

INTRODUCED: May 29, 2018

AN ORDINANCE No. 2018-162

To authorize the special use of the property known as 526 North Boulevard for the purpose of office uses, upon certain terms and conditions.

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

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

PUBLIC HEARING: JUNE 25 2018 AT 6 P.M.

WHEREAS, the owner of the property known as 526 North Boulevard, which is situated in a R-48 Multifamily Residential District, desires to use such property for the purpose of office uses, which use, among other things, is not currently allowed by section 30-416.1 of the Code of the City of Richmond (2015), 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 tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES:            8            NOES:            0            ABSTAIN:        \_\_\_\_\_

ADOPTED:      JUNE 25 2018      REJECTED:        \_\_\_\_\_      STRICKEN:        \_\_\_\_\_

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 30-1050.1 of the Code of the City of Richmond (2015), 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 526 North Boulevard and identified as Tax Parcel No. W000-1249/009 in the 2018 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Survey of 526 N. Boulevard, City of Richmond, Virginia,” prepared by Halder Surveys, P.C., dated September 1, 2017, 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 office uses, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “526 N Boulevard, No. 1706,” prepared by ArchitectureAF, dated September 6, 2017, 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 as office uses, including business, professional, and administrative offices, and studios of writers, designers, and artists engaged in the graphic arts, substantially as shown on the Plans and the survey attached to and made a part of this ordinance. The second and third floors of the Property may be used for residential use. No more than three dwelling units shall be permitted on the Property.

(b) No fewer than ten on-site parking spaces shall be provided on the Property for the Special Use, substantially as shown on the survey attached to and made a part of this ordinance.

(c) Signage pertaining to the Special Use shall not exceed 12 square feet in area and shall not be freestanding. Signage pertaining to the Special Use shall also comply with the requirements of the Commission of Architectural Review.

(d) No fewer than eight bicycle parking spaces shall be provided on the Property.

§ 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 (2015), 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 (2015), 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 (2015), 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 (2015), 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 certificate of occupancy for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of occupancy shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of occupancy is not made with the time period stated in the previous sentence, 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.

RECEIVED

City of Richmond

900 East Broad Street  
2nd Floor of City Hall  
Richmond, VA 23219  
www.richmondgov.com

MAY 03 2018

Item Request

File Number: PRE.2018.024

OFFICE OF CITY ATTORNEY

O & R REQUEST

APR 17 2018

4-7719


Office of the  
Chief Administrative Officer


O & R Request

DATE: April 17, 2018

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor   
(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer 

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic  4-17-18  
Development and Planning

FROM: Mark A. Olinger, Director, Department of Planning and Development Review 

RE: To authorize the special use of the property known as 526 North Boulevard, for the purpose of office use, upon certain terms and conditions.

ORD. OR RES. No. \_\_\_\_\_

**PURPOSE:** To authorize the special use of the property known as 526 North Boulevard, for the purpose of office use, upon certain terms and conditions.

**REASON:** The applicant has requested a special use permit to allow the property to continue to be used for office use, which is not a permitted use in the R-48 Multifamily Residential District.

**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 June 4, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The property is located in the Museum District neighborhood in the City's Near West Planning District. The property is also located in the Boulevard City Old & Historic District. The subject property consists of 6,675 SF (.15 acres) of land and is currently improved with a three-story, 5,627 SF

building constructed, per tax assessment records, in 1910.

A 1976 Certificate of Occupancy allowed for three medical offices on the first floor, two apartments on the second floor, and two apartments on the third floor. The first floor currently contains a legal non-conforming office use. The upper floors also contain office uses. The proposed special use permit would provide authorization for all office uses within the building. No external changes to the building are proposed as part of the special use permit approval.

The City of Richmond's Master Plan designates the subject property for Multi-Family Medium Density land use, which is characterized by primary uses such as, "...multi-family dwellings at densities up to 20 units per acre. Includes day nurseries, adult day care and residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-43 and R-48." (City of Richmond, Downtown Master Plan, p. 133)

The property is adjacent to a Neighborhood Commercial land use area, as designated by the Master Plan. "Primary uses include office, personal service and retail uses, intended to provide the daily convenience shopping and service needs of adjacent neighborhood residents. Such uses are typically small scale and low intensity, have limited hours of operation, involve a high percentage of walk-in trade and minimal vehicular traffic, and are especially compatible with adjacent low to medium density residential uses."

The property is currently zoned R-48 Multifamily Residential, as are properties to the north, east, and south. Properties to the west are located in the B-2 Community Business District. A mix of institutional, commercial, office, single- and multifamily land uses are present in the vicinity.

