



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: 4625, 4623 and 4605 w. Broad Street

Date: July 12, 2023

Tax Map #: W0190037-001, 002, 004 & 007 Fee: \$2,400.00 (Paid 8/9/22)

Total area of affected site in acres: 1.26

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

Zoning

Current Zoning: TOD-1

Existing Use: Properties contain a 3 story office bldg. and small retail bldgs.

Proposed Use

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

Mixed use building containing commercial and multifamily uses

Existing Use: 3 story office building and 3 individual buildings with no useful life and all will be torn down.

Is this property subject to any previous land use cases?

Yes

☐

No

☒

If Yes, please list the Ordinance Number: Adjacent parcel (also owned by property owner) is subject to March 1, 1967 BZA decision permitting parking lot (attached).

Applicant/Contact Person: Jeffrey P. Geiger

Company: Hirschler

Mailing Address: 2100 E. Cary Street

City: Richmond

State: VA

Zip Code: 23223

Telephone: (804) 771-9557

Fax: ()

Email: jgeiger@hirschlerlaw.com

Property Owner: Compriva LLC and Kingsly LLC

If Business Entity, name and title of authorized signee: Jeffrey P. Geiger, Attorney-in-Fact

(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: 2100 E. Cary Street

City: Richmond

State: VA

Zip Code: 23223

Telephone: (804) 771-9557

Fax: ()

Email: jgeiger@hirschlerlaw.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)

Special Use Permit Applicant's Report
Tax Map Parcel IDs: W0190037-001, -002, -004, and -007

INTRODUCTION

CWB Broad LLC ("Applicant") is leasing approximately 1.044 acres of land located at 4625, 4623, and 4605 W. Broad Street Richmond, VA 23230 owned by Combriva LLC, and purchasing 4627 W. Broad Street Richmond, VA 23230 owned by Kingsly LLC (collectively, the "Property"). The Property includes four buildings, which have reached the end of their useful life and the Applicant wants to tear down. One building is a 3 story office building. The other buildings are smaller single story retail oriented buildings. A few tenants and businesses remain currently, but they will leave at the end of their leases or when the owners sell the Property, as applicable. The Property is located on the West End of Richmond, at the edge of the Monument Avenue Park neighborhood. In addition to the Property, CWB Broad LLC is also leasing the parking lot behind the Property. The existing parking lot is screened from the adjacent residential homes by a dense buffer of mature trees and multi-layered vegetation.

The Applicant plans to replace the run down, underutilized buildings on the Property with a Class-A, mixed use building containing commercial and multifamily uses. The parking lot and mature buffer located behind the property will remain and service the new building. The portion of the new building located in front of the parking lot will be six stories, and the portion of the new building in front of the residential homes will be three stories (the "Project"). The mature buffer along Radford Avenue will screen the additional height desired by the Applicant as shown in the enclosed illustration entitled "Site Line Illustrations." The Applicant also plans, subject to City approval, to construct a sidewalk, in the right of way, along the Property's frontage on Blacker Street between West Broad Street and Radford Avenue.

PROPOSED USE AND SPECIAL USE PERMIT REQUEST

The Property is located in the Transit-Oriented Nodal District (TOD-1), and the parking lot located behind the property is zoned R-5. The parking lot is subject to a resolution from a 1967 BZA meeting which allows this parking lot to operate as a parking lot.

The Applicant is requesting a Limited Special Use Permit ("Limited SUP") to only adjust the setback and height requirements for the new building on the Property, with a condition that the landowner submit a Plan of Development prior to receiving building permits. This request is only for the portion of the new building immediately adjacent to the parking lot. This request is not sought for the portion of the building immediately adjacent to the existing residential homes, which shall comply with the underlying setback and height requirements.

Pursuant to Section 30-457.9(1)(b) of the City of Richmond's zoning ordinance, buildings in the TOD-1 zoning district are subject to certain height restrictions when they are situated across an alley from property in a residential district. Specifically, the height of the building is limited so that no portion of the building penetrates an inclined plane originating from the third story of the property at the rear building wall. If built as envisioned, the new building would not comply with

the inclined plane restriction found in Section 30-457.9(1)(b) of the City of Richmond's zoning ordinance.

The City's objective is to limit the height of TOD-1 buildings when immediately adjacent to a residential home. The City's objective is not to limit the height next to a parking lot. This parking lot serves the existing commercial uses. As such, the parking lot should not have had a residential zoning district placed on the parking lot.. The parking lot's zoning should have been updated to a commercial district to correspond with the old BZA decision. This would have ensured that the commercial accessory use on this parking lot would not be occurring in a residential district. This Limited SUP is being requested to recognize that the parking lot use is commercial per the BZA decision and not a residential use to be protected by the inclined-plane height restriction.

