



## Legislation Details (With Text)

**File #:** ORD. 2022-021    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Adopted  
**File created:** 12/7/2021    **In control:** City Council  
**On agenda:** 2/22/2022    **Final action:** 2/28/2022

**Title:** To amend and reordain Ord. No. 2008-192-194, adopted Sept. 8, 2008, as previously amended by Ord. No. 2009-45-125, adopted Jun. 22, 2009, which authorized the special use of the property known as 305 North 18th Street for the purpose of a mixed-use, multifamily dwelling and allowed the alteration of the design of the building, to modify the site plan and on-site parking requirements, upon certain terms and conditions. (7th District)

**Sponsors:** Mayor Stoney (By Request)

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord. No. 2022-021, 2. Staff Report, 3. Application Form and Applicant's Report, 4. Plans, 5. Survey, 6. Map

Date	Ver.	Action By	Action	Result
2/28/2022	2	City Council	adopted	
2/22/2022	1	Planning Commission		
1/24/2022	2	City Council	introduced and referred	

To amend and reordain Ord. No. 2008-192-194, adopted Sept. 8, 2008, as previously amended by Ord. No. 2009-45-125, adopted Jun. 22, 2009, which authorized the special use of the property known as 305 North 18<sup>th</sup> Street for the purpose of a mixed-use, multifamily dwelling and allowed the alteration of the design of the building, to modify the site plan and on-site parking requirements, upon certain terms and conditions. (7<sup>th</sup> District)

I. That Ordinance No. 2008-192-194, adopted September 8, 2008, as previously amended by Ordinance No. 2009-45-125, adopted June 22, 2009, be and is hereby amended and reordained as follows:

§ 1. That the property known as 305 North 18<sup>th</sup> Street and identified as Tax Parcel No. E000-0186/026 in the [2008] 2022 records of the City Assessor, being more particularly shown on the survey entitled “ALTA/ACSM Land Title Survey of 1.54 Acres of Land Situated at the Intersection of East Broad Street, State Route #33, and 18<sup>th</sup> Street, City of Richmond, Virginia,” prepared by Townes Site Engineering, dated October 8, 2007 and revised October 17, 2007, incorporated into Sheet C2 of the plans entitled “Cedar Broad Special Use Permit”, prepared by Koontz-Bryant, P.C., dated June 25, 2008 a copy of which is attached to and made a

part of Ordinance No. 2008-192-194, ~~[are]~~ adopted September 8, 2008, and on the survey entitled “ALTA/ACSM Land Title Survey Showing 1.549 Acres of Land Located at the Intersection of Cedar Street and East Broad Street,” prepared by Koontz-Bryant, P.C., and dated September 8, 2011, a copy of which is attached to and made a part of this amendatory ordinance, is hereby permitted to be used for a mixed-use development, substantially as shown on Sheets A.101, A. 201 through A.206, and A.211 of the plans entitled “Cedar Broad, 305 North 18<sup>th</sup> Street, Richmond, VA,” prepared by Walter Parks Architect and dated November 26, 2008, Sheets A. 301 through A.305, A.401, A.402, A.416, A.417, and A.506 of the plans entitled “Cedar Broad, 305 North 18<sup>th</sup> Street, Richmond, VA,” prepared by Walter Parks Architect, dated November 26, 2008 and last revised May 7, 2009, and on Sheets C1 through C3 and LP1 through LP2 of the plans entitled “Cedar Broad Special Use Permit,” prepared by Koontz-Bryant, P.C., dated April 7, 2008 and revised through November 17, 2008, copies of which are attached to and made a part of ~~[this ordinance]~~ Ordinance No. 2009-45-125, adopted June 22, 2009, except as modified by the plans entitled “Construction Area of Pool and Sun Deck,” prepared by Emerson-Roper Companies, and dated June 9, 2021, and as shown on sheets A.1 and A.2 of the plans entitled “Cedar Broad Pool, Richmond, Virginia,” prepared by Walter Parks Architect, and dated June 28, 2021, copies of which are attached to and made a part of this amendatory ordinance.

§ 2. That the adoption of this ordinance shall constitute the granting of a special use permit for the, 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 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) Application for a building permit for the above referenced plans shall be made within [~~twenty-four (24) months~~] 730 days from the effective date of this amendatory ordinance. This building permit shall expire and shall become null and void if any necessary construction has not commenced within [~~one hundred eighty (180)]~~ 180 days from the date of the building permit or if construction is suspended or abandoned for a period of [~~one hundred eighty (180)]~~ 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~~] 730 days after the effective date of this amendatory ordinance or should the building permit expire and become null and void after the expiration of the [~~twenty-four (24) month~~] 730-day time period for making application for the building permit, the privileges granted by this amendatory 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 [~~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 located or screened so as not to be visible from adjacent properties and public streets.

(g) The use of the property shall be a mixed-use development with a maximum of [~~two hundred~~

~~four (204)] 204~~ dwelling units and a minimum of [~~eight thousand (8,000)] 8,000~~ square feet of commercial space within the first or ground floor of the structure along the East Broad Street and North 18<sup>th</sup> Street frontages and configured and arranged substantially as depicted on the [~~attached~~] plans attached to Ordinance No. 2009-45-125, adopted June 22, 2009, except as modified by the plans entitled “Construction Area of Pool and Sun Deck,” prepared by Emerson-Roper Companies, and dated June 9, 2021, and as shown on sheets A.1 and A.2 of the plans entitled “Cedar Broad Pool, Richmond, Virginia,” prepared by Walter Parks Architect, and dated June 28, 2021, copies of which are attached to and made a part of this amendatory ordinance. Any permitted principal use allowed within the B-6 Mixed-Use Business Zoning District shall be permissible within the designated commercial spaces of the proposed building as shown on the [~~attached~~] plans attached to Ordinance No. 2009-45-125, adopted June 22, 2009, except as modified by the plans entitled “Construction Area of Pool and Sun Deck,” prepared by Emerson-Roper Companies, and dated June 9, 2021, and as shown on sheets A.1 and A.2 of the plans entitled “Cedar Broad Pool, Richmond, Virginia,” prepared by Walter Parks Architect, and dated June 28, 2021, copies of which are attached to and made a part of this amendatory ordinance.

(h) One [~~(1)]~~ bedroom dwelling units shall be a minimum of [~~five hundred (500)] 500~~ square feet in area. Two [~~(2)]~~ bedroom dwelling units shall be a minimum of [~~seven hundred (700)] 700~~ square feet in area. Three [~~(3)]~~ bedroom dwelling units shall be a minimum of [~~nine hundred (900)] 900~~ square feet in area. All dwelling units within the building shall contain an average of no less than [~~six hundred (600)] 600~~ square feet in area.

(i) Final exterior building materials shall be as shown on the [~~attached~~] plans attached to Ordinance No. 2009-45-125, adopted June 22, 2009, except as modified by the plans entitled “Construction Area of Pool and Sun Deck,” prepared by Emerson-Roper Companies, and dated June 9, 2021, and as shown on sheets A.1 and A.2 of the plans entitled “Cedar Broad Pool, Richmond, Virginia,” prepared by Walter Parks Architect, and dated June 28, 2021, copies of which are attached to and made a part of this amendatory ordinance. [~~Alternative~~] With the exception of improvements shown on such plans, copies of which are

attached to and made a part of this amendatory ordinance, alternative building materials may be used, subject to the approval of the Director of [Community Development] Planning and Development Review. The following exterