INTRODUCED: April 27, 2015

AN ORDINANCE No. 2015-98-111

To authorize the special use of the property known as 320 North 32nd Street for the purpose of a mixed-use development, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: MAY 26, 2015 AT 6 P.M.

WHEREAS, the owner of the property known as 320 North 32nd Street, which is situated in a R-8 Urban Residential District, desires to use such property for the purpose of a mixed-use development that includes multifamily residential and commercial uses, which, among other things, is not currently allowed by sections 114-413.11 or 114-413.12 of the Code of the City of Richmond (2004), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), 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

AYES:	9	NOES:	0	ABSTAIN:	_
ADOPTED:	MAY 26 2015	REJECTED:		STRICKEN:	

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 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 114-1050.1 of the Code of the City of Richmond (2004), 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 320 North 32nd Street and identified as Tax Parcel No. E000-0731/007 in the 2015 records of the City Assessor, being more particularly shown on a survey entitled "Map Showing the Improvements on 320 N. 32nd Street in the City of Richmond, VA," prepared by Virginia Surveys, and dated March 17, 2014, a copy of which appears as an inset within the plans entitled "New Mixed Use Structure for: Progress Realty Group, LLC at: 320 N 32nd Street, Richmond, Virginia," prepared by ADO/Architecture Design Office, and dated March 12, 2015, and 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 development, hereinafter referred to as "the Special Use," substantially as shown on sheets A101, A201, A202 and CS1 of the plans entitled "New Mixed Use Structure for: Progress Realty Group, LLC at 320: N 32nd Street, Richmond, Virginia," prepared by ADO/Architecture Design Office, and dated March 12, 2015, hereinafter "New Mixed Use Structure for: Progress Realty Group, LLC at 320: N 32nd Street, Richmond, Virginia," prepared by ADO/Architecture Design Office, and dated March 12, 2015, hereinafter "New Mixed Use Structure for: Progress Realty Group, LLC at 320: N 32nd Street, Richmond, Virginia," prepared by ADO/Architecture Design Office, and dated March 12, 2015, 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 use of the Property shall be a mixed use development consisting of up to three dwelling units and two ground floor commercial spaces, served by no fewer than three on-

site surface parking spaces, substantially as shown on the Plans. The uses allowed within the commercial spaces shall be limited to the permitted principal uses on corner lots in the R-63 Multifamily Urban Residential District, pursuant to section 114-419.3 of the Code of the City of Richmond (2004), as amended.

(b) Signage on the Property shall be limited to (i) those signs exempt from the signage regulations of the zoning ordinance by section 114-503 of the Code of the City of Richmond (2004), as amended, (ii) those signs permitted in all zoning districts by section 114-505 of the Code of the City of Richmond (2004), as amended, and (iii) those signs permitted in the R-63 Multifamily Urban Residential District by section 114-507.1 of the Code of the City of Richmond (2004), as amended.

(c) All building materials, material colors, and site improvements shall be substantially as shown on the Plan and subject to the provisions of any applicable Old and Historic District regulations and any approvals granted by the Commission of Architectural Review.

(d) Operations of the commercial spaces shall cease by no later than 11:00 p.m. daily.

(e) Screening of the surface parking spaces from view from the street shall be substantially as shown on the Plans and subject to the provisions of any applicable Old and Historic District regulations and any approvals granted by the Commission of Architectural Review.

(f) Mechanical units shall be located out of the public view.

§ 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 (2004), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements in the form of street trees within the rights-of-way of North 32nd Street and East Marshall Street, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee

thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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 114-1220 of the Code of the City of Richmond (2004), 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 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), 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 114-1080 of the Code of the City of Richmond (2004), 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.

City of Richmond

900 East Broad Street Richmond, VA 23219 www.Richmondgov.com

	Item Request	
	File Number: a2015 - 2	O& R REOUEST
	APR 0 1 2015 OFFICE OF CITY ATTORNEY <u>O & R Request</u>	
DATE: Marc	h 18, 2015 EDIT	ION: 1
TO:	The Honorable Members of City Council	
THROUGH:	Dwight C. Jones, Mayor (Patron: Mayor, by Request) (This in no way reflects a recommendation on behalf of the layor)	Def-
THROUGH:	Christopher L. Beschler, Acting Chief Administrative Officer	
THROUGH:	Peter L. Downey, Jr., Interim Deputy Chief Administrative Officer for E Development and Planning	conomic ft
FROM:	Mark A. Olinger, Director, Dept. of Planning and Development Review	104
SUBJECT: of a mixed-use	Authorizing the special use of the property known as 320 North 32nd Str development, upon certain terms and conditions.	reet for the purposes

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 320 North 32nd Street for the purposes of a mixed-use development in the R-8 District, upon certain terms and conditions.

REASON: The R-8 District does not allow multi-family residential use or commercial use as by-right principal uses. A 3-unit multi-family dwelling is allowed as a principal use permitted by conditional use permit on a lot containing no less than 4,500 sq ft in area. Certain commercial uses are allowed as principal uses permitted by conditional use permit provided they are located in certain existing structures. The subject property is less than 4,500 sq ft in area and is unimproved. A special use permit is therefore required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its May 4, 2015, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 0.086 acre (3,742 sq ft) parcel of vacant land. The property is located at the southwest corner of the intersection of East Marshall Street and North 32nd Street in the Church Hill neighborhood of the East Planning District. The property is also located within the St. John's Church City Old & Historic District and the proposed new construction has been reviewed and approved by the Commission of Architectural Review.

The property is zoned R-8 Urban Residential which, according to the Zoning Ordinance, is intended to preserve and enhance the established character of older urban residential neighborhoods in the inner areas of the city by ensuring that infill development, as well as redevelopment, will be consistent with the predominant existing development pattern of such neighborhoods.

The City of Richmond's Master Plan recommends Single-Family (medium density) land use for the subject property. Primary uses are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Typical zoning classifications recommended to accommodate this land use category are R-5A, R-6, and R-7 (p. 133). However, the subject property abuts and is across East Marshall Street from an area with a Mixed Use (Residential) land use designation and could be considered an extension of that area. The Master Plan defines the primary uses for this category as single-, two-, and multi-family dwellings, live/work units and neighborhood-serving commercial uses developed in a traditional urban form. The typical zoning classification recommended to accommodate this land use category is R-63 (p. 304).

In regard to the East District, the Master Plan states there is a "continued need...to stabilize older low-income residential neighborhoods throughout the District, particularly north of Broad Street in the Church Hill, Oakwood/Chimborazo, and Fairmount neighborhoods" (p. 163) and that "existing historic preservation design controls should be maintained" (p. 166). "Commercial uses in the East District should be concentrated within existing commercial service centers and mixed-use areas" (p. 169).

Prior to the 2010 Church Hill Neighborhood Master Plan Amendment, the Master Plan presented concerns regarding corner commercial uses, stating they "should be restricted to neighborhood commercial uses with limitations on operating hours, number of employees, and signage...Neighborhood commercial uses are deemed appropriate only as long as ABC licenses are not included in their operation" (p. 170). However, with the expansion of mixed-use areas recommended by the 2010 amendment, increased commercial activity is encouraged in the area and concerns regarding commercial uses, particularly the sale of alcohol, have been reduced.

The subject property, adjacent properties to the south, and properties across North 32nd Street are within the R-8 district that encompasses much of the Church Hill neighborhood. Adjacent properties to the west and across East Marshall Street are within the R-63 Multifamily Urban Residential zoning district that coincides with the Mixed Use (Residential) area referenced above. Residential (single-, two-, and multifamily) land uses predominate the area, with vacant, commercial, and institutional uses present as well. A mixed-use structure is located across from the subject property at the northwest corner of the intersection of East Marshall Street and North 32nd Street.

The conditions of the special use permit ordinance will limit the use of the subject property to a mixed use development consisting of no more than three dwelling units and two ground floor commercial spaces, served by no fewer than three on-site, screened surface parking spaces. The uses allowed within the commercial spaces will be limited to the permitted principal uses on corner lots in the R-63 District.

Likewise, signage on the premises will be limited to signage permitted in the R-63 District. Operations of the commercial spaces will cease no later than 11:00 PM daily and all mechanical units will be located out of the public view.

All building materials, material colors, and site improvements will be subject to the provisions of any applicable Old and Historic Overlay district regulations and any approvals granted by the Commission of Architectural Review. And street trees will be installed in the North 32nd Street and East Marshall Street rights-of-way in front of the subject property, pursuant to the standards and requirements of the Department of Public Works.

FISCAL IMPACT / COST: The Department 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: \$1,800.00

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: April 13, 2015

CITY COUNCIL PUBLIC HEARING DATE: May 11, 2015

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, May 4, 2015

AFFECTED AGENCIES: Office of Chief Administrative Officer Law Department (for review of draft ordinance) City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None.

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Plans & Survey

STAFF: Matthew J. Ebinger, Senior Planner Land Use Administration (Room 511) 646-6308

PDR O&R No. 15-04

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RICHWOND HIGHWOND HIGHWOND HIGHWOND HIGHWOND RICHWOND HIGHWOND HIGHWOND RICHWOND 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 <u>http://www.richmond.gov.com/</u>
Application is hereby submitted for: (check one) Special use permit, new special use permit, plan amendment special use permit, text only amendment DEC 10 2014
Project Name/Location LAND USE ADMINISTRATION Project Name: 3.20 N. 3212 Street Date: 10/28/2014
Property Address: 320 N. 3202 Street Bichmed VN Tax Map #: EOO 00 131007
Fee: $(\dot{Y}\partial \partial_{\cdot} \partial_{\cdot})$ Total area of affected site in acres: (See page 3 for fee schedule, please make check payable to the "City of Richmond")
Zoning R-8 Proposed Use Current Zoning: R-8 (Please include a detailed description of the proposed use in the required applicant's report) Existing Use: Naccor + Lot Sec. A + Fached Is this property subject to any previous land use cases? Sec. A + Fached Yes Who If Yes, please list the Ordinance Number: Sec. A + Fached
Applicant/Contact Person: <u>Andy Beach</u> Company: <u>Urbon Core Development</u> Mailing Address: <u>409 E. Main Street Suite 100</u> City: <u>Richmond</u> , <u>VA</u> Telephone: <u>(KU4)</u> 212-6515 Fax: <u>(</u>)
Email: abeach@urbancareva.com Property Owner: Proyecss Bealty Group If Business Eptity pame and little of authorized signed: March and 1 2 1 14 14 12 16
If Business Entity, name and litle of authorized signee: <u>Munager Andy Beach Church Church</u> Mailing Address: <u>409 F. Mard Street Suite 100</u> City: <u>Bichmand</u> State: <u>VA</u> Zip Code: <u>23,219</u>
Telephone: (SU-1) 212-6515 Fax: ()
Email: abeach a urbanispera cam
Property Owner Signature: 14 11 12
(The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a logal representative signs for a property owner, please attach an exocuted power of attorney. Faxed or photocopied signa- tures 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 Report for 320 N. 32nd Street

The proposed project is situated at the intersection of N 32nd and Marshall Streets in Richmond's St John's Church Old and Historic Neighborhood. The site is currently vacant and is bordered along N 32nd St by large and stately brick masonry homes, some of which have been converted to multi-family, and along Marshall St by smaller, wood framed residences. The corner opposite Marshall St is occupied by a two-story brick masonry building that houses commercial space on the first level with, it appears, residential space above. The property is bordered on the west, rear line by a narrow alley. The project proposal envisions two structures on the available open land. The primary structure is shown as a twostory volume mirroring it's neighbor across Marshall St in program with commercial area on the first floor and two residential apartments above. This structure is intended to front both N 32nd and Marshall Streets and, in the spirit of the property's R-63 zoning, is conceived with a heightened decorative parapet on the corner and recessed corner entry to the commercial area. To the west of this building, the remaining area of the site is proposed to support a twofamily attached row-house fronting Marshall St. These additional row-houses increase the property's density beyond that allowed in zoning district R-63, however, it is believed the scale and siting of the two structures in conjunction with each other, along with associated site improvements, maintain the scale and density of the neighborhood and contribute to the new structure's dialog with the existing context. Parking is suggested to be provided at the far west end of the property accessed via the existing alley and its curb-cut. The commercial component will be best suited for a small cafe, bakery, or grocery store that will provide a nice amenity to the neighborhood. We believe that the special use of this lot speaks to the essence of the R-63 zoning and achieves the desired results of that zoning. It creates a functional density and neighborhood coommercial that will complement the surronding area. Because of the complementary nature of the project to the neighborhood we believe that the project will not be detrimental to safety, create congestion, cause a fire hazard, overcrowd the land or population, adversely affect the area or in any way interfere with adequate light and air.

RECEIVED DECIO20 LANDUSEADMINISTRATION







