

INTRODUCED: March 11, 2019

AN ORDINANCE No. 2019-079

To amend Ord. No. 2011-211-2012-6, adopted Jan. 23, 2012, which authorized the special use of the properties known as 535½, 537, and 541 North 2nd Street, now known as 537 North 2nd Street, for the purpose of waiving parking, building height, maximum residential floor area, and setback requirements for the construction of a mixed-use building with up to 31 dwelling units and uses permitted in the underlying zoning district, to remove a condition requiring a non-commercial mural, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 8 2019 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2011-211-2012-6, adopted January 23, 2012, be and is hereby amended and reordained as follows:

That the [~~properties~~] property known as [~~535 ½, 537 and 541~~] 537 North 2nd Street and identified as Tax Parcel [~~Nos. N000-0039/040, N000-0039/041 and N000-0039/042~~] No. N000-0039/072 in the [~~2011~~] 2019 records of the City Assessor, being more particularly shown on the plat entitled “Plat Showing Improvements on Three (3) Parcels of Land Located along North 2nd Street,” prepared by Balzer and Associates, and dated July 25, 2011, a copy of which is

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: APR 8 2019 REJECTED: _____ STRICKEN: _____

attached to and made a part of [~~this ordinance~~] Ordinance No. 2011-211-2012-6, adopted January 23, 2012, [~~are~~] is hereby permitted to be used for the purpose of a mixed-use building containing dwelling uses and uses permitted in the underlying zoning district, substantially as shown on sheets A.0, A.001 through A.004, A. 100 through A. 102, A.201 through A.206, A.301 through A.304, A.401 through A.402, and A.501 of the plans entitled “Eggleston Plaza, 541 N. 2nd Street, Richmond, VA,” prepared by Walter Parks Architect, and dated July 28, 2011, a copy of which is attached to and made a part of [~~this ordinance~~] Ordinance No. 2011-211-2012-6, adopted January 23, 2012.

§ 2. That the adoption of this ordinance shall constitute the granting of a special use permit for the property, which shall be transferable from the owner of the property to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and which shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of the property a building permit substantially in accordance with the plans referred to above for the aforementioned purposes, subject to the following terms and conditions:

(a) The owner of the property shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the property, except as otherwise provided in this ordinance.

(b) An application for a building permit for the plans referred to above shall be made within twenty-four (24) months from the effective date of this ordinance. This building permit shall expire and shall become null and void if any necessary construction has not commenced within one hundred eighty (180) days from the date of the building permit or if construction is suspended or abandoned for a period of one hundred eighty (180) days at any time after such construction has commenced, as provided in any applicable provisions of the Virginia Uniform Statewide Building

Code. Should application for the building permit not be made within twenty-four (24) months after the effective date of this ordinance or should the building permit expire and become null and void after the expiration of the twenty-four (24) month time period for making application for the building permit, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

(c) 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 subject property have been paid.

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

(e) Storm or surface water shall not be allowed to accumulate on the land. The owner, at 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 adjacent property or public streets and the use thereof.

(f) 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.

(g) The height of the building, the height of the stories, the number of stories, the setbacks and the yards on the property shall be substantially as shown on the ~~attached~~ plans attached to Ordinance No. 2011-211-2012-6, adopted January 23, 2012. The height limitation shown on the ~~attached~~ plans attached to Ordinance No. 2011-211-2012-6, adopted January 23, 2012, shall exclude architectural features and screening features, including, but not limited to, the

screening of roof mounted mechanical equipment. Roof mounted mechanical equipment shall be screened from public view.

(h) The building shall contain not more than thirty-one (31) dwelling units configured substantially as shown on the ~~[attached]~~ plans attached to Ordinance No. 2011-211-2012-6, adopted January 23, 2012.

~~(i) [A non-commercial, painted mural containing no commercial message, logo or name of a business or product and not displayed in connection with a commercial promotion or for purposes of attracting attention to a commercial activity shall be provided prior to the issuance of the certificate of occupancy at the location and with the dimensions substantially as shown the sheet A.304 of the attached plans. The final design of this mural shall be approved by the Historic Jackson Ward Association. All other signage on the property shall conform to signage regulations applicable in the underlying zoning district.]~~

~~(j)~~ No parking spaces for permitted commercial uses of the ~~[properties]~~ property shall be required. A minimum of eight (8) parking spaces shall be provided for the dwelling use of the ~~[properties]~~ property substantially as configured on the ~~[attached]~~ plans attached to Ordinance No. 2011-211-2012-6, adopted January 23, 2012. An additional eight (8) parking spaces shall be provided for the dwelling use within a 1,250-foot radius of the principal residential entrance to the building.

~~(k)~~ ~~(j)~~ In order to ensure that the special use permitted by this ordinance (i) will not be detrimental to the safety, health, and general welfare of the community involved, (ii) will not create hazards from dangers in streets, roads, alleys and other public ways and places in the area involved and (iii) will not adversely affect or interfere with public requirements, conveniences and improvements, the owner shall provide street trees within the public right-of-way substantially as

shown on sheet A.102 of the ~~[attached]~~ plans attached to Ordinance No. 2011-211-2012-6, adopted January 23, 2012. All improvements and work, including street trees, 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. No certificate of occupancy shall be issued for the property until all requirements of this subsection are fully satisfied.

~~[(4)]~~ (k) In all other respects, the use of the property shall be in accordance with the applicable underlying zoning regulations.

