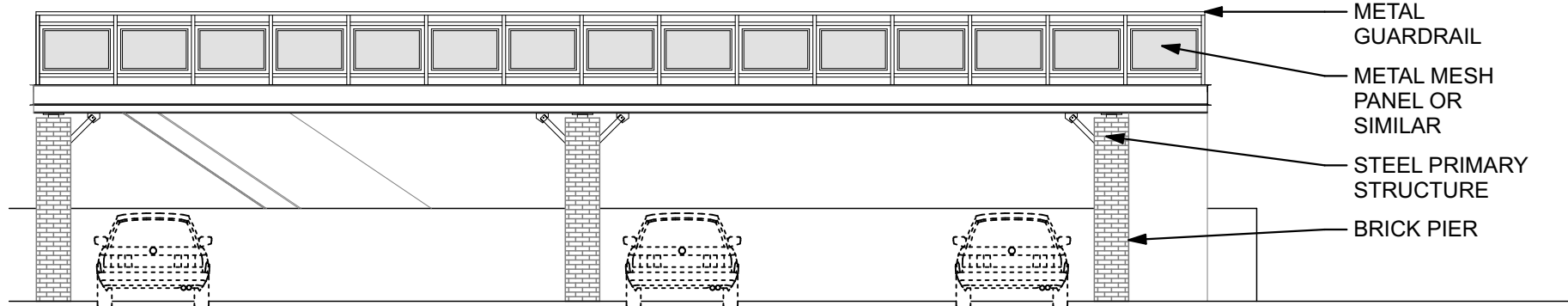
GROUND LEVEL PLAN

A.1



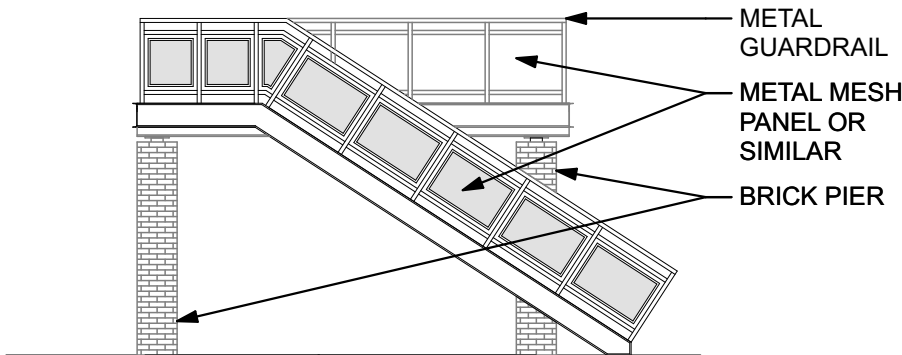
DECK - SOUTH ELEV
SCALE: 1/8" = 1'-0"

5



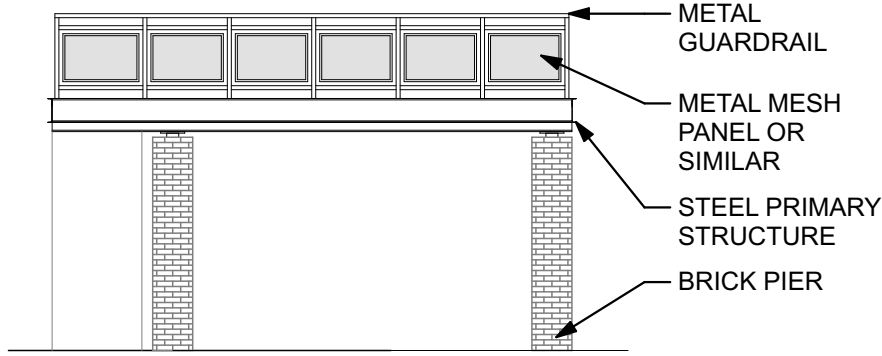
DECK - NORTH ELEV
SCALE: 1/8" = 1'-0"

