



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

Tax Map #: \_\_\_\_\_ Fee: \_\_\_\_\_

Total area of affected site in acres: \_\_\_\_\_

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

### Zoning

Current Zoning: \_\_\_\_\_

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

### Proposed Use

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

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

Is this property subject to any previous land use cases?

Yes

No

☐☐

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

**Applicant/Contact Person:** \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

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

Telephone: \_(\_\_\_\_\_) \_\_\_\_\_ Fax: \_(\_\_\_\_\_) \_\_\_\_\_

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

**Property Owner:** \_\_\_\_\_

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: \_\_\_\_\_

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

Telephone: \_(\_\_\_\_\_) \_\_\_\_\_ Fax: \_(\_\_\_\_\_) \_\_\_\_\_

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

**Property Owner Signature:** Luke Esposito

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

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



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

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

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

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

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

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

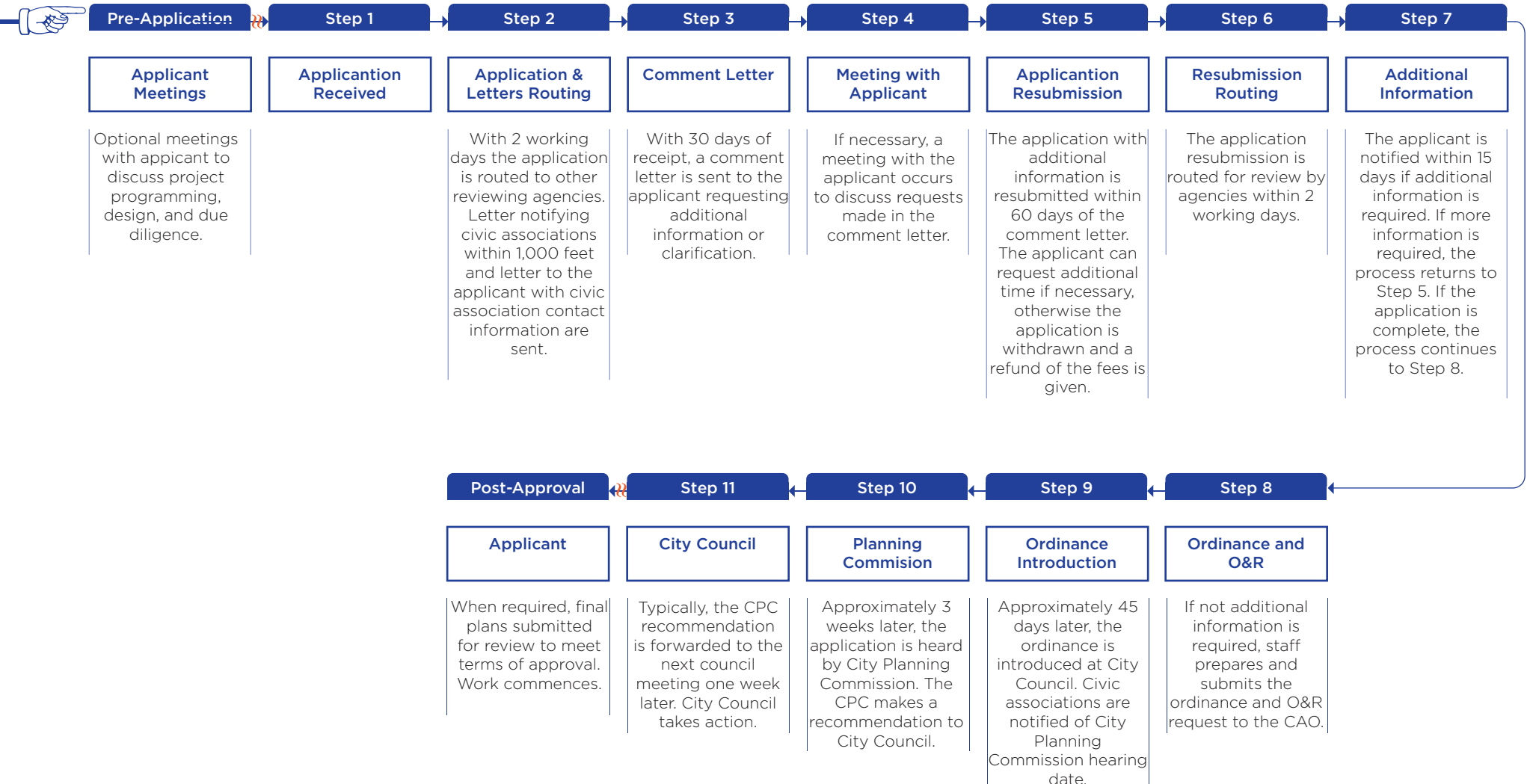
The Division of Land Use Administration circulates the special use permit application materials to appropriate City agencies as determined necessary. City agencies reviewing the proposal may include: Public Works, Building Permits & Inspections, Public Utilities, Water Resources, Zoning Administration,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