With the grant of this Limited SUP, the height of the building would be permitted above the inclined plane to the height shown in the enclosed illustration entitled "Inclined Plane Illustration." This is a height that would be permitted in TOD-1 when next to a non-residential use.

Additionally, the Applicant is requesting that the setback on the rear property line be reduced to five (5) feet in order to allow for more space in front of the new building along West Broad Street. This additional space will allow the Applicant more space to enliven the sidewalk and help create an engaging environment with street trees, sidewalks, and walkable streetscapes.

As a whole, this new building will include commercial space and multifamily units on the first floor, multifamily units on the floors above the commercial use, and a rooftop outdoor space for residents with additional amenities to the rear of the building. This Project will provide the community with additional retail and personal service options. This Project will also help contribute to the area's rejuvenation and start the evolution the City seeks along W. Broad Street between I-195 and Willow Lawn and further the City's aspirations for this corridor.

EXISTING PROPERTY AND SURROUNDING AREA

The Property forms the eastern margin of the Monument Avenue Park neighborhood. The Monument Avenue Park neighborhood is bounded by four main roads, Monument Avenue, Westmoreland Avenue, Broad Street, and Staples Mill Road. While the neighborhood is mostly made up of single-family residential homes, these homes are bordered by commercial uses along West Broad Street.

THE RICHMOND 300 PLAN

The Richmond 300 Plan designates the Property's future use as Corridor Mixed-Use, a future use category permitting taller buildings, a wide range of commercial and residential uses, and requirements that create a more urban environment with walkable streetscapes. The primary uses include retail, office, personal service, and multi-family residential uses. This Project conforms with the future uses in the Richmond 300 Plan and will likely inspire other redevelopment opportunities in the surrounding area.

PROPOSED USE

The proposed use of the Property, as described herein, is compatible with the surrounding area and an appropriate use for the site. This Property is in line with the Property's "Corridor Mixed-Use" future use designation in the Richmond 300 Plan and the City's recent rezoning of West Broad Street properties west of I-195. The Project's setbacks and placement near the Pulse along West Broad Street will help create a more urban environment that focuses on transit oriented transportation and walkable streetscapes.

Any traffic generated by the Project will be easily absorbed by the surrounding road network and the City's bus system. Additionally, the Property has a parking lot to service the residents and patrons of the retail and personal service businesses.

SUITABILITY OF REZONING and FINDINGS OF FACT

The following are factors listed in Section 30-1050.1 of the City's zoning ordinance to be considered with the review of special use permit applications.

The proposed SUP will:

- *NOT be detrimental to the safety, health, morals, and general welfare of the community.*

The Project will provide additional living and business opportunities as well as inspire other redevelopment opportunities in the surrounding area.

- *NOT tend to create congestion in streets, roads, alleys, and other public ways and places in the area.*

The infrastructure and road systems in place have ample capacity to handle the proposed use. The existing parking lot circulation and City bus system are also adequate to support this Project. Additionally, the Applicant plans to construct a sidewalk along the Property's frontage on Blacker Street between West Broad Street and Radford Avenue to help support the increase in foot traffic.

- *NOT create hazards from fire, panic or other dangers.*

The Project is in compliance with applicable building and fire safety codes and energy conservation requirements.

- *NOT tend to overcrowding of land and cause an undue concentration of population.*

The Project will provide comfortable luxury housing to young professionals and empty nesters who work in the City and will not contribute to the overcrowding of land.

- *NOT adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.*

The above-referenced City services will not be adversely affected by the proposed use of the Project. Utilities and infrastructure are in place and adequate for the proposed use. The proposed reuse of the Property will enhance the area without affecting existing public facilities.

- *NOT interfere with adequate light and air.*

The Property is in a location with ample air, light and space components. The light and air available to the Property and adjacent properties will not change if the Limited SUP is granted.

COMMUNITY SUPPORT FOR REZONING

The Applicant has presented its plan for the Project and received feedback from adjacent landowners who own homes along Radford Avenue. Enclosed is a list of topics discussed at the community meeting. In response to the feedback from the adjacent landowners, the Applicant has removed an entire story from the proposed building to substantially curtail its already limited impact on existing residents and added the desired pedestrian connection along Blacker Street from Radford Avenue to West Broad. The Applicant has also engaged with members of Monument Avenue Park Civic Association to present the Limited SUP application materials to the Civic Association and to Councilman Andreas Addison.

