

INTRODUCED: May 28, 2019

AN ORDINANCE No. 2019-142

To amend and reordain Ord. No. 2009-225-225, adopted Dec. 14, 2009, which authorized the special use of the property known as 703 North Harrison Street for the purpose of converting the existing building for commercial uses or residential uses or both, for the purpose of removing the off-street parking requirement, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUN 24 2019 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2009-225-225, adopted December 14, 2009, be and is hereby amended and reordained as follows:

§ 1. That the property known as 703 North Harrison Street and identified as Tax Parcel No. N000-0466/038 in the 2019 records of the City Assessor, being more particularly shown on the survey entitled “survey of 703 N. Harrison Street,” prepared by Long Surveying, LLC and dated March 28, 2009, as depicted on sheet A.0 of plans entitled “703 N Harrison St,” prepared by Walter Parks Architect, and dated September 3, 2009, a copy of which is attached

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUN 24 2019 REJECTED: _____ STRICKEN: _____

to and made a part of [~~this ordinance~~] Ordinance No. 2009-225-225, adopted December 14, 2009, is hereby permitted to be used for the purpose of the construction and occupancy of up to [~~twelve (12)~~] 12 units for commercial uses consistent with the B-6 Mixed-Use Business District or dwelling units or both substantially as shown on sheets A.0, A.201, A.202, A.203, A.204, A.205, and A.301 and A.302 of the plans entitled “703 N Harrison St,” prepared by Walter Parks Architect, and dated September 3, 2009, copies of which are attached to and made a part of [~~this ordinance~~] Ordinance No. 2009-225-225, adopted December 14, 2009.

§ 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 or permits substantially in accordance with the plans referred to above for the aforementioned purpose, 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~~] Certificate of Zoning Compliance shall be made within [~~twenty four (24)~~] 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]~~ Certificate of Zoning Compliance not be made within ~~[twenty-four (24)]~~ 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 amendatory ordinance shall terminate and the special use permit for the property shall ~~[become null and void]~~ be governed by Ordinance No. 2009-225-225, adopted December 14, 2009.

(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 ~~[the Department of Community Development]~~ 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 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 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 so located or screened so as not to be visible from adjacent properties and public streets.

(g) The use of the building shall be as a maximum of ~~[twelve (12)]~~ 12 units with commercial uses consistent with the intent of the zoning regulations governing the B-6 Mixed-Used Business District as described in section ~~[114.444.1]~~ 30-444.1 of the Code of the City of

Richmond [~~(2004)~~] (2015), as amended, or dwelling units or both, substantially configured and arranged as shown on the [~~attached~~] building plans and elevations attached to Ordinance No. 2009-225-225, adopted December 14, 2009. Commercial uses shall be limited to the ground floor of the building, and shall not occupy more than four [~~(4)~~] units. The ground floor unit adjacent to North Harrison Street shall not be used for a dwelling unit. Units may be combined, layout may be altered, and such combinations and alterations shall not require an amendment to the special use permit granted by this ordinance, provided that not more than [~~twelve (12)~~] 12 units shall be permitted, and that in no case shall any unit contain fewer than [~~five hundred (500)~~] 500 square feet of space.

(h) The entryways to the building from both Harrison Street in the front and the alley on the southern side of the building shall be substantially in accordance with that shown on the [~~attached~~] plans attached to Ordinance No 2009-225-225, adopted December 14, 2009. The entryways may be altered subject to the approval of the Director of [~~Community~~] Planning and Development Review prior to the issuance of a building permit.

(i) [~~A minimum of twelve (12) parking spaces shall be provided. These parking spaces shall be provided in accordance with Article VII of Chapter 114 of the Code of the City of Richmond (2004), as amended, except that the spaces may be located within one a thousand (1000) foot radius of the property, as measured from the main entrance of the building.;~~] No off-street parking shall be required for the special use.

(j) The owner shall be responsible for the repair or replacement or both of existing sidewalk, curb, gutter, entrance ramps and pavement that may be in disrepair. Curb entrances that are no longer to be used shall be removed and replaced with sidewalk and curb to match what is adjacent to the entrance, as shown on the [~~attached~~] plans attached to Ordinance No.

2009-225-225, adopted December 14, 2009.

(k) ~~[Street trees shall be installed]~~ The owner of the property shall install street trees within the right-of-way substantially as depicted on the [attached] plans attached to Ordinance No. 2009-225-225, adopted December 14, 2009. All improvements within the right-of-way, including the installation of street trees [and lighting], shall be [subject to the approval of and in accordance with the requirements of the Director of Public Works] (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, and (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.

(l) Any encroachments existing, proposed on the attached 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)~~] (2015), as amended.

(m) Signage for the building shall be limited to that permitted for the B-6 Mixed-Use Business District pursuant to section [~~114-518~~] 30-518 of the Code of the City of Richmond [~~(2004)~~] (2015), as amended.