**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:** \$2,400

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** May 14, 2018

**CITY COUNCIL PUBLIC HEARING DATE:** June 11, 2018

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None



**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, June 4, 2018

**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

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

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

**STAFF:** Jonathan Brown, Senior Planner  
Land Use Administration (Room 511) 646-5734

*PDR O&R 18-05*



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review  
Land Use Administration Division  
900 F. Broad Street, Room 511  
Richmond, Virginia 23219  
(804) 646-6304  
<http://www.richmond.gov/>

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: 526 N. BOULEVARD Date: AUGUST 31, 2017  
 Tax Map #: W0001249009 Fee: \$ 2,400.00  
 Total area of affected site in acres: 0.153 AC.

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

**Zoning**

Current Zoning: R-4B

Existing Use: OFFICE

**Proposed Use**

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

SEE ATTACHED APPLICANT'S REPORT  
 Existing Use: LEGAL OFFICE

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** ROB LANPHEAR

Company: \_\_\_\_\_  
 Mailing Address: P.O. Box 17332  
 City: RICHMOND, State: VA Zip Code: 23226  
 Telephone: (804) 641-4947 Fax: ( ) -  
 Email: ROBLANPHEAR@GMAIL.COM

**Property Owner:** EMBASSY PROPERTIES

If Business Entity, name and title of authorized signee: John Colan, owner-partner

(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: 526 N. BOULEVARD  
 City: RICHMOND State: VA Zip Code: 23220  
 Telephone: (804) 353-4931 EXT. 14 Fax: (804) 353-9677  
 Email: COLANLAW@ADL.COM

**Property Owner Signature:** *John Colan*

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 - Applicants Report  
526 North Boulevard, Richmond VA  
September 8, 2017**

The property located at 526 North Boulevard is a three-story structure built in 1910 and on the National Historic Registry. It contains approximately 5,627 finished square feet, is located on a 0.153 acre lot and is currently zoned as R-48 including approval for commercial use on the first floor. The 1976 Certificate of Occupancy allowed for the operation of three (3) medical offices on the first floor, two (2) apartments on the second floor and two (2) apartments on the third floor. Building ownership transferred in 1980 and again in 1994. When the current owners purchased the property in 1994 the upper floors had been converted to professional office space. Since the current owners purchase in 1994, the space has been occupied and used as professional offices (three legal firms occupying all three floors).

This special use permit request is to continue the existing professional office use on the property. Further details are below:

*Anticipated number of employees:* we anticipate approximately 13 occupants of the building based on the existing office layout.

*Hours of operation:* Standard business hours of 8am-6pm, Monday – Saturday are anticipated.

*Vehicular traffic generated:* We anticipate the vehicular traffic to remain consistent with the existing professional office use. There are currently 5 onsite parking spaces accessed from the rear alley. Ample street parking exists in the area to satisfy and exceed code parking requirements.

*Compatibility with the surrounding area:* The requested use is consistent with the use that has existed for over twenty years.

*Special features of the special use permit:* This special use permit does not change the use of the site and continues the current use of the building.

In summary, this special use permit will not:

- Be detrimental to the safety, health, morals and general welfare of the community involved
- Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved
- Create hazards from fire, panic or other dangers
- Tend to cause overcrowding of land and 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, or
- Interfere with adequate light and air.

For over twenty years the property at 526 N Boulevard has been in use in the manner as requested by this special use permit. There has not been a history of adverse conditions attributed to the property. Future improvements made to the property will be in conformance with applicable building and zoning codes.