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

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

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

# Legislative Land Use Application Process





## FILING

Special use permit applications are filed with the:

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

## APPLICATION REQUIREMENTS

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

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

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

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



## FILING

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

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

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

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



### COMMUNITY UNIT PLAN

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

### CONDITIONAL USE PERMIT

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

### PLAN OF DEVELOPMENT

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

### REZONING/CONDITIONAL REZONING

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

### SPECIAL USE PERMIT

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

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

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

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

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

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

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

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

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

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

# APPLICANT'S REPORT

*February 22, 2023*

*Special Use Permit Request  
9 S Harvie Street, Richmond, Virginia  
Map Reference Number: W000-0443/007*

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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>Baker Development Resources</b> 530 East Main Street, Suite 730 Richmond, Virginia 23219



## Introduction

The property owner is requesting a special use permit (the "SUP") for 9 S Harvie Street (the "Property"). The existing building is currently occupied as a mixed-use building with both apartments and commercial uses as permitted by the underlying UB zoning district. The SUP would authorize the conversion of the existing commercial portion of the building for use as apartments resulting in a multifamily dwelling use. While the multifamily dwelling use is permitted by the underlying UB Urban Business zoning district, the feature requirement related to the location of ground floor dwellings would not be met and therefore, a SUP is required.

## Existing Conditions

### SITE DESCRIPTION AND EXISTING LAND USE

The Property is located between W Main and W Cary Streets and has frontage on both S Harvie and S Randolph Streets. The Property is referenced by the City Assessor as tax parcel W000-0443/007, is roughly 80 feet wide by 125 feet in depth, and contains approximately 10,003 square feet of lot area. Access is provided along the S Harvie and S Randolph frontages as well as along both sides of the building by means of two east-west alleys.





The Property is currently improved with a one-story, masonry structure originally constructed c. 1930. According to City Assessor's records, the building includes 9,616 square feet of finished floor area. The building currently occupied with a commercial/office space at the front of the building and 10 multi-family dwellings to the rear. Where this block of South Harvie Street is concerned, it is a side street perpendicular to Cary Street. There is no established, consistent commercial storefront character in the block.

Properties in the area consist of a range of uses. Along with dwellings ranging from single-family to large multifamily uses, within two blocks of the Property, commercial, institutional, and government uses can also be found including the campus of Virginia Commonwealth University which is located roughly three blocks to the east.

## **EXISTING ZONING**

The Property is currently zoned UB-PO3 Urban Business within the Parking Overlay district. Properties to the north, across W Main Street, are zoned R-6 Single-Family Attached. To the south, along W Cary Street properties are zoned R-63 Single-Family Residential. R-7 and R-53 residential districts can also be found in the surrounding area.

## **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 multifamily dwellings as a primary use which can "complement existing context" while "prioritizing pedestrian, bike and transit access."

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, including:

- Historic Preservation, Objective 3.1, Preserve culturally, historically, and architecturally significant buildings, sites, structures, neighborhoods, cemeteries, and landscapes that contribute to Richmond's authenticity.
- High Quality Places, 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.
- Equitable Transportation Chapter, Objective 6.1 to "Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multi-modal transportation options."
  - b. Develop housing at all income levels in and near Nodes and along major corridors (see strategies Goal 14).
- Thriving Environment Chapter Objective 15.1 to "Reduce air pollution related to transportation."
  - a. Increase the number of Richmonders living in a development pattern that encourages density and reduces dependency on single-occupancy vehicles (see Goal 1, Goal 8, Goal 14).
- 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

## PROJECT SUMMARY

The SUP would authorize the conversion of the commercial portion of the existing mixed-use building to two multi-family dwelling units, which does not conform to the underlying zoning feature requirements of the UB Urban Business district applicable to the Property.

