

March 16, 2021

Mr. Matthew Ebinger
Planning and Development Review
900 East Broad Street, Room 511
Richmond, VA 23219

Jennifer D. Mullen
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Re: Special Use Permit Amendment Application 1407 Cummings Drive

Dear Mr. Ebinger:

This letter shall serve as the applicant's report accompanying a request to amend the special use permit (Ordinance 2016-261) (the "SUP") for the property located at 1407 Cummings Drive ("the Property"). My firm represents the owner of the Property. The SUP permitted the Property to be used for the purpose of residential use with up to 40 units accessory to a vocational school within the six-story tower, which has been implemented. The owner requests an amendment of the SUP to permit the rearrangement of the dormitory-style dwelling and multifamily dwellings within the tower. In addition, we request a nightclub be permitted as part of the overall redevelopment of the property. The nightclub use would be on the second floor and roof deck in an area that would depend upon the ultimate user of the space. It would allow room for standing or dancing in an area where alcohol will be served past midnight until 2 am. The Property is currently zoned M-1 and is used for industrial warehouse and distribution and office uses in addition to the uses permitted by the SUP.

The Property is used for Michael and Son Services, Inc., an electrical services company, the vocational school and the accessory residential use authorized by the SUP. The owner requests the amendment permit the dormitory-style dwellings on certain floors as shown on the amended plans and to permit the remainder of the dwellings in the tower for multifamily dwelling use. In the event the owner converts the dormitory-style dwellings into multifamily dwellings, such use would also be permitted without an amendment to the SUP.

Richmond 300 Plan Designation

The Richmond 300 Plan recommends Industrial Mixed Use for the Property. This land use category is described in the Richmond 300 Plan to promote new mixed use development blending with existing industrial uses. The Property is also within a National/Regional Node, which further encourages increased density and a range of uses. The proposal would also support a number of transit-oriented design principles contained in the Richmond 300 Plan.

Findings of Fact

The following are factors included in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed amendment to the SUP will not:

- **Be detrimental to the safety, health, morals and general welfare of the community involved.**

{01122298;v3}

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The proposed SUP will not impact the safety, health, morals and general welfare of the community involved. The development of this underutilized property as proposed, in conjunction with the high quality/benefits provided by the SUP, will provide positive impacts in terms of health, welfare, etc.

- **Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.**
The proposed SUP will not result in significant traffic impacts to nearby residential neighborhoods. The anticipated traffic generation will easily be handled by the existing road network. Off-street parking is proposed, and the overall provision of parking exceeds the typical zoning requirements, which will alleviate any potential impacts due to additional parking demand. As such, the SUP will not create congestion on streets, roads, alleys or any other public right of way.
- **Create hazards from fire, panic or other dangers.**
The property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.
- **Tend to overcrowding of land and cause an undue concentration of population.**
The proposed SUP will not tend to overcrowd the land or create an undue concentration of population. The request is consistent with the guidance offered by the Pulse Corridor Plan, and is therefore representative of the community's goal with regard to density along the Pulse corridor.
- **Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.**
The proposed SUP would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.
- **Interfere with adequate light and air.**
The light and air available to the subject and adjacent properties will not be adversely affected.

Thank you for your time and consideration of this request. Should you have any further questions about this request, please do not hesitate to contact me.

Sincerely,



Jennifer D. Mullen

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