

INTRODUCED: June 26, 2023

AN ORDINANCE No. 2023-200

To authorize the special use of the property known as 1330 North 25<sup>th</sup> Street for the purpose of an automated teller machine, upon certain terms and conditions.

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

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

PUBLIC HEARING: JUL 24 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 1330 North 25<sup>th</sup> Street, which is situated in a B-5 Central Business District, desires to use such property for the purpose of an automated teller machine, which use, among other things, is not currently allowed by section 30-442.1 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 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

AYES:           7                    NOES:           0                    ABSTAIN: \_\_\_\_\_

ADOPTED:   JUL 24 2023   REJECTED: \_\_\_\_\_   STRICKEN: \_\_\_\_\_

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 1330 North 25<sup>th</sup> Street and identified as Tax Parcel No. E000-0618/001 in the 2023 records of the City Assessor, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of an automated teller machine, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Fairmont & 25th,” prepared by Adrenaline, LLC, 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 an automated teller machine, substantially as shown on the Plans.

(b) Signs for the Special Use shall be 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.

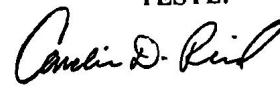
§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days 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 cursive script, 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

## Master

**File Number: Admin-2023-0222**

**File ID:** Admin-2023-0222

**Type:** Request for Ordinance or Resolution

**Status:** Approval Review

**Version:** 2

**Reference:**

**In Control:** Planning Commission

**Department:**

**Cost:**

**File Created:** 04/28/2023

**Subject:**

**Final Action:**

**Title:** To authorize the special use of the property known as 1330 North 25th Street for the purpose of an automated teller machine, upon certain terms and conditions.

### Internal Notes:

### Code Sections:

**Agenda Date:** 06/12/2023

**Indexes:**

**Agenda Number:**

**Patron(s):**

**Enactment Date:**

**Attachments:** Admin-2023-0222 - Application Documents,  
Admin-2023-0222 - Ordinance DRAFT

**Enactment Number:**

**Contact:**

**Introduction Date:**

**Drafter:** Shaianna.Trump@rva.gov

**Effective Date:**

### Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	5/16/2023	Matthew Ebinger	Approve	5/18/2023
2	2	5/17/2023	Kevin Vonck	Approve	5/23/2023
2	3	5/17/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
2	4	5/17/2023	Sharon Ebert	Approve	5/24/2023
2	5	5/17/2023	Alecia Blackwell - FYI	Notified - FYI	
2	6	5/19/2023	Allison Beatty	Approve	5/19/2023
<b>Notes:</b> should have been a FYI hagensj					
2	7	5/19/2023	Jeff Gray - FYI	Notified - FYI	
2	8	5/19/2023	Lincoln Saunders	Approve	5/23/2023
2	9	5/24/2023	Mayor Stoney (By Request)	Approve	5/23/2023
<b>Notes:</b> bypassed to correct account Levar Stoney - Kit Hagen					
2	10		Mayor Stoney		5/26/2023

### History of Legislative File

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<b>Ver- sion:</b>	<b>Acting Body:</b>	<b>Date:</b>	<b>Action:</b>	<b>Sent To:</b>	<b>Due Date:</b>	<b>Return Date:</b>	<b>Result:</b>
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**Text of Legislative File Admin-2023-0222**

**Title**

To authorize the special use of the property known as 1330 North 25th Street for the purpose of an automated teller machine, upon certain terms and conditions.

**Body**

**O & R Request**

**DATE:** May 16, 2023

**EDITION:** 1

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

**THROUGH:** The Honorable Levar M. Stoney, Mayor (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, Deputy Chief Administrative Officer for Economic  
Development and Planning

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

**RE:** To authorize the special use of the property known as 1330 North 25th Street for the  
purpose of an automated teller machine, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To authorize the special use of the property known as 1330 North 25th Street for the  
purpose of an automated teller machine, upon certain terms and conditions.

**REASON:** The applicant is requesting a Special Use Permit to authorize an automated teller machine.  
The automated teller machine is not allowed in the B-5 Central Business District. 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.

**BACKGROUND:** The property is in the B-5 Central Business Zoning District. The City's Richmond  
300 Master Plan designated a future land use for the subject property as Community Mixed-Use,  
which is defined as a "Cluster of medium-density, walkable commercial and residential uses that  
provide neighborhood services to nearby residential communities and sometimes feature regional  
attractions" (Richmond 300, p. 58). Intensity: Buildings generally ranging from two to six stories, based  
on street widths, and depending on the historic context and stepping down in height adjacent to

residential areas, as necessary. New buildings that are taller than historical buildings should step back from the build to line after matching the height of the predominant cornice line of the block. Adjacent properties are located in B-5 Central Business District or R-5 Single Family Residential. The area is generally a mix of residential and commercial.

**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:** June 12, 2023

**CITY COUNCIL PUBLIC HEARING DATE:** July 24, 2023

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** Planning Commission, July 3, 2023

**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:** Draft Ordinance, Application Form, Applicant's Report, Plans, Map

**STAFF:** Shaianna Trump, Associate Planner, Land Use Administration (Room 511) 646-7319

**..Recommended Action**

Key Issues:

- Retain on Consent Agenda
- Move to Regular Agenda
- Refer Back to Committee
- Remove from Council Agenda

**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: 1330 N 25th Street

Date: \_\_\_\_\_

Tax Map #: E0000618001

Fee: \_\_\_\_\_

Total area of affected site in acres: 1.963(See **page 6** for fee schedule, please make check payable to the "City of Richmond")**Zoning**Current Zoning: B-5Existing Use: Mixed-Use**Proposed Use**

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

Installation of a walk-up ATMExisting Use: Mixed-Use

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** Will GilletteCompany: Baker Development ResourcesMailing Address: 530 East Main Street, Suite 730City: RichmondState: VAZip Code: 23219Telephone: (864) 377-9140Fax: ( )Email: will@bakerdevelopmentresources.com**Property Owner:** CHURCH HILL NORTH HOLDINGS LLC

If Business Entity, name and title of authorized signee: \_\_\_\_\_

(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: 11100 W BROAD STREETCity: GLEN ALLENState: VAZip Code: 23060Telephone: ( )Fax: ( )

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

**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

*February 24<sup>th</sup>, 2023*

*Special Use Permit Request  
1330 N 25<sup>th</sup> Street, Richmond, Virginia  
Map Reference Number: E000-0618/001*

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Submitted to:	<b>City of Richmond</b> Department of Planning and Development Review Land Use Administration 900 East Broad Street, Suite 511 Richmond, Virginia 23219
Submitted by:	<b>Mark Baker</b> Baker Development Resources 530 East Main Street, Suite 730 Richmond, VA 23219



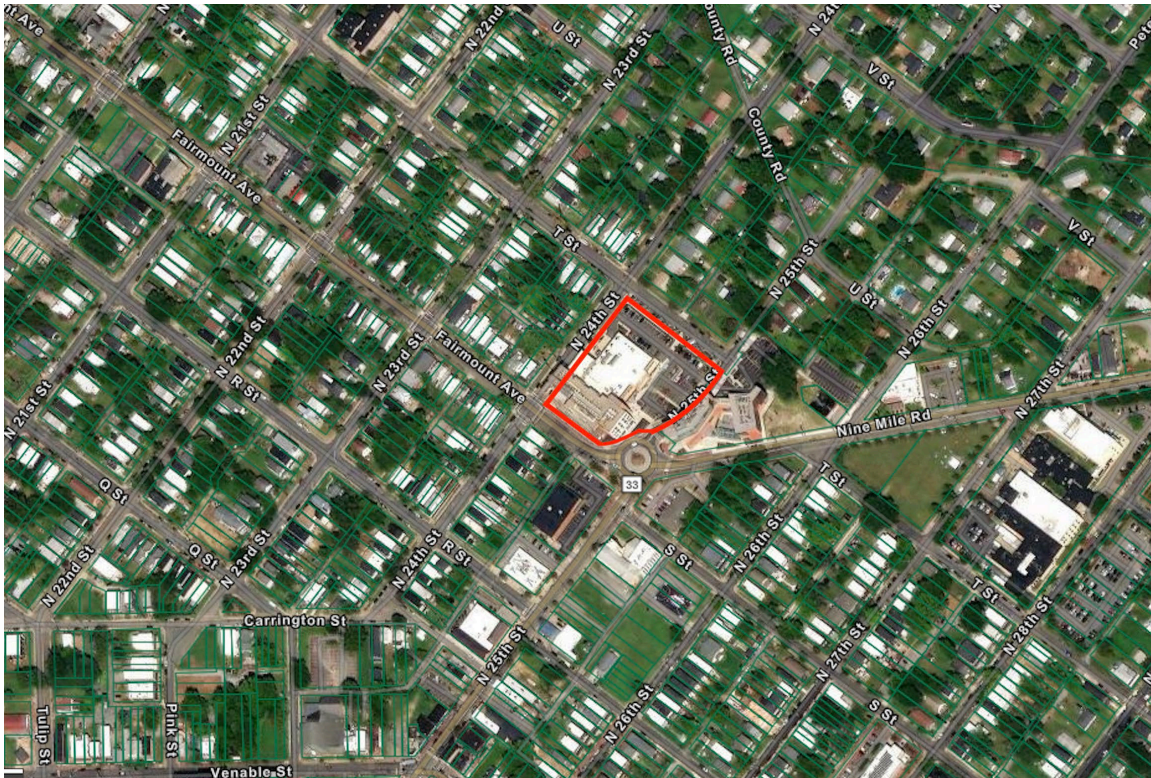
## Introduction

The applicant is requesting a special use permit (the “SUP”) for the property known as 1330 N 25<sup>th</sup> Street (the “Property”). The SUP would authorize the installation of a new walk-up ATM in the retail space fronting Fairmount Avenue. While the use of the retail space as a bank is permitted by the underlying B-5 Central Business District, the proposed walk-up ATM is not and therefore, the SUP is required.

## Existing Conditions

### SITE DESCRIPTION AND EXISTING LAND USE

The Property is located at the corner of 25<sup>th</sup> Street and Fairmount Avenue and is currently improved with a mixed-use building, constructed in 2019, which includes a first-floor grocery use and apartments above. It is referenced by the City Assessor with a tax parcel number of E000-0618/001 and includes roughly 85,490 square feet of total lot area.



The Property is improved with a four-story, mixed-use building and accessory parking constructed in 2019. According to City Assessor's records, the residential portion of the building contains apartments totaling roughly 46,000 square feet of floor area while the commercial portion of the building contains, among other things, the Market at 25<sup>th</sup>, the VCU Health Hub, and roughly 37,122 square feet of floor area.

The Property lies within the N 25<sup>th</sup> Street commercial service corridor at the intersection of N 25<sup>th</sup> Street and Nine Mile Road. Moving west, along Fairmount Avenue, there are a mixture of dwellings and commercial uses.

Residential properties in the immediate vicinity area are developed with a range of uses and forms though single-family dwellings, both attached and detached make up a large portion of these properties.

## **EXISTING ZONING**

The Property and the adjacent properties to the east are zoned B-5 Central Business, which permits the proposed bank use. Properties to the south, along N 25<sup>th</sup> Street are zoned B-2 Community Business. Moving west, along Fairmount Avenue, parcels are zoned R-6 Residential while to the north, across T Street, lies a R-5 Residential district.

## **MASTER PLAN DESIGNATION**

The Richmond 300 Master Plan (the “Master Plan”) designates the Property as “Community Mixed-Use”. This future land use category is described as “medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities...” and recommends “retail/office/ personal service” as a primary use which can “complement existing context” while “prioritizing pedestrian, bike and transit access.” Furthermore, Richmond 300 guidance also recommends “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.” Additionally, the Property is located in the 25<sup>th</sup>/Nine Mile Neighborhood Node which suggests an area that “offers goods and services to nearby residents, employees, and visitors.”

In addition to the Property-specific guidance offered by the Vision and Core Concepts chapter, there are a number of other goals elsewhere within the Master Plan that support this request:

- Page 86 (High Quality Places Chapter), Objective 3.1, to “support the growth of jobs and housing in Nodes by using placemaking, clustering community-serving facilities at nodes,”
  - b. Co-locate, consolidate, and modernize community-serving public facilities, and locate them in or near Nodes.
- Page 100 (High Quality Places Chapter), Objective 4.1, to “create and preserve high-quality, distinctive, and well-designed neighborhoods and nodes throughout the City,” as the request introduces thoughtfully designed new construction in a manner not otherwise assured by-right.

# **Proposal**

## **PURPOSE OF REQUEST**

The SUP would permit the installation of a walk-up ATM along the Fairmount Avenue frontage of the Property. The applicant is occupying the existing retail space with a bank, as permitted by the underlying zoning, however, as the walk-up ATM is not permitted, a SUP is required.

## PROJECT DETAILS/DESIGN

The Property owner is proposing to upfit the existing, approximately 2,400 square foot commercial space for a local bank. As part of this upfit, the tenant is proposing to install a walk-up ATM on the terrace along the Fairmount Avenue frontage. The ATMs location permit pedestrians easily access the structure and would help to activate the intersection of Fairmount and 25th Street. The proposed ATM would utilize the easternmost window bay and replace the window with the ATM and require screening of the interior. No changes are proposed to the other windows or the structure of the building.