CONCLUSION

The Applicant desires to follow the City's lead and begin the rejuvenation of properties along West Broad Street west of I-195 with this Project. If this Limited SUP is granted, this Project will help contribute to the area's evolution and further the City's aspirations for this corridor.

15177603.8 046653.00002

EXHIBIT G

SPECIAL LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I Byron W. Chafin, as Managing Member of Kingsly LLC, a Virginia limited liability company
(Telephone) (804) 539-7786 (Address) 10347 Hobby Hill Road, Richmond, VA 23235
as owner of the property described as:

2. Parcels: W0190037-001 and authorized to take such action, do hereby make, constitute and appoint:

Jeffrey P. Geiger, Jillian A. Bates and Susan S. Smith,
(Telephone) 804) 771-9557, (804) 771-9564, (804) 771-9526
(Address) Hirschler Fleischer, P. O. Box 500, Richmond, VA 23218-0500

any one of whom may act as my true and lawful attorney-in-fact for and in my name, place and stead with full power and authority I would have if acting personally to seek site plan approval, subdivision approval, rezoning, conditional use, special use permit and/or special exception, and to set forth and offer such legally acceptable voluntarily proffered conditions including any additions, amendments, modifications or deletions thereto that in his discretion are deemed reasonable, appropriate and necessary.

4. In witness thereof, I have hereto set my hand and seal this 5th day of July, 2023.

KINGSLY LLC
a Virginia limited liability company

By: [Signature]
Name: Byron W. Chafin
Title: President

STATE OF Virginia,

CITY/COUNTY OF Chesapeake, to-wit:

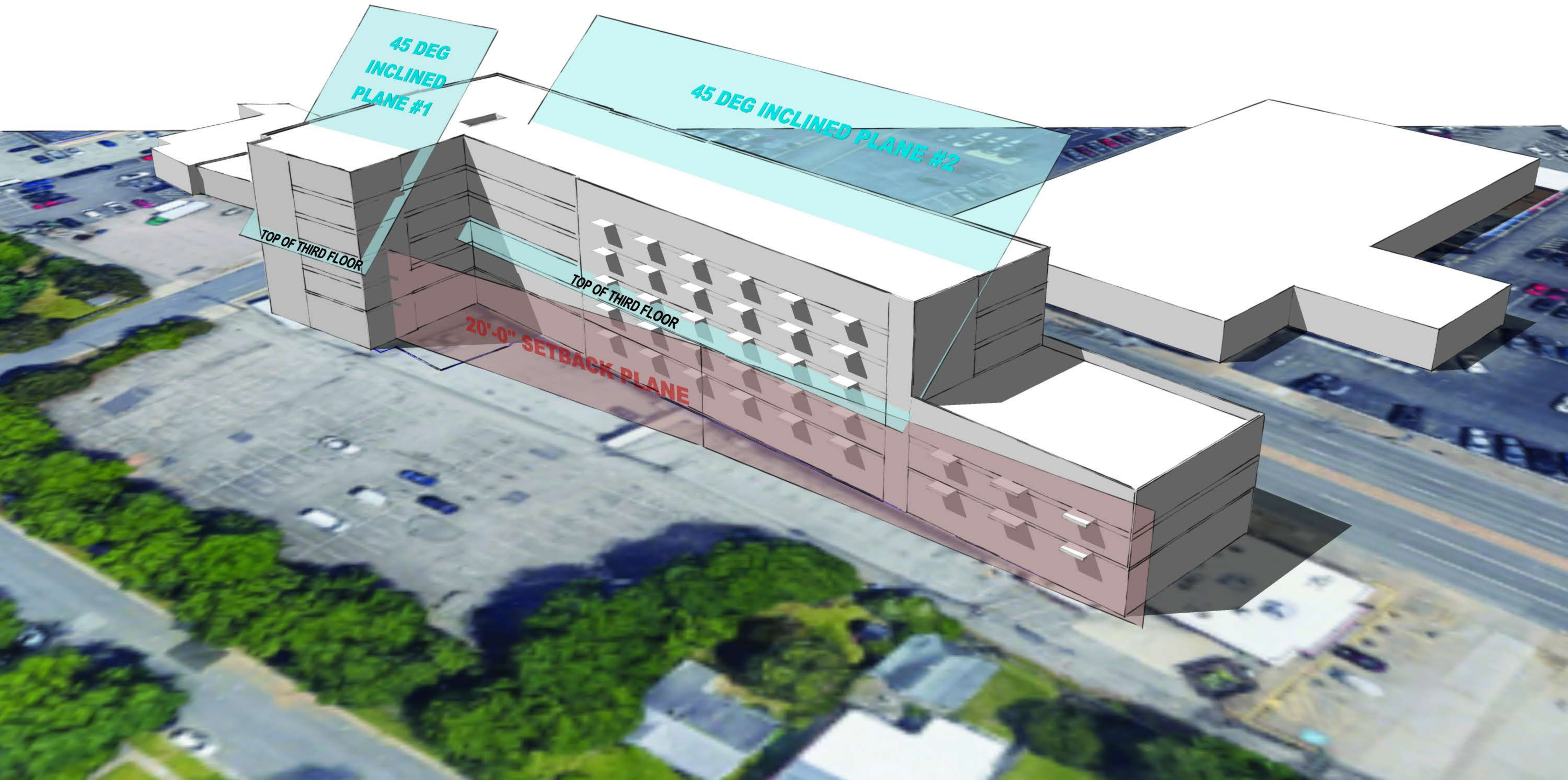


The foregoing Power of Attorney was acknowledged before me in my jurisdiction aforesaid by **Byron W. Chafin** as **Managing Member** of **KINGSLY LLC**, a Commonwealth of Virginia limited liability company, this 5th day of July, 2023.

[Signature]
Notary Public

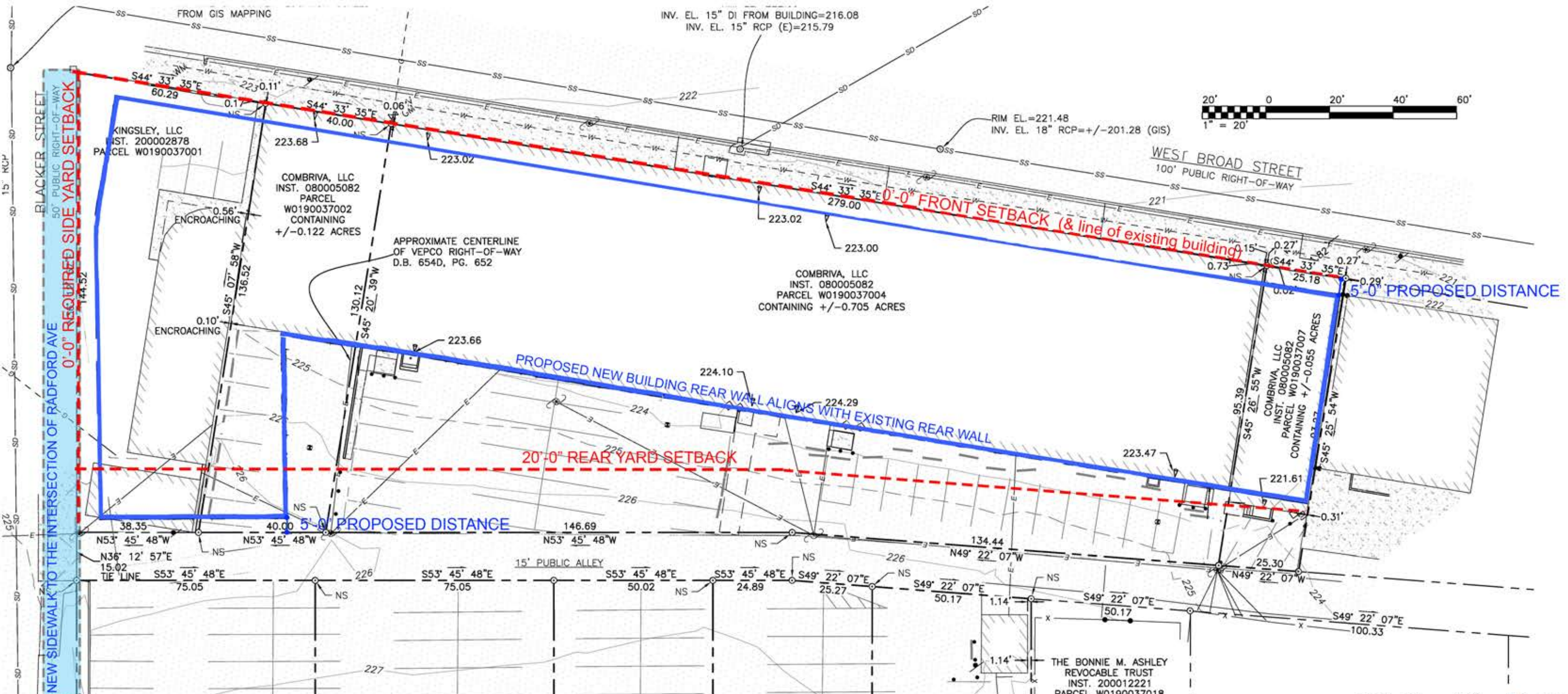
My commission expires: March 31st, 2027
My notary registration number is: 8037555