§ 4. That the privileges granted by this ordinance may ~~[under certain circumstances]~~ be revoked~~[. Upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit]~~ pursuant to the provisions of sections ~~[114-1050.7]~~ 30-1050.7 through ~~[114-1050.11]~~ 30-1050.11 of the Code of the City of Richmond ~~[(2004)]~~ (2015), as amended, ~~[if (a) the property owner does not abate the violation within thirty (30) days of the issuance of the notice or (b) three (3) notices of violation are issued to the property owner within any twelve (12) month period. No action taken pursuant to the provisions of this~~

~~section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner]~~ and all future amendments to such law. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section [~~114-1080~~] 30-1080 of the Code of the City of Richmond [~~(2004)~~] (2015), as amended, and all future amendments to such law or any other applicable laws or regulations.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, use of the property shall be governed thereafter by the zoning regulations prescribed for the district in which the property is then situated.

§ 6. This ordinance shall be in force and effect upon adoption.

II. This amendatory ordinance shall be in force and effect upon adoption.

City of Richmond

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

Item Request

File Number: **PRE 2019 038**

O & R REQUEST

RECEIVED

FEB 28 2019

4-8580
FEB 13 2019

Office of the
OFFICE OF CITY ATTORNEY Chief Administrative Officer

O & R Request

DATE: February 12, 2019

EDITION: 1

TO: The Honorable Members of City Council

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

JS 2/26/19

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

SCG

THROUGH: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic Development and Planning

DD

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

MAO

RE: To amend and reordain Ord. No. 2011-211-2012-6, adopted January 23, 2012, which authorized the special use of the properties known as 535 ½, 537 and 541 North 2nd Street, now known as 537 North 2nd Street, for the purpose of waiving parking, building height, maximum residential floor area and setback requirements for the construction of a mixed-use building with up to 31 dwelling units and uses permitted in the underlying zoning district, to remove a condition regarding a non-commercial mural, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To amend and reordain Ord. No. 2011-211-2012-6, adopted January 23, 2012, which authorized the special use of the properties known as 535 ½, 537 and 541 North 2nd Street, now known as 537 North 2nd Street, for the purpose of waiving parking, building height, maximum residential floor area and setback requirements for the construction of a mixed-use building with up to 31 dwelling units and uses permitted in the underlying zoning district, to remove a condition regarding a non-commercial mural, upon certain terms and conditions.

REASON: The applicant is proposing to amend the existing Special Use Permit in order to remove a condition requiring a non-commercial, painted mural to be installed on a wall of the building.

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 April 1, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is consists of a 25,651 sq. ft. or .6 acre parcel of land, improved with an existing four (4) story, mixed-use building constructed, according to tax assessment records, in 2017. The building is located in the Downtown Planning District and the Jackson Ward neighborhood.

The City of Richmond's adopted Pulse Corridor Plan designates a land use category for the subject property as NMU (Neighborhood Mixed Use). "Neighborhood Mixed use areas are cohesive districts that provide a mix of uses, but with a larger amount of residential uses than other mixed use districts. They are an urban, walkable environment with limited neighborhood oriented uses incorporated along key commercial corridors and at corner sites." (City of Richmond, Pulse Corridor Plan, p. 29)

The property is currently zoned B-2 (Community Business District) as are surrounding parcels. A mix of commercial, residential, office, and institutional land uses are present in the area.

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: \$200 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: March 11, 2019

CITY COUNCIL PUBLIC HEARING DATE: April 8, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, April 1, 2019

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.: Amend Ordinance No. 2011-211-2012-6

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

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



SUP-048583-2019

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: 537 North 2nd Street Date: 01/25/2019
Tax Map #: N0000039072 Fee:
Total area of affected site in acres: 0 Acres

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

Zoning

Current Zoning: B-2

Existing Use: Mixed-Use Multi-Family

Proposed Use

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

No Proposed Change - We are requesting to amend the SUP to remove the Mural requirement as a condition
Existing Use: Mixed-Use Multi-Family

Is this property subject to any previous land use cases?

Yes No
If Yes, please list the Ordinance Number: 2011-211-2012-6

Applicant/Contact Person: Kelvin G. Hanson

Company: Eggleston Plaza II LP
Mailing Address: 927 Hull Street
City: Richmond State: VA Zip Code: 23224
Telephone: (804) 399-7070 Fax: (804) 325-3799
Email: kgk@thehansonco.com OR DELIVER GOOD DESIGN @ GMAIL . COM

Property Owner: Eggleston Plaza II Lp

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: 927 Hull Street

City: Richmond State: VA Zip Code: 23224
Telephone: (804) 399-7070 Fax: (804) 325-3797
Email: KGK@THEHANSONCO.COM OR DELIVER GOOD DESIGN @ GMAIL . COM

Property Owner Signature: [Handwritten 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)



The Hanson Company, LLC

January 29, 2019

RE: amendment to the special use permit: Ord. 2011-211-2012-6

Matthew J. Ebinger, AICP
Principal Planner - Land Use Administration
City of Richmond

Matthew,

I am submitting an amendment to the special use permit in which we are requesting to amend the SUP to remove the mural requirement as a condition. Enclosed is the application for the amendment and a \$200 check made out to the city of Richmond.

Our goal is to have this issue resolve by February or as soon as possible. Please let me know if there is anything else you will need from me so that we can close this out quickly. If you have any questions please give me a call I can be reached at 757-286-0772

Regards,


Hannibal Hasan

The Hanson Company LLC
927 Hull Street
Richmond, Virginia 23224

(757) 286-0772 cell
(804) 325- 3799 fax