The proposed design would be compatible with the existing fabric of the block and would allow for the tenant to better utilize the building as a bank. The proposed design allows for the utilization of an existing building in the neighborhood while also addressing the pedestrian realm and increasing the functionality of the overall commercial use. The extremely minimal intrusion into the structure, with just the replacement of a pane of glass, protects the structure while allowing for a simple replacement should another tenant occupy the building in the future.

## Findings of Fact

The following are factors included in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- ***Be detrimental to the safety, health, morals and general welfare of the community involved.***

The proposed SUP will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed site improvements and density are consistent with the existing development in the vicinity. This request would simply permit the efficient utilization of the Property by allowing for new development to occur in a manner that is both of quality as well as consistent with the existing use of the Property. The improvement of the Property in conjunction with the high quality/benefits provided by the SUP will provide positive impacts and add to the vibrancy of the neighborhood.

- ***Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.***

The proposed SUP will not result in significant traffic impacts to nearby residential neighborhoods as the proposed ATM will only be accessible on foot.

- ***Create hazards from fire, panic or other dangers.***

The Property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- ***Tend to overcrowding of land and cause an undue concentration of population.***

The SUP will not tend to overcrowd the land or create an undue concentration of population.

- *Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.*

The SUP would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

- *Interfere with adequate light and air.*

The light and air available to the subject and adjacent properties will not be affected.

## Summary

In summary we are enthusiastically seeking approval for the installation of a walk-up ATM on the Property. The SUP represents an ideal use of an existing building in a manner which would enhance the pedestrian realm as supported by the Richmond 300 plan. In exchange for the SUP, the quality assurances conditioned therein would guarantee the construction a quality product which is consistent with the existing uses found in the area and the current Master Plan guidance.



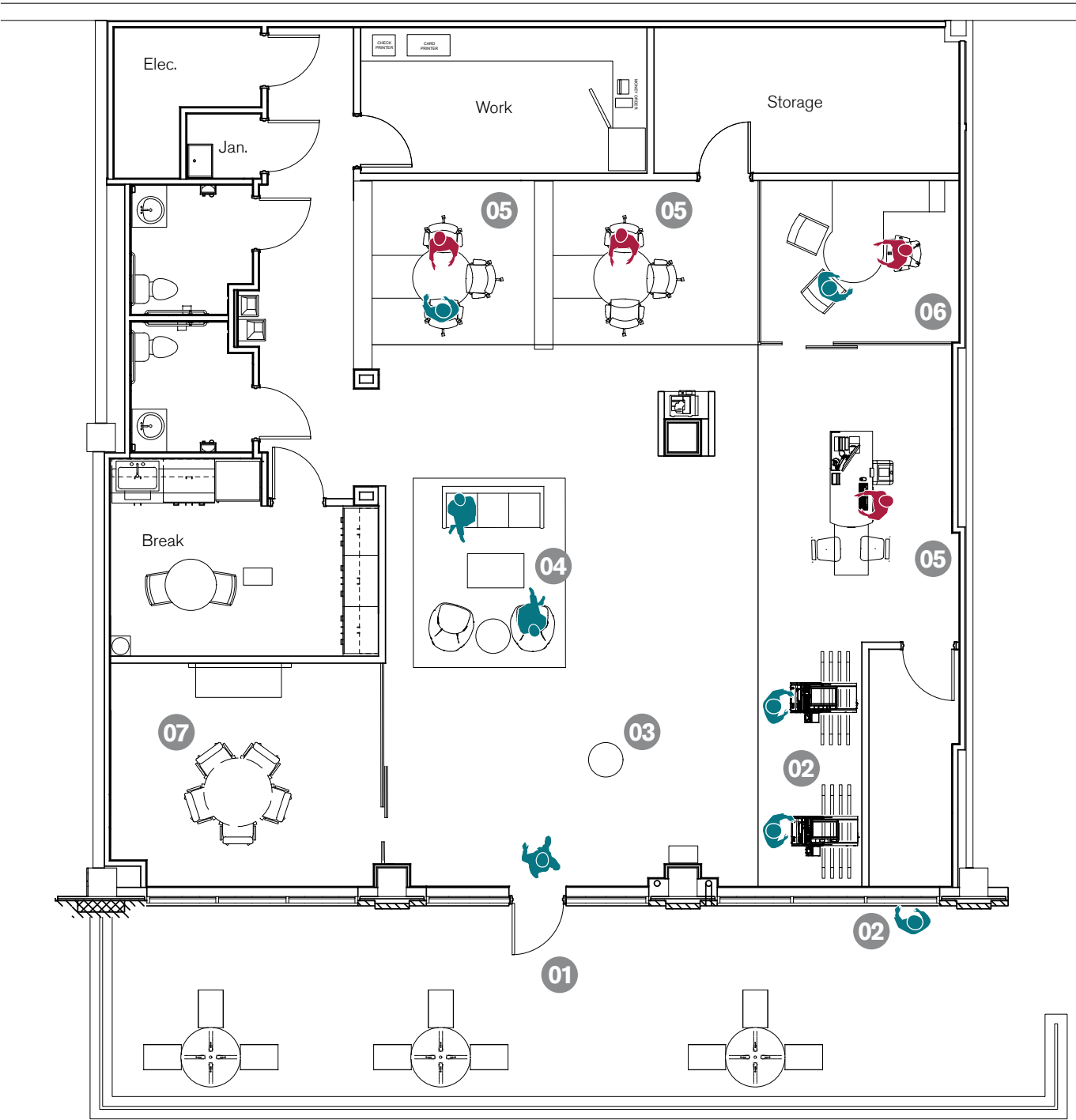
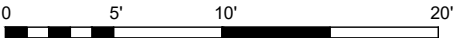
# Schematic Plan