526 N BOULEVARD

No: 1706

Embassy Properties

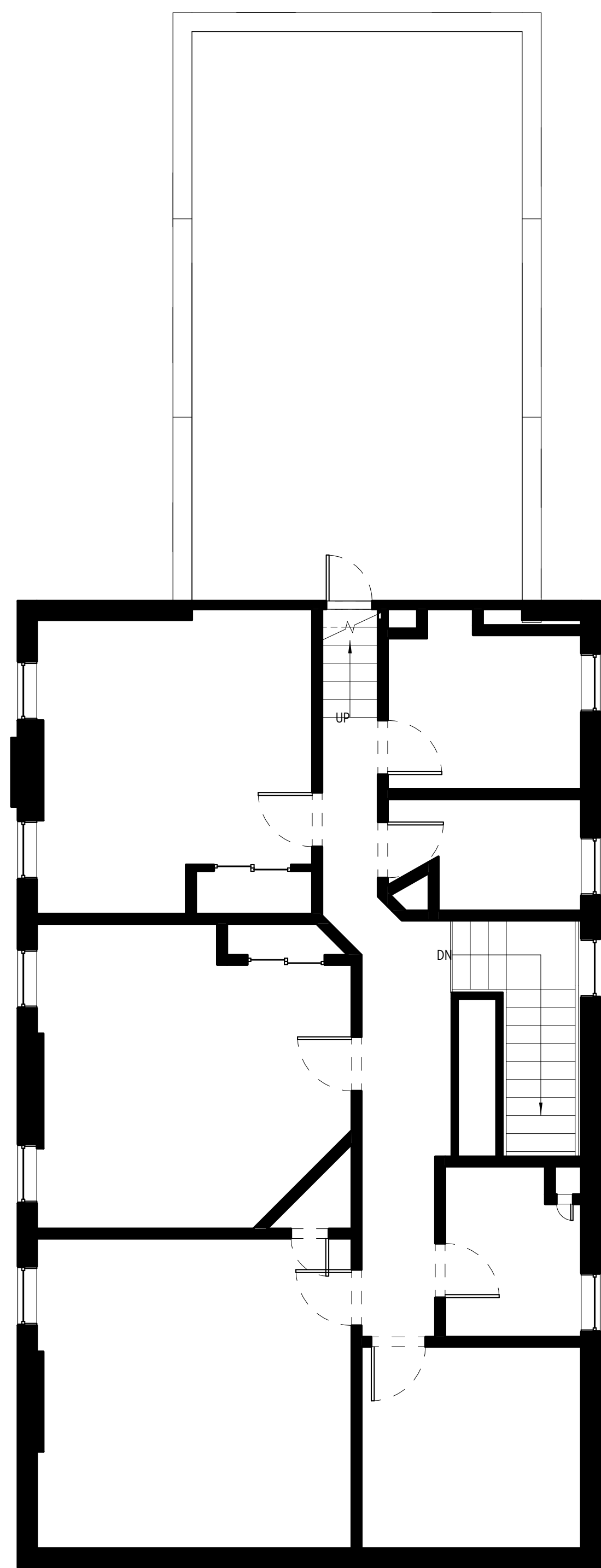
Architecture:  
Forrest Frazier, AIA  
Architecture AF  
311 N 2nd St  
Richmond, VA 23219  
(804) 774-7100  
info@architecture.af