4



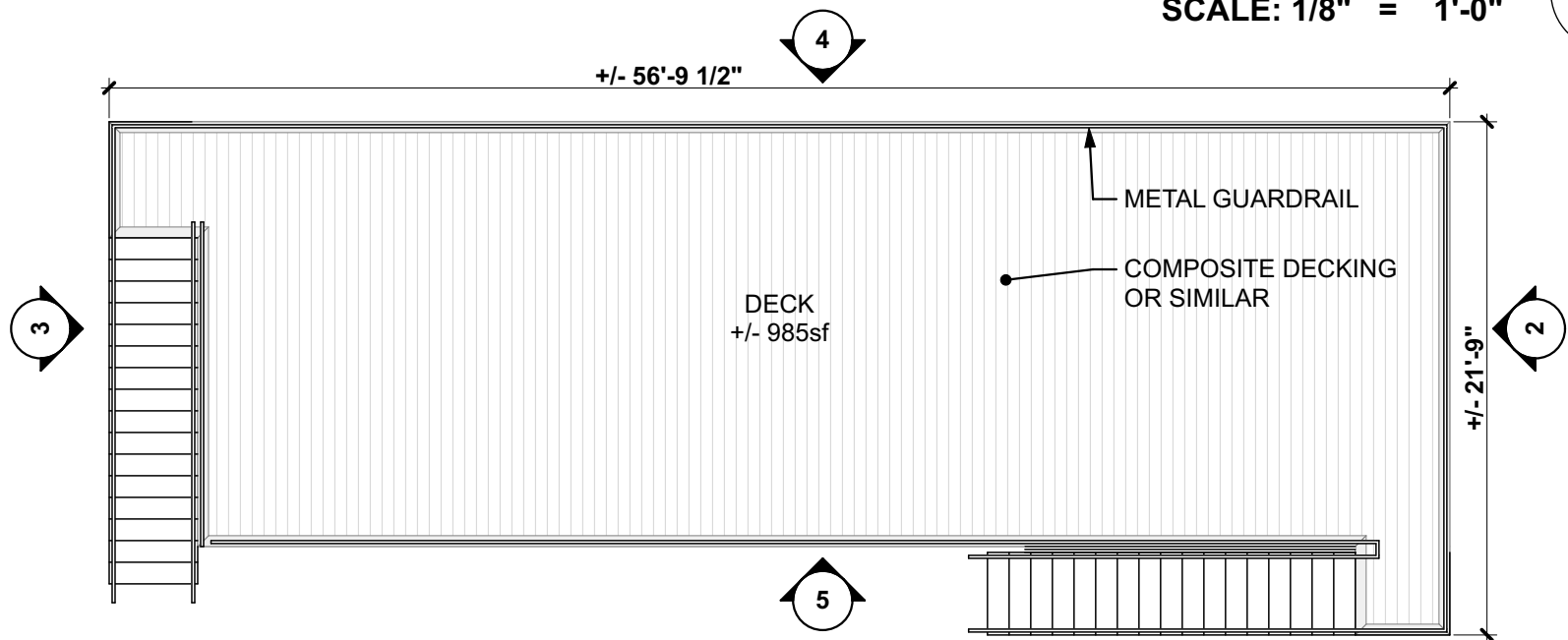
DECK - WEST ELEV
SCALE: 1/8" = 1'-0"

3



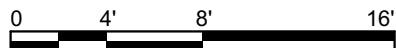
DECK - EAST ELEV
SCALE: 1/8" = 1'-0"

2



DECK PLAN
SCALE: 1/8" = 1'-0"

1



CEDAR BROAD POOL
RICHMOND, VIRGINIA

project #: 20.36
date: 6/28/21

DECK PLAN AND ELEVATIONS

A.2

313 N. Adams Street
Richmond, VA 23220
t 804.644.4761
f 804.644.4763

walterPARKS
ARCHITECT

K:\Survey\07198-001_Cedar-St_Lotts\DWG\alta\7198-alta-2011.dwg 10/31/2011 10:33 AM

CERTIFICATION:

TO: BERKADIA COMMERCIAL MORTGAGE LLC, CB RICHMOND ASSOCIATES, L.C., LOVE FUNDING CORPORATION AND FIDELITY NATIONAL TITLE INSURANCE COMPANY. THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE ON ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS, AND INCLUDES ITEMS 1-4, 6(A & B), 7(A), 8, 9, 10A, 11(B), 12, 13, 16-19, AND 20A OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 8, 2011.

BY:

GEORGE L. BRYANT, III, LS
REGISTRATION NO: 1672

DATED:

I HEREBY CERTIFY TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, BERKADIA COMMERCIAL MORTGAGE LLC, CB RICHMOND ASSOCIATES, L.C., LOVE FUNDING CORPORATION AND FIDELITY NATIONAL TITLE INSURANCE COMPANY, AND TO THEIR SUCCESSORS AND ASSIGNS, THAT I MADE AN ON-THE-GROUND SURVEY PER RECORD DESCRIPTION OF THE LAND SHOWN HEREON LOCATED IN THE CITY OF RICHMOND, VIRGINIA ON AUGUST 31, 2011, AND THAT IT AND THIS MAP WERE MADE IN ACCORDANCE WITH THE HUD SURVEY INSTRUCTIONS AND REPORT, FORM HUD-92457, AND MEET THE REQUIREMENTS FOR AN ALTA/ACSM LAND TITLE SURVEY, AS DEFINED IN THE CURRENT "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS DATED 2011".

TO THE BEST OF MY KNOWLEDGE, BELIEF AND INFORMATION, EXCEPT AS SHOWN HEREON: THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS PROPERTY LINES; TITLE LINES AND LINES OF POSSESSION ARE THE SAME; AND THE PREMISES ARE FREE OF ANY 100/500 YEAR RETURN FREQUENCY FLOOD HAZARD, AND SUCH FLOOD FREE CONDITION IS SHOWN ON THE FEDERAL FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. #5101290041D

ENCUMBRANCES

FIDELITY NATIONAL TITLE INSURANCE COMPANY

FILE NUMBER: 11764885 DATED: OCTOBER , 2011 AT

EXC. #	INSTRUMENT	GRANTEE	DESCRIPTION	STATUS
4	96-6881	McDONALDS CORP.	MEMORANDUM INGRESS/EGRESS	AFFECTS SHOWN HEREON PLOTTED
5	96-6882	McDONALDS CORP.	CONVEYANCE INGRESS/EGRESS	AFFECTS SHOWN HEREON PLOTTED
6	96-14059	McDONALDS CORP	RECIPROCAL INGRESS/EGRESS	AFFECTS SHOWN HEREON PLOTTED
7(A-D)			PLAT BY TOWNES (ADVERSE TITLE MATTERS)	DOES NOT AFFECT
8	09-27656	18TH & BROAD LLC	RECIPROCAL INGRESS/EGRESS	AFFECTS SHOWN HEREON PLOTTED
11	10-18815	VIRGINIA POWER	VEPCO EASEMENT	AFFECTS-APPROXIMATE LOCATION SHOWN HEREON

LEGAL DESCRIPTION:

METES AND BOUNDS:

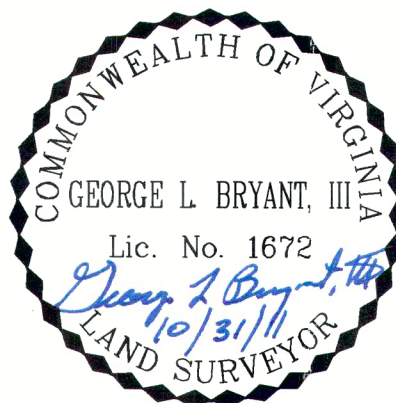
BEGINNING AT A POINT SITUATED ON THE NORTHERN LINE OF EAST BROAD STREET, A VARIABLE WIDTH RIGHT OF WAY, SAID POINT BEING 128.79' FROM THE WESTERN LINE OF CEDAR STREET, A VARIABLE WIDTH RIGHT OF WAY, LEAVE SAID NORTHERN LINE N36°45'34"E, 187.50' TO A POINT; THENCE N53°14'42"W, 147.27' TO A POINT SITUATED ON THE EASTERN LINE OF 18TH STREET, A VARIABLE WIDTH RIGHT OF WAY; THENCE CONTINUE ALONG SAID EASTERN LINE N36°34'33"E, 156.86' TO A POINT SITUATED ON THE SOUTHERN LINE OF MARSHALL STREET, A VARIABLE WIDTH RIGHT OF WAY; THENCE CONTINUE ALONG SAID SOUTHERN LINE S53°10'52"E, 276.72' TO A POINT SITUATED ON THE WESTERN LINE OF CEDAR STREET, A VARIABLE WIDTH RIGHT OF WAY; THENCE CONTINUE ALONG SAID WESTERN LINE S36°47'08"W, 344.05' TO A POINT SITUATED ON THE NORTHERN LINE OF EAST BROAD STREET, A VARIABLE WIDTH RIGHT OF WAY; THENCE CONTINUE ALONG SAID NORTHERN LINE N53°14'42"W, 128.79' TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 1.54 ACRES.