§ 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 through 114.1050.11 of the Code of the City of Richmond (2004), 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. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of the section 114 1080 of the Code of the City of Richmond (2004), as amended, or any other applicable laws or regulations]~~ 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.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when the use of the premises is abandoned for a period of ~~[twenty-four (24)]~~ 24 consecutive months, 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.2019.142

O & R REQUEST

4-8788
MAY 01 2019

Office of the
Chief Administrative Officer

O & R Request

DATE: April 29, 2019

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request ~~OFFICE OF THE CITY ATTORNEY~~)
(This is no way reflects a recommendation on behalf of the Mayor)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer 

THROUGH: Sharon Ebert, Chief Administrative Officer for Economic Development and Planning 

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

RE: To amend and reordain Ord. No. 2009-225-225, adopted December 14, 2009, which authorized the special use of the property known as 703 North Harrison Street for the purpose of converting the existing building for commercial uses or residential uses or both, for the purpose of removing the off-street parking requirement, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To amend and reordain Ord. No. 2009-225-225, adopted December 14, 2009, which authorized the special use of the property known as 703 North Harrison Street for the purpose of converting the existing building for commercial uses or residential uses or both, for the purpose of removing the off-street parking requirement, upon certain terms and conditions.

REASON: The applicant has requested an amendment to the special use permit to allow for the removal of the off-street parking requirement of the special use permit, due to the loss of off-site surface parking that had been used to meet the parking requirement.

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 17, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 6,456 SF (.14 acre) parcel of land improved with a two-story, mixed-use building containing constructed, according to tax assessment records, in 1920. The building is located in the Near West Planning District and the Carver neighborhood.

The current special use permit authorizes up to 12 commercial or dwelling units and requires a minimum of 12 off-street parking spaces within a radius of 1,000' of the property.

The City of Richmond's adopted Pulse Corridor Plan designates a land use category for the subject property as 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 M-1 Light Industrial as are parcels to the west and north. Properties to the south and east are primarily R-7 Single- and Two-Family Urban Residential. A mix of commercial, residential, and institutional land uses are also 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: \$1,200 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 28, 2019

CITY COUNCIL PUBLIC HEARING DATE: June 24, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
June 17, 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.: Amendment of Ord. No. 2009-225-225

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 804-646-5734



February 8, 2019

Mr. Mark Olinger, Director
Department of Planning & Development Review
900 East Broad Street, Suite 511
Richmond, VA 23219
Mark.Olinger@richmondgov.com

RE: Applicant's Report for a Special Use Permit Amendment for 703 N Harrison Street and 410 N Hancock Street

Dear Mr. Olinger,

Please accept this letter as the Applicant's Report for the Special Use Permit Amendment application for 703 N Harrison Street and 410 N Hancock Street. With this application, the owners of the subject properties are petitioning the City Council to remove the off-street parking requirement for the properties. The remaining conditions in the SUPs would stay in place as they currently exist.

The proposed special use permit amendments would apply to two ordinances governing two properties across the alley from each other in the Carver neighborhood. Both ordinances were originally authorized in 2009 to allow for this adaptive redevelopment of two historic buildings into small mixed-use multi-family buildings. 703 N Harrison Street is 0.148 acres and is improved with an historic building taking up nearly the entire lot. The building is approximately 12,900 square feet and contains 11 dwelling units and one commercial space. 410 N Hancock Street is 0.103 acres and is also improved with an historic building occupying nearly the entire lot. This building is approximately 8,410 square feet and contains ten dwelling units.

The properties are currently located in the M-1 Light Industrial District which permits a wide variety of commercial and industrial land uses but prohibits any residential uses. This zoning has been in place for many decades and is no longer compatible with the development pattern in the area. This zoning is what necessitated the two SUPs in 2009. Adjacent zoning along Broad Street is B-4 and does not have parking requirements for multi-family uses with less than 16 units.

The special use permits authorizing the use of the existing buildings required one off-street parking space to be provided for each unit and allowed them to be provided off-site within 1,000 feet of the subject properties. At the time the ordinance was approved there were several surface parking lots in the vicinity that provided the off-street parking for these properties. Since then, those parking lots have been developed with higher and better uses and these properties are no longer able to comply with the off-street parking requirement in the special use permit.

The Pulse Bus Rapid Transit system has also been installed two blocks from the properties and Virginia Commonwealth University has started offering bike share programs since the original approval of the special use permits. These changes in the University and the public transit system reduce the need for residents in the area to have cars. In fact, in an effort to support the Pulse, the City has recently updated parking requirements and zoning along the corridor.

The properties are recommended by the Master Plan for Neighborhood Mixed-Use. According to the Pulse Corridor Plan, this category is designed to provide for an urban, walkable environment with a smattering of neighborhood oriented commercial uses. The building size, density, and zoning districts for these areas will vary depending on historic densities and neighborhood characteristics. The Plan has corridor wide goals of removing parking requirements for smaller-scale projects as a way to reduce barriers to entry and diversity of housing choice.

This request to remove the parking requirement for these two existing developments is consistent with surrounding parking requirements and the goals of the Pulse Corridor Plan to remove parking requirements for small-scale projects and encourage the use of the public transit system. It is also consistent with the historic character of the area and will allow for the continued use of the historic buildings to offer high quality housing options in the area.

We trust that you will agree with us that this proposed amendment to the SUPs meet the City Charter criteria for the granting of SUPs as the project 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.

Thank you for your consideration of this application. Please feel free to contact me at lory@markhamplanning.com or (804) 248-2561 if you have any questions or require additional materials to process the application.

Very Truly Yours,



Lory Markham

Enclosures

cc: The Honorable Kimberly Gray
Matthew Ebinger, Secretary to the City Planning Commission