- 01 Entry
- 02 ATM Plus
- 03 Greeting Podium
- 04 Opt-In Seating
- 05 Dialogue Station
- 06 Office
- 07 Conference Room

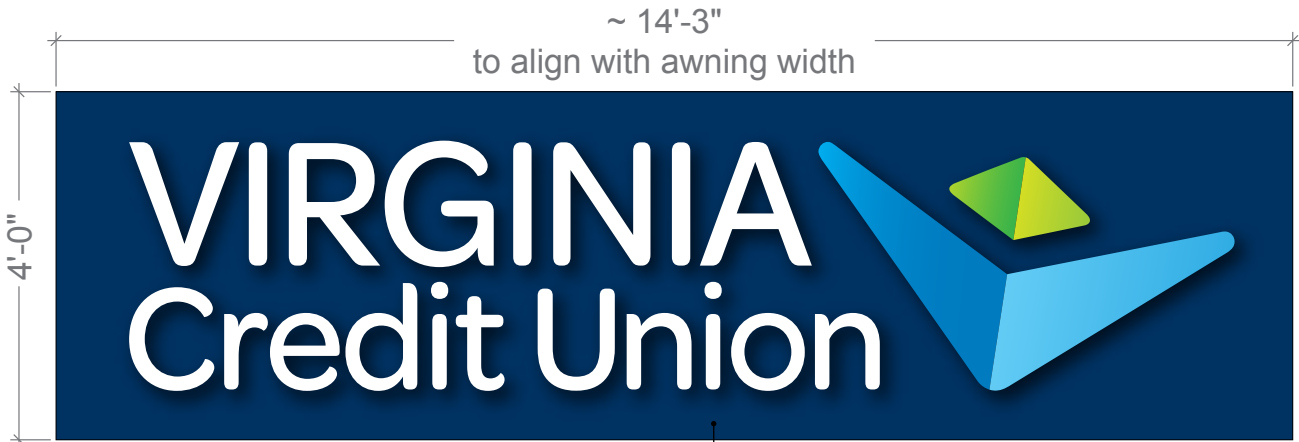
SCALE PEOPLE KEY

Staff

Consumer



# Master Signage

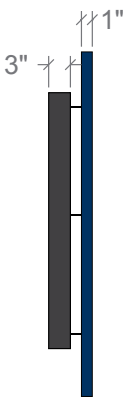


TOTAL SF: 57'

FRONT VIEW

**MASTER SIGNAGE**

Channel lit letters.  
Backer panel painted SW6524  
Commodore, or similar.  
Final specs & details to be coordinated  
with signage vendor.



SIDE VIEW



ENVIRONMENTAL ELEVATION

## ATTACHED SIGNS

- Formula for square feet** (Max. Sq. Feet: Main ID & Secondary Signs):  
Types of permitted signs. Wall, proj signs, suspended, awning, canopy, subject to restrictions set forth in this section. The agg area of all signs directed toward or intended to be viewed from any st ftg shall not exceed 2sf/lf of lot ftg along the st nor 300 sf for each st ftg

# Exterior ATM Surround

1.2

