



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2021-191: To amend and reordain Ordinance No. 2016-261, adopted November 14, 2016, which authorized the special use of a portion of the property known as 1407 Cummings Drive for the purpose of a residential use with up to 40 units accessory to a vocational school and other permitted principal uses on the property, to authorize additional multifamily dwelling units and a nightclub use, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: July 19, 2021

PETITIONER

Jennifer Mullen, Esq.

LOCATION

1407 Cummings Drive

PURPOSE

To amend and reordain Ordinance No. 2016-261, adopted November 16, 2016, which authorized the special use of a portion of the property known as 1407 Cummings Drive for the purpose of a residential use with up to 40 units accessory to a vocational school and other permitted principal uses on the property, to authorize additional multifamily dwelling units and a nightclub use, upon certain terms and conditions.

SUMMARY & RECOMMENDATION

The applicant is proposing to modify the arrangement of the dwellings on the fourth floor of the tower portion of the building on the property from a dormitory arrangement with sixteen beds to a multifamily dwelling with four dwelling units. The current arrangement of the tower was authorized by Ordinance No. 2016-261. The applicant is requesting that the entire tower portion of the building on the property also be permitted as multi-family residential use in the event that the vocational school no longer uses some or all of the dwellings to house its students. The applicant is also proposing to add a nightclub use to the property, which is permitted with a conditional use permit; rather than seeking a separate conditional use permit, the applicant is requesting that the nightclub use be authorized through the special use permit amendment.

Staff finds that the proposal to modify the arrangement of dwellings within the tower portion of the building for additional multifamily dwelling units and to add a nightclub use is consistent with the recommendations of Richmond 300. The recommended land use for the Property is Industrial Mixed-Use. Multifamily residential and commercial uses are both primary uses for Industrial Mixed-Use. The subject property is also part of the "Ownby District" of the Greater Scott's Addition priority growth node, which is envisioned as "a core of dense mixed-use development employing the latest in sustainable practices relating to energy and water on a district scale." The Planning Commission voted to recommend approval of rezoning the subject property to B-7 Business Mixed-Use at its July 6, 2021 meeting, which would allow the proposed multi-family use by-right and would continue to allow nightclub use with a conditional use permit. The ordinance requires

that a management plan be submitted to the Zoning Administrator prior to establishing the nightclub use on the property.

Staff finds that with the ordinance conditions the safeguards contained within the City Charter, relative to the granting of Special Use Permits, are met. Specifically, staff finds that the proposed use would not be detrimental to the general welfare of the community involved and would not create congestion in the streets in the area involved.

Therefore, staff recommends approval of the Special Use Permit amendment request.

FINDINGS OF FACT

Site Description

The subject property consists of a 9.25 acre parcel of land improved with an industrial building containing call center, warehouse/distribution, and a vocational school with accessory residential uses. The property is located in The Diamond neighborhood and is bound by Interstate 95/64, Cummings Drive, and Durham Street.

Proposed Use of the Property

The proposed Special Use Amendment is for a residential use with up to 40 units accessory to a vocational school, multifamily dwellings, and a nightclub.

Master Plan

The Richmond 300 master plan recommends a future land use of “Industrial Mixed Use” for the property. The primary uses recommended for Industrial Mixed Use are retail/office/personal service, multi-family residential, cultural, and open space. Secondary uses are institutional and government. The intensity recommended for Industrial Mixed Use is typically medium to high density, with typical building heights ranging from three to eight stories. The development style is a mix of building types with low scale post industrial buildings that are adapted for a new use adjacent to new taller residential and/or office buildings. Buildings should have street oriented facades with windows and door openings along street frontages. New developments should continue or introduce a gridded street pattern to increase connectivity. Pedestrian, bicycle and transit access must be prioritized and accommodated, and new driveway entrances are prohibited on the main street frontages with minimal driveway entrances on secondary streets as alley access should be utilized where possible. Parking area should be located to the rear of street facing buildings.

The property is also located within the “Greater Scotts Addition” primary growth node, which envisions the subject property to be located within the Industrial Mixed Use District, which is an area that combines entertainment, residential, office and light industrial uses.

Zoning and Ordinance Conditions

The Property is currently located within the M-1 Light Industrial District and is also governed by a special use permit adopted on November 14, 2016, as Ordinance No. 2016-216 that authorized

a residential use with up to 40 units accessory to a vocational school and other permitted principal uses on the property. A special use permit amendment is necessary in order to modify the arrangement of the residential use on the property as well as adding a nightclub use to the property.

The ordinance for the special use permit amendment would impose conditions on the Property, including:

- (a) The Special Use of the Property shall be a residential use with up to 40 units that may be accessory to a vocational school, a multifamily residential use, nightclub use, and other permitted principal uses on the Property [and shall be located within the six-story tower portion of the existing building located on the Property]. The first through the ~~[fourth]~~ third floors [shall] within the six story tower portion of the existing building located on the Property may consist of a residential use in the form of a dormitory with a capacity of no more than 16 beds per floor. If all or a portion of the first through the third floors within the six story tower portion of the existing building located on the Property is not used for residential use in the form of a dormitory, such floors may be used for multifamily use. The fourth, ~~fifth~~, and sixth floors shall consist of a multifamily dwelling [containing no more than eight dwelling units], substantially as shown on the Plans.
- (b) ~~[The residential uses]~~ If the first through the third floors within the six story tower portion of the existing building located on the Property are used in the form of a dormitory pursuant to section 3(a), such residential use shall not be available to the general public and shall only be available to students of a vocational school located on the Property and persons directly related to the business or operation of other permitted principal uses on the Property. Residence by students shall only take place for the duration of programs of the vocational school [; and residence by persons directly related to the business or operation of other permitted principal uses shall only take place for periods of no more than one week].
- (c) The residential uses shall be served by no fewer than 18 parking spaces located on the Property or within a radius of 500 feet.
- (d) All mechanical equipment serving the Special Use shall be located or screened so as not to be visible from any public right-of-way.
- (e) No areas devoted to the parking or circulation of vehicles shall be located between the six-story tower portion of the existing building located on the Property and the street line. This prohibition shall extend along Cummings Drive a distance of 200 feet from its intersection with Durham Street and along Durham Street a distance of 95 feet from its intersection with Cummings Drive.

- (f) A management plan detailing the operation of the nightclub use, pursuant to section 30-1045.6(6)(a) of the Code of the City of Richmond (2020), as amended, shall be submitted to the Zoning Administrator prior to establishing the nightclub use on the Property.
- (g) Short-term bicycle parking to accommodate a minimum of ten bicycles shall be provided on the Property prior to issuance of a final certificate of occupancy for the multifamily dwelling use located on the fourth floor of the six story tower portion of the existing building located on the Property.

Surrounding Area

The subject property and properties to the north, south, east, and west are located in the M-1 Light Industrial District. It should be noted that the subject property and surrounding properties were recommended by the Planning Commission at its July 6, 2021 meeting to be rezoned to B-7 Business Mixed-Use District. City Council will vote on the rezoning ordinance at its July 26, 2021 meeting.

Warehouse, manufacturing and retail uses are located to the north, west and south of the subject property. Interstate 95/64 is located to the east of the subject property.

Neighborhood Participation

Staff notified area residents and property owners of the special use permit amendment. No letters of support or opposition have been received.

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