NOT FOR CONSTRUCTION

No. Issue: Date:  
Initial Filing 09.06.2017

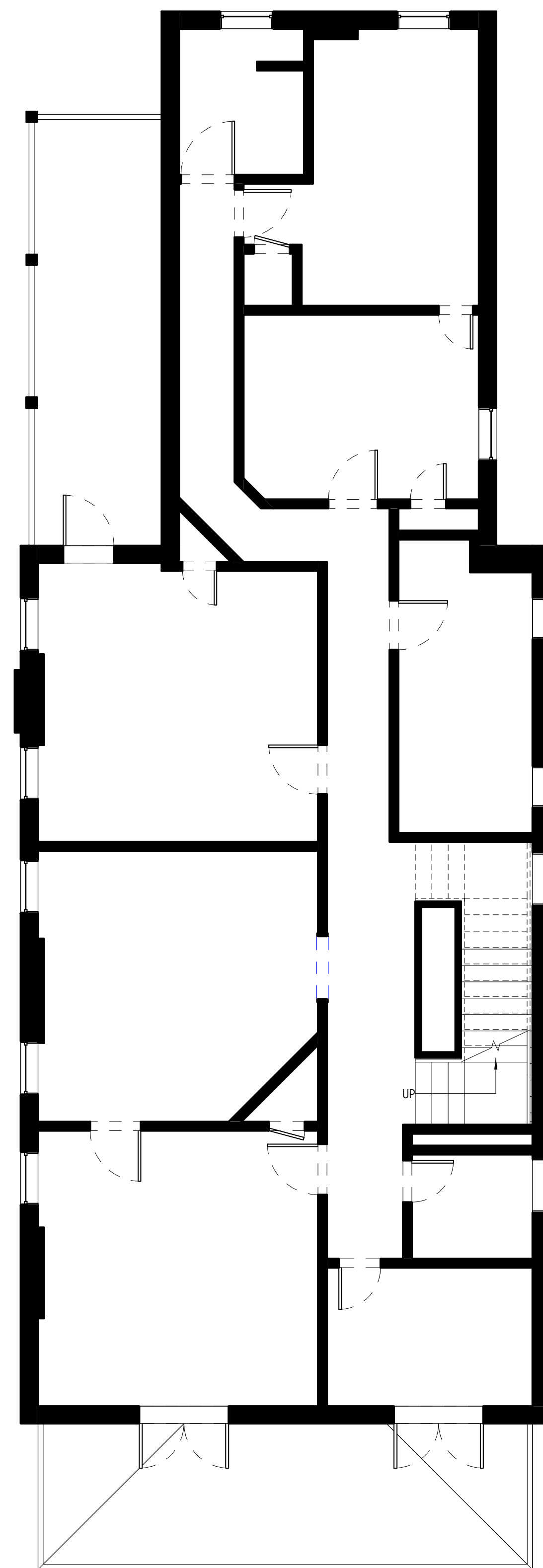
Existing Plans

A-100



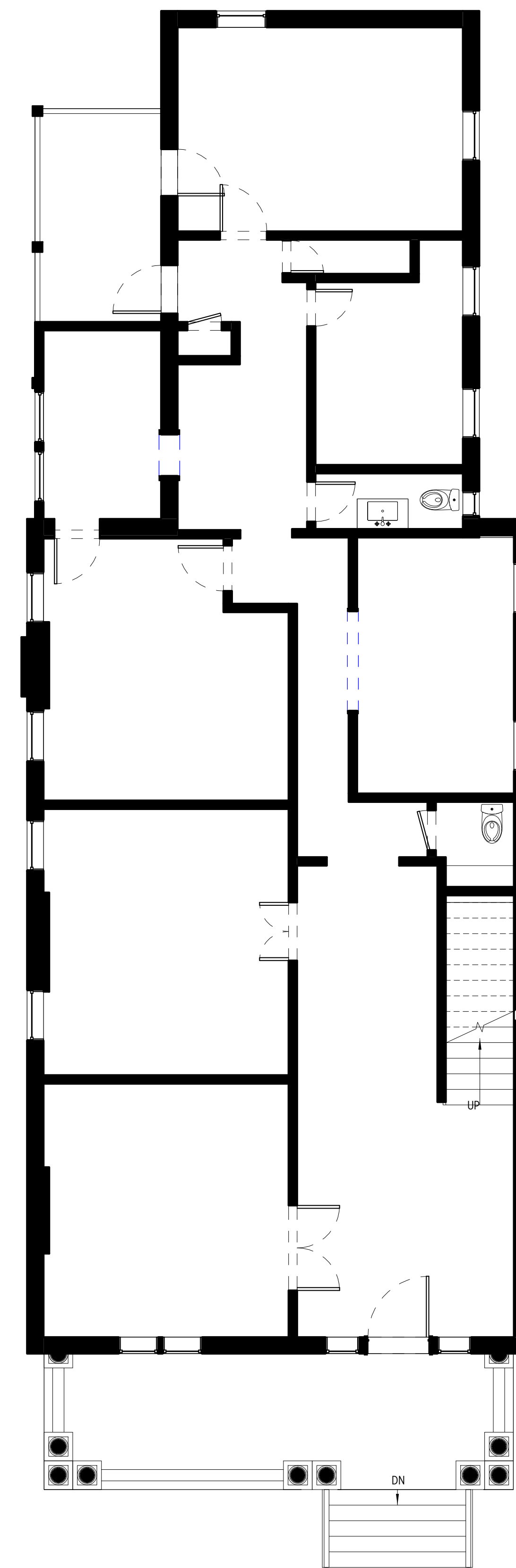
A4 LEVEL 03

3/16\"/>



A8 LEVEL 02

3/16\"/>

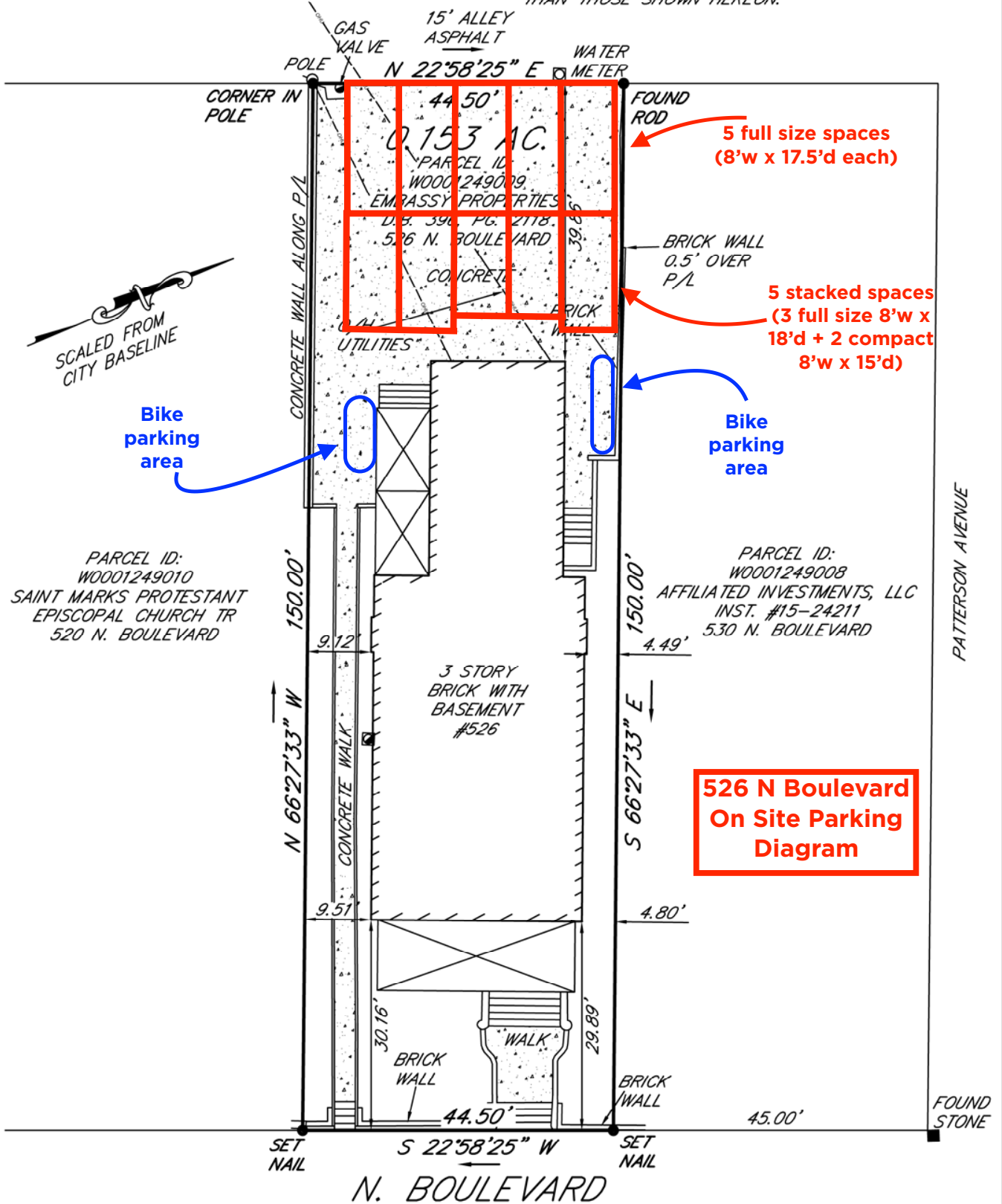


A12 LEVEL 01

3/16\"/>

THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "X" AS SHOWN ON FLOOD INSURANCE RATE MAP (F.I.R.M.) PANEL NUMBER: 5101290036D EFFECTIVE DATE: 4-2-09.

THIS IS TO CERTIFY THAT ON AUGUST 28, 2017 I MADE AN ACCURATE SURVEY OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.



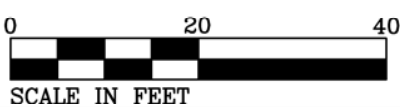
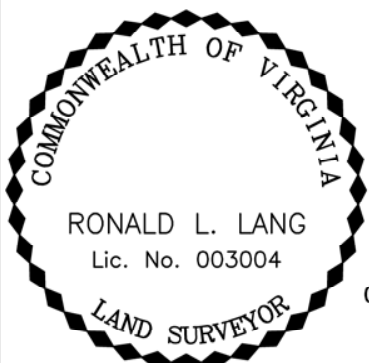
PARCEL ID: W0001249010  
SAINT MARKS PROTESTANT EPISCOPAL CHURCH TR  
520 N. BOULEVARD

PARCEL ID: W0001249008  
AFFILIATED INVESTMENTS, LLC  
INST. #15-24211  
530 N. BOULEVARD

**526 N Boulevard  
On Site Parking  
Diagram**

PLAT SHOWING SURVEY OF  
526 N. BOULEVARD  
CITY OF RICHMOND, VIRGINIA

THIS SURVEY IS SUBJECT TO ANY EASEMENTS OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.



**HALDER SURVEYS P.C.**  
10400 CHESTER ROAD  
CHESTER, VA. 23831  
PHONE: 804-748-8707

DATE: SEPTEMBER 1, 2017 SCALE: 1"=20'  
DRAWN BY: RLL  
CHECKED BY: RLL  
DWG NAME: 526 N BOULEVARD