July 12, 2023



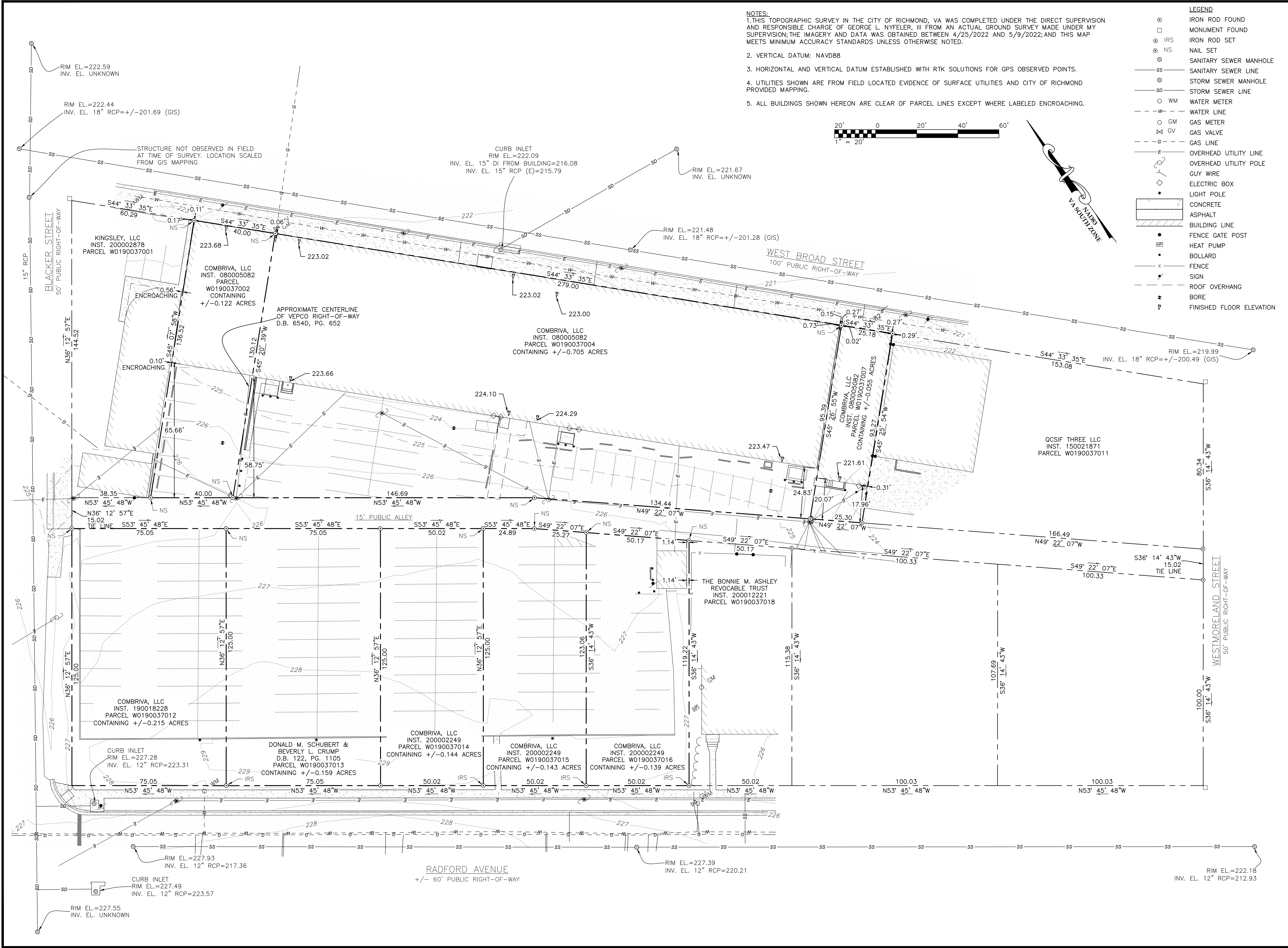


July 12, 2023

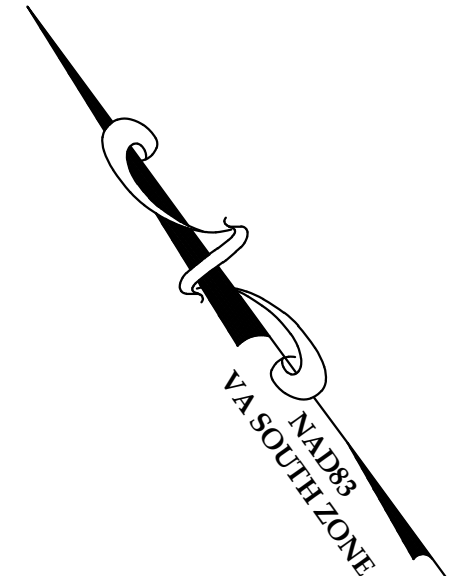
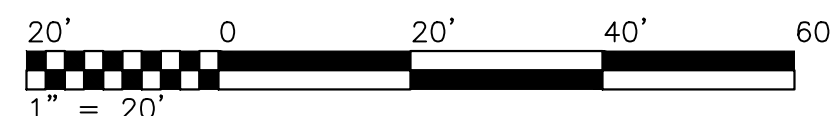


SITEPLAN EXHIBIT

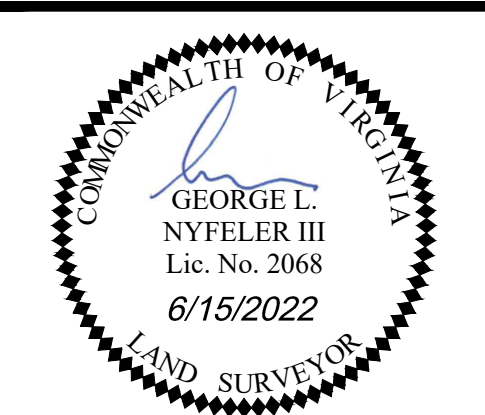




NOTES:
1. THIS TOPOGRAPHIC SURVEY IN THE CITY OF RICHMOND, VA WAS COMPLETED UNDER THE DIRECT SUPERVISION AND RESPONSIBLE CHARGE OF GEORGE L. NYFELER, III FROM AN ACTUAL GROUND SURVEY MADE UNDER MY SUPERVISION; THE IMAGERY AND DATA WAS OBTAINED BETWEEN 4/25/2022 AND 5/9/2022; AND THIS MAP MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.
2. VERTICAL DATUM: NAVD88
3. HORIZONTAL AND VERTICAL DATUM ESTABLISHED WITH RTK SOLUTIONS FOR GPS OBSERVED POINTS.
4. UTILITIES SHOWN ARE FROM FIELD LOCATED EVIDENCE OF SURFACE UTILITIES AND CITY OF RICHMOND PROVIDED MAPPING.
5. ALL BUILDINGS SHOWN HEREON ARE CLEAR OF PARCEL LINES EXCEPT WHERE LABELED ENCROACHING.



- LEGEND
- IRON ROD FOUND
 - MONUMENT FOUND
 - IRS
 - NS
 - SANITARY SEWER MANHOLE
 - SS SANITARY SEWER LINE
 - STORM SEWER MANHOLE
 - SD STORM SEWER LINE
 - WM
 - W WATER LINE
 - GM
 - GV GAS METER
 - GV GAS VALVE
 - G GAS LINE
 - E OVERHEAD UTILITY LINE
 - OVERHEAD UTILITY POLE
 - GUY WIRE
 - ◇ ELECTRIC BOX
 - * LIGHT POLE
 - CONCRETE
 - ASPHALT
 - BUILDING LINE
 - FENCE GATE POST
 - HEAT PUMP
 - BOLLARD
 - FENCE
 - SIGN
 - ROOF OVERHANG
 - BORE
 - FINISHED FLOOR ELEVATION



NYFELER ASSOCIATES
LAND SURVEYING & MAPPING
619 W CARY STREET, RICHMOND, VA 23220
804-277-4231 nyfelerasociates.com

| | |
|-------------|-----------|
| DATE: | 6/15/2022 |
| JOB NUMBER: | 22056 |
| SCALE: | 1"=20' |
| DRAWN BY: | JRW |

BOUNDARY AND TOPOGRAPHIC SURVEY
FOR PARCELS W0190037002, W0190037004,
W0190037007,
W0190037012, W0190037013, W0190037014,
W0190037015 & W0190037016
CITY OF RICHMOND, VA