SETBACK, HEIGHT, AND BULK STANDARDS
TAKEN FROM DIVISION 28, CITY OF RICHMOND
ORDINANCE

ZONING: M-1
FRONT YARD - NONE
SIDE YARD - NONE
REAR YARDS - NONE
HEIGHT RESTRICTIONS- 45'

NOTES:

- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF TITLE COMMITMENT NUMBER 38132 PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, DATED MARCH 24, 2011 AND IS SUBJECT TO INFORMATION WHICH MAY BE DISCLOSED BY SUCH.
- PROPERTY IS IN FEMA DEFINED FLOOD ZONE "X" PER COMMUNITY PANEL #5101290041D DATED APRIL 2, 2009.
- NO CEMETERIES WERE OBSERVED WHILE PERFORMING SURVEY.
- ALL PROPERTY CORNERS SET UNLESS OTHERWISE NOTED.
- OTHER THAN TO THE EXTENT SHOWN HEREON, NO UNDERGROUND UTILITIES WERE INVESTIGATED.
- THIS PARCEL HAS DIRECT ACCESS TO 18TH AND EAST BROAD STREET.
- UNCOVERED PARKING SPACES= 61
- UNCOVERED HANDICAP SPACES= 02
- COVERED PARKING SPACES= 102
- COVERED HANDICAP SPACES= 04
- TOTAL PARKING SPACES= 163
- TOTAL HANDICAP SPACES= 06



ALTA/ACSM LAND TITLE SURVEY SHOWING 1.549 ACRES OF LAND LOCATED AT THE INTERSECTION OF CEDAR STREET AND EAST BROAD STREET

CITY OF RICHMOND, VIRGINIA

DATE: SEPTEMBER 8, 2011

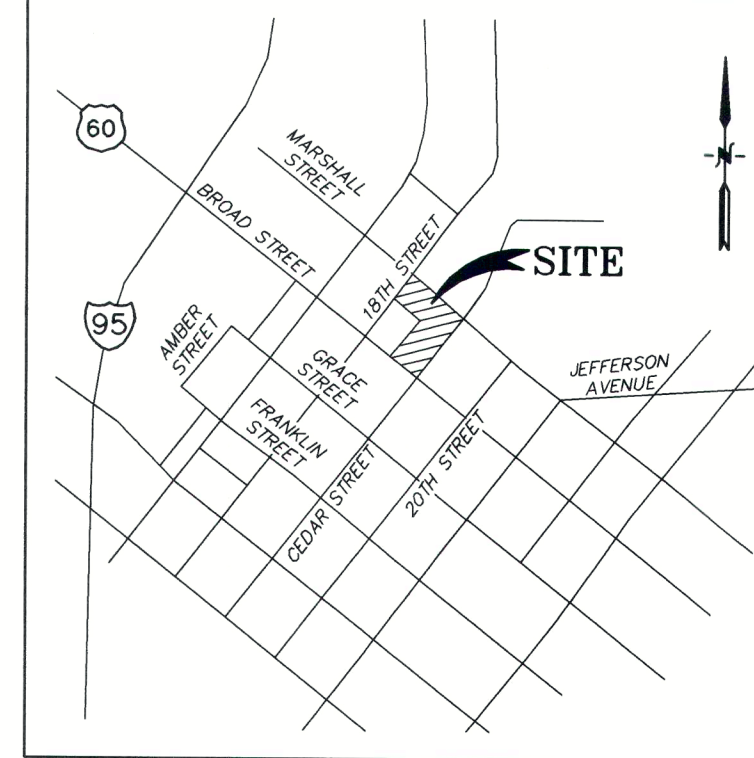
SCALE: AS SHOWN



KOONTZ-BRYANT, P.C.

SITE DEVELOPMENT SOLUTIONS

1703 N. PARHAM ROAD, SUITE 100, RICHMOND, VIRGINIA 23229
(804)740-9200 kbpc@koontzbryant.com FAX (804)740-7338



VICINITY MAP
SCALE: 1"= 2000'

18TH STREET
(VARIABLE WIDTH R/W)

1703 N. PARHAM ROAD, SUITE 100, RICHMOND, VIRGINIA 23229
(804)740-9200 kbpc@koontzbryant.com FAX (804)740-7338