## PURPOSE OF REQUEST

The proposed multifamily dwelling is a permitted principal use in the UB district. However, the UB district includes a requirement that dwelling units must be located above the ground floor or to the rear of other permitted commercial uses. As a result of the proposed conversion, the dwelling would not be located to the rear of another principal use. Instead, the new dwellings would be located along the frontage. As a result, the SUP is necessary in order to authorize the proposed conversion.

## PROJECT DETAILS

Per the City of Richmond Assessor's records, the Property was originally developed c. 1930 as a single-story masonry commercial building. The building is currently occupied as a mixed-use building with commercial uses and 10 multi-family dwelling units. The commercial use occupied approximately 2,700 square feet of floor area along the Harvie Street frontage. The owner is now proposing to convert the existing commercial space as two additional multi-family dwelling units.

Two optional floor plans are proposed for the two new dwellings. The options include: (1) 2 three-bedroom units or (2) a two-bedroom and three-bedroom unit. In both cases, the units are large, and very livable, with open living areas and bedrooms with en suite baths. No changes are proposed to the exterior of the existing building, which will retain its current appearance. 10 parking spaces are required for the current commercial and multi-family dwelling use of the property. This parking is provided off-site at 6 South Harvie Street and would continue to be utilized for the building as proposed.

The subject block does not include an established character of development that would suggest uninterrupted commercial frontage, which is the intent of the UB provision in question, is not the most desirable form of development. There is no storefront character in the block. This proposal would contribute to the overall mixed-use character of development in the area with a larger dwelling component. This could be more advantageous to the livability and economic viability of the area than the current somewhat misplaced commercial space. Flexibility in application of the restrictions on the use of ground floor space would allow for a viable use of the portion of the building fronting the right-of-way. The proposed rehabilitation would result in a building that remains functionally and architecturally compatible with the surrounding area.

## Findings of Fact

The following are factors indicted in Section 17.11 of the Charter and Section 114-1050.1 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 special use permit will not impact the safety, health, morals and general welfare of the nearby neighborhoods.

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

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods.

- ***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 proposed special use permit 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 proposed special use permit 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.***

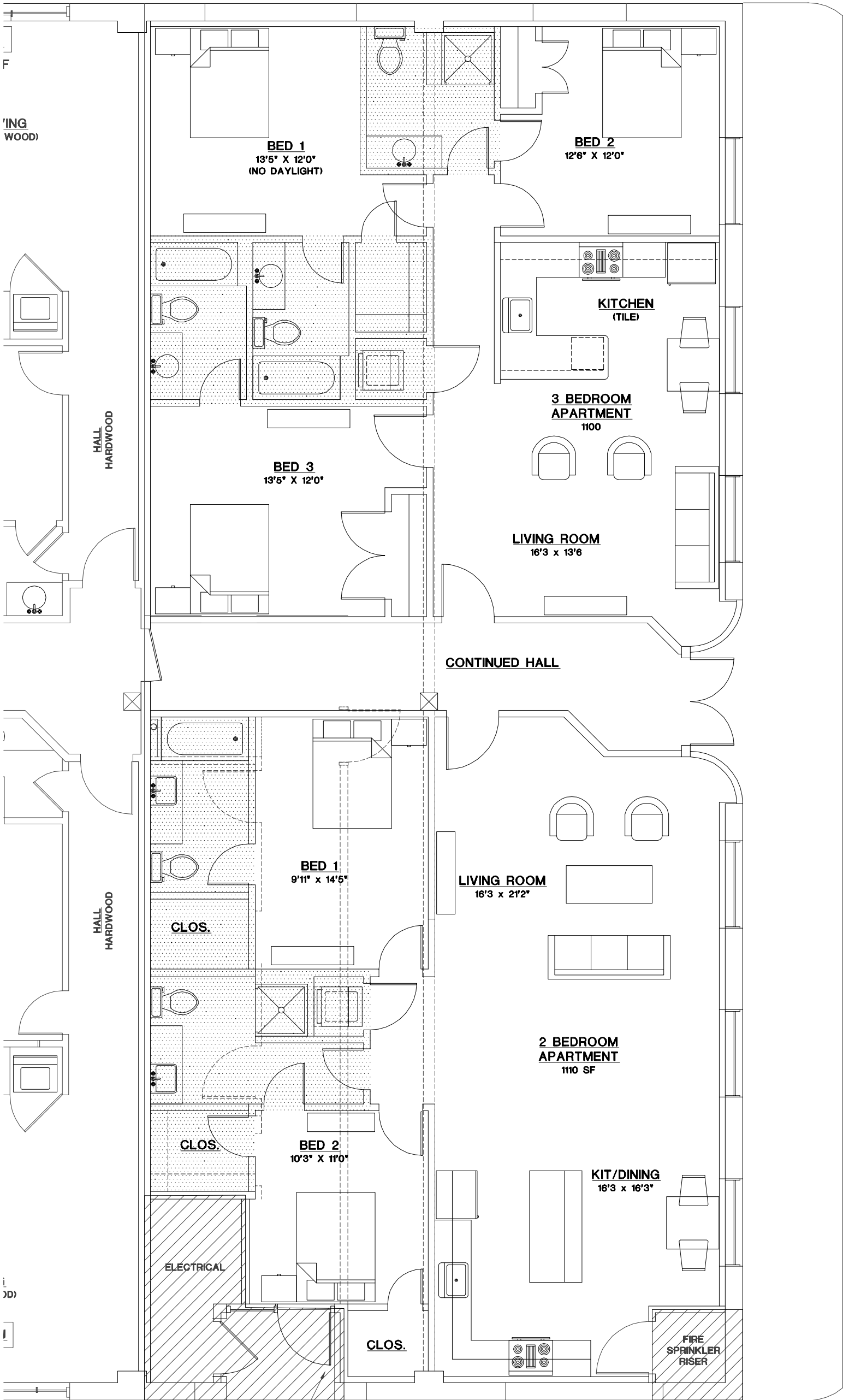
The light and air available to the subject and adjacent properties will not be affected.

## Summary

In summary we are enthusiastically seeking approval of the SUP. The two new proposed units would be appropriately scaled for their context and would provide additional housing opportunities in the neighborhood. The conversion would permit flexibility for the viable use of the commercial portion of the building. It would be respectful to the existing building's historical design as it would not require extensive modification.

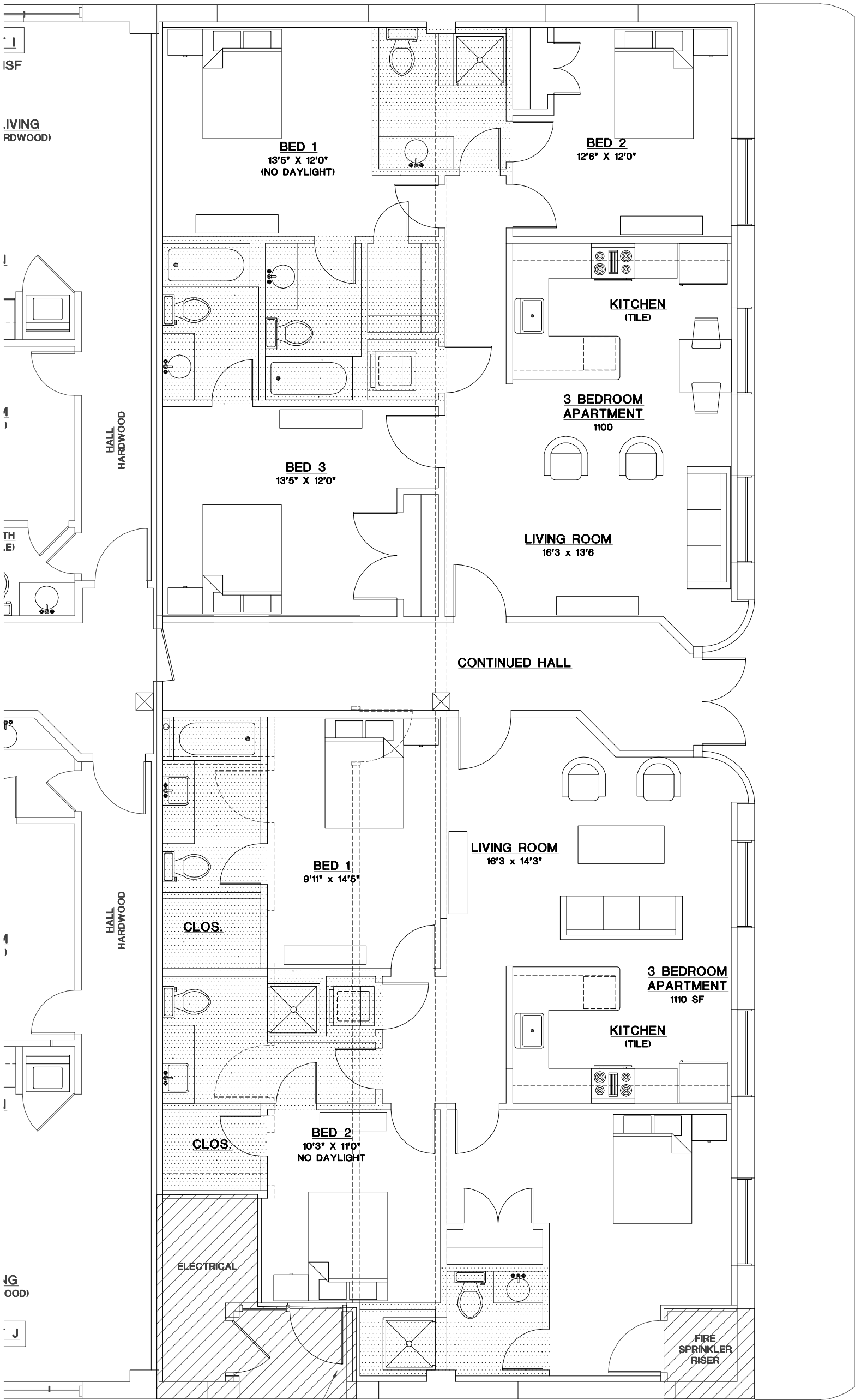
The request offers compatibility with goals contained within the City's Master Plan. The request would contribute to the ongoing revitalization of the neighborhood, upgrading the Property while contributing to the broader mixed-use environment on the area. Finally, the quality assurances and improvements and conditions related to the renovation and residential space as defined by the SUP would guarantee a higher quality development than might otherwise be developed by right.