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

Special Use Permit

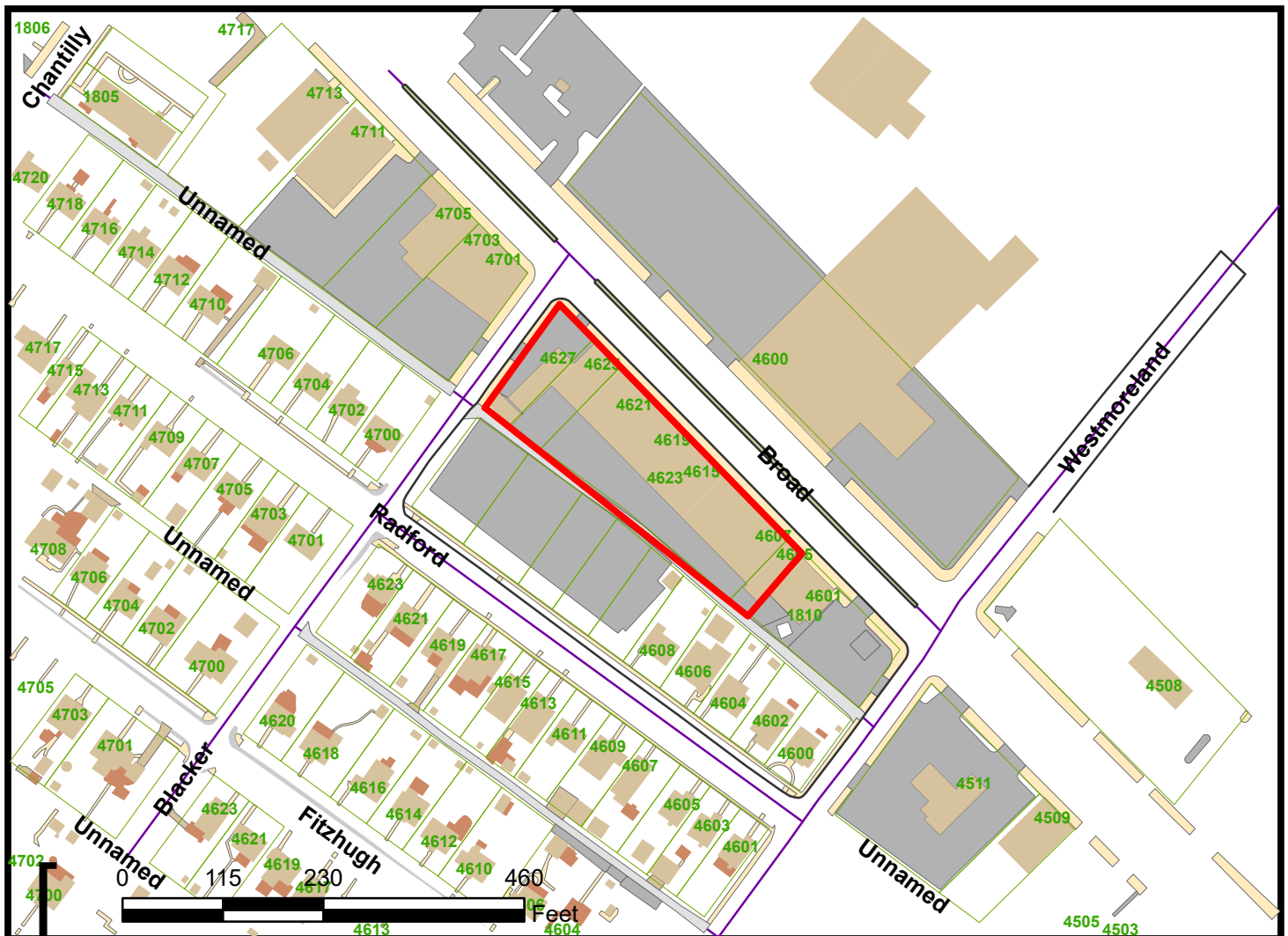
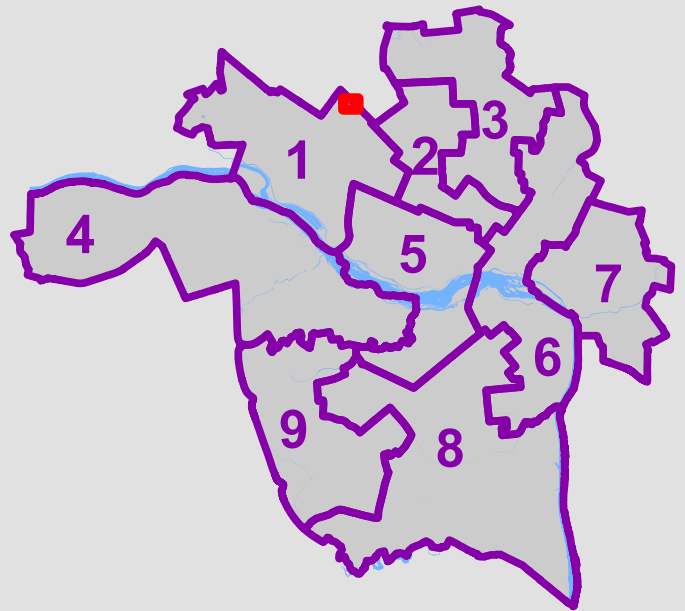
LOCATION: 4625 West Broad Street

APPLICANT: Jeffrey Geiger

COUNCIL DISTRICT: 1

PROPOSAL: To authorize the special use of the property known as 4605, 4623, 4625, and 4627 West Broad Street, for the purpose of a mixed-use building, upon certain terms and conditions

*For questions, please contact Matthew Ebinger
at 804-646-5789 or matthew.ebinger@rva.com*



INTRODUCED:

AN ORDINANCE No. 2023-

To authorize the special use of the property known as 4605, 4623, 4625, and 4627 West Broad Street, for the purpose of a mixed-use building, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING:

AT 6 P.M.

WHEREAS, the owner of the properties known as 4605, 4623, 4625, and 4627 West Broad Street, which is situated in a TOD-1, Transit Oriented Nodal District, desires to use such property for the purpose of a mixed-use building, which use, among other things, is not currently allowed by sections 30-457.5(2) and 30-457.9(1)a, regarding rear yards and maximum height, 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:_____ NOES:_____ ABSTAIN:_____
ADOPTED:_____ 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 properties known as 4605, 4623, 4625, and 4627 West Broad Street and identified as Tax Parcel Nos. W0190037/007, W0190037/004, W0190037/002, and W0190037/001, respectively, in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “BOUNDARY AND TOPOGRAPHIC SURVEY FOR PARCELS W0190037002, W0190037004, W0190037007, W0190037012, W0190037013, W0190037014, W0190037015 & W0190037016 CITY OF RICHMOND, VA” prepared by Nyfeler Associates Land Surveying & Mapping, and dated May 15, 2022, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a mixed-use building, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Site Plan Exhibit” prepared by RBA Architects and dated July 12, 2023, 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 a mixed-use building, substantially as shown on the Plans. (site plan exhibit)

(b) A Plan of Development application shall be submitted for the Property prior to receiving any building permits.

(c) All mechanical equipment serving the Property shall be located or screened so as

not to be visible from any public right-of-way.

§ 4. Supplemental Terms and Conditions. This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.

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

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

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

(b) The Owner shall be bound by, shall observe and shall comply with all other laws,

ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

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

§ 6. Implementation. The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans 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.

Matthew,

The Board of the Monument Avenue Park [MAP] Civic Association welcomes new residential and commercial development along West Broad Street that aligns with the neighborhood feel of our community. Therefore, we are opposed to the Special Use Permit for parcel numbers W0190037/002, 004, and 007 for the following reasons:

- We do not believe the current plan contains sufficient parking to meet the needs of the apartment residents and commercial tenants. We are concerned that current [MAP] residents will find it difficult to park in close proximity to their homes due to spillover from the new development.
- Our neighborhood does not contain sidewalks along Blacker and Chantilly Streets between West Broad Street and Monument Avenue to safely accommodate the increased pedestrian traffic.

We are in favor of:

- A smaller development that does not require a special use permit OR
- Passage of the Special Use Permit under the following conditions:
 - Increased parking in the lot directly behind the proposed development.
 - Sidewalks along Blacker and Chantilly Streets between West Broad Street and Monument Avenue. These additions are also listed in the Richmond 300 and Pulse Corridor Plans.
 - Four way stop signs at the intersections along Blacker and Chantilly Streets between West Broad Street and Monument Avenue.

Please feel free to reach out if you would like to discuss these points further.

The Board of the Monument Avenue Park [MAP] Civic Association

maponthemap@gmail.com

(703) 307-6934