SOUTH HARVIE STREET



HATCHED AREAS  
ARE NOT INCLUDED  
IN THE COMMON  
LEASED SPACE  
CALCULATIONS

9 S. HARVIE  
RESIDENTIAL OPTION A  
JUNE 4, 2010  
IRBY + PAPIT ARCHITECTS



SOUTH HARVIE STREET

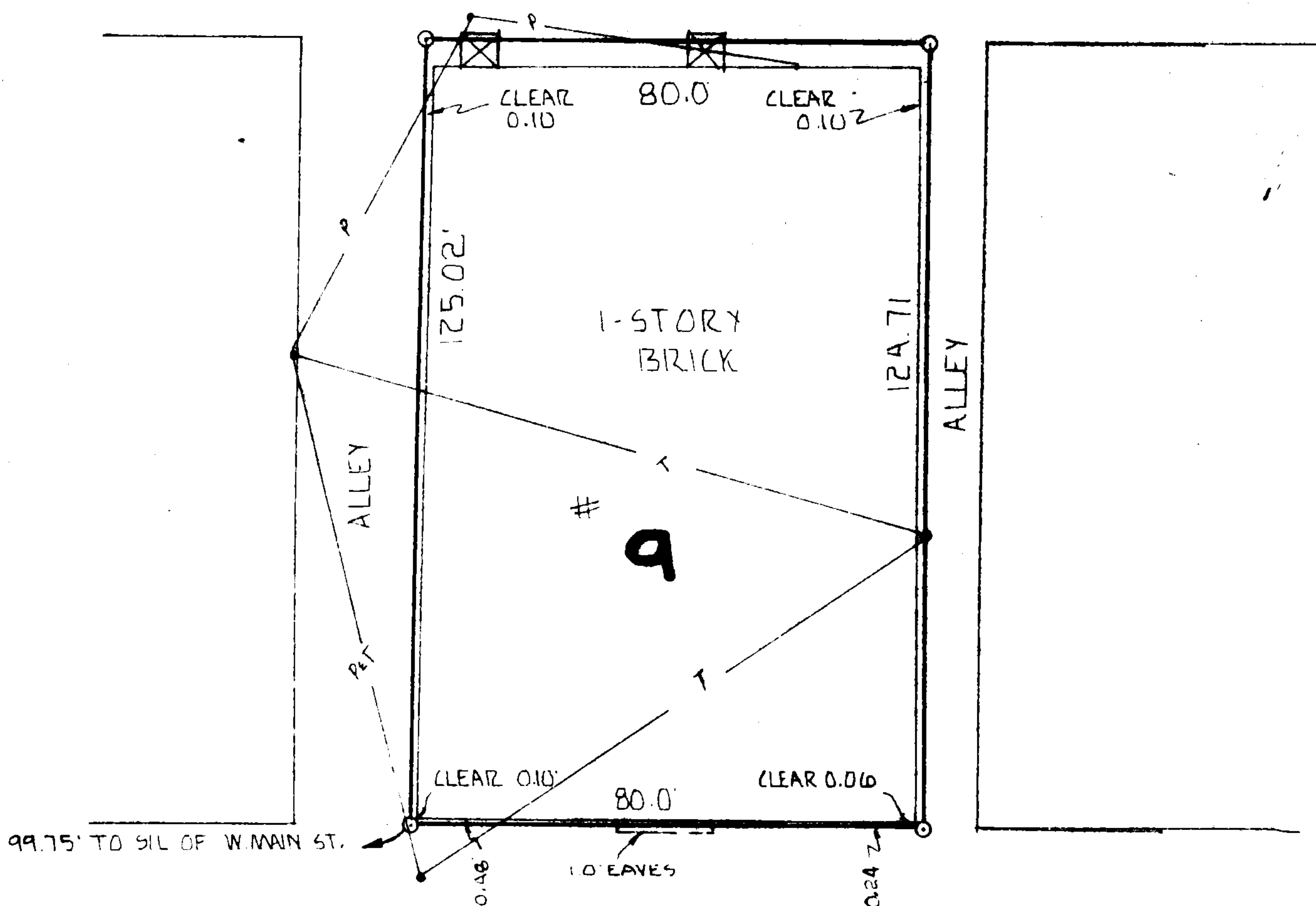
HATCHED AREAS  
ARE NOT INCLUDED  
IN THE COMMON  
LEASED SPACE  
CALCULATIONS

This is to certify that on 2-17-87  
I made an accurate field survey of the premises shown  
hereon; that all improvements known or visible are  
shown hereon; that there are no encroachments by  
improvements either from adjoining premises, or from  
subject premises upon adjoining premises, other than  
as shown hereon.

*A.D. Harcopos*

NOTE: THIS LOT APPEARS  
TO BE IN HUD FLOOD ZONE  
C AS SHOWN ON HUD  
COMMUNITY PANEL NUMBERS  
510129 0010-B

S. RANDOLPH STREET



S. HARVIE STREET

SURVEY OF  
LOT : IMPROVEMENTS THEREON LOCATED AT  
\* **9 S. HARVIE STREET**  
RICHMOND, VIRGINIA.

NOTE: PLAT PREPARED FOR  
ECK ENTERPRISE

**A. G. HAROCOPOS & ASSOCIATES, P.C.**  
CERTIFIED LAND SURVEYOR AND CONSULTANT

5700-B HOPKINS RD.

RICHMOND VA 23234

Office 271 4734

Scale 1" = 30' Date 2-17-87 Drawn by G.A.H.

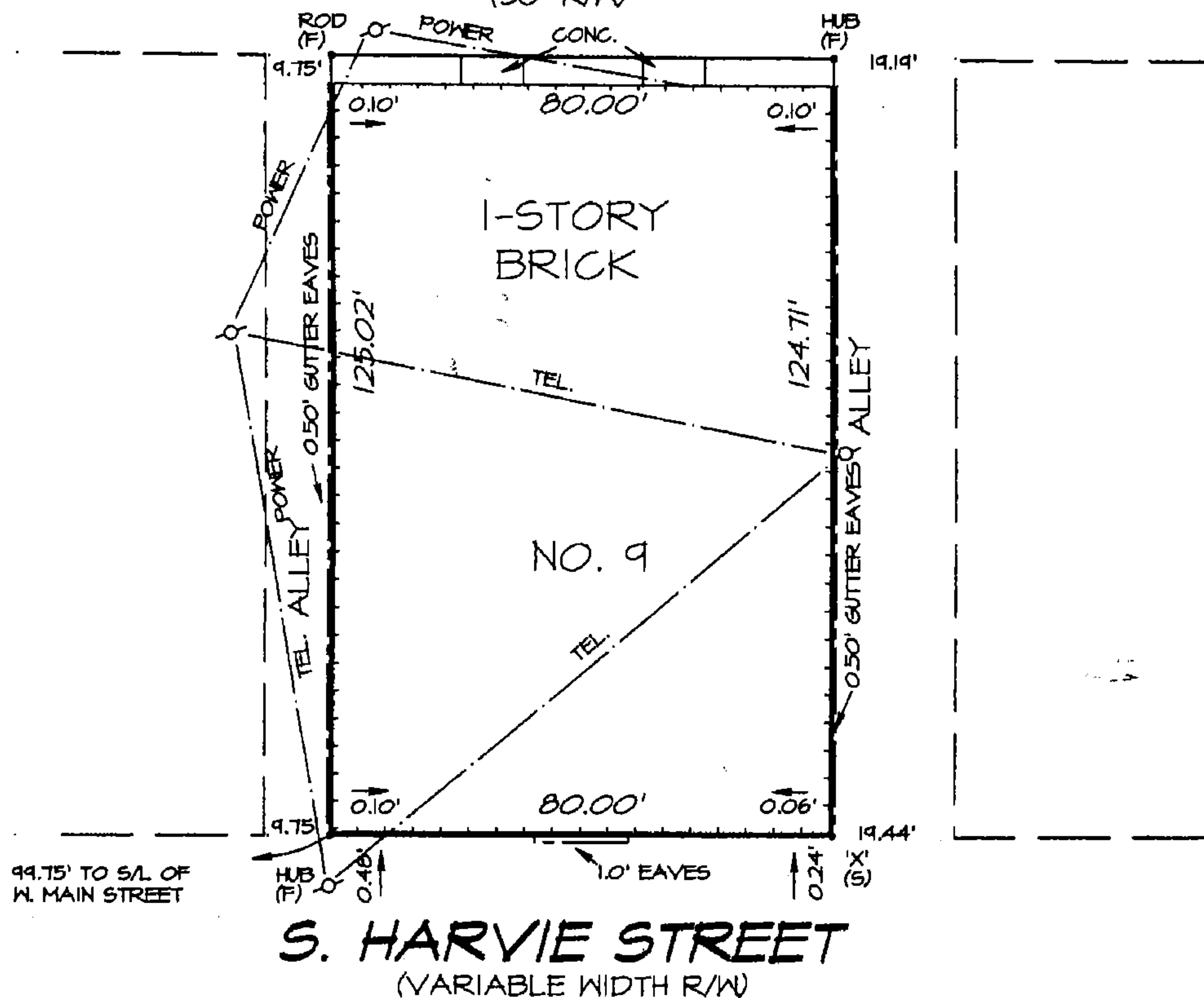


9/6/2007

NOTE:



(50' R/W)



SURVEY OF  
LOT & IMPROVEMENTS THEREON  
LOCATED AT  
NO. 9 S. HARVIE STREET  
RICHMOND, VIRGINIA

JN.12686

**A.G. HAROCOPOS, INC.**  
CERTIFIED LAND SURVEYOR AND CONSULTANT

5700-B HOPKINS RD. RICHMOND,VIRGINIA 23234  
OFFICE 271-4734

Scale: 1"=30'      Date: 9/6/2007      Drawn by: T.D.J

NOTE: PLAT PREPARED FOR THE EXCLUSIVE  
USE OF THE CONVEYANCE TO  
*ECK ENTERPRISE*



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

**Special Use Permit**

**LOCATION:** 9 South Harvie Street

**APPLICANT:** University Properties

**COUNCIL DISTRICT:** 5

**PROPOSAL:** To authorize the special use of the property 9 South Harvie Street for the purpose of a multi-family dwelling, upon certain terms and conditions.

*For questions, please contact David Watson  
at 804-646-1036 or [David.Watson@RVA.gov](mailto:David.Watson@RVA.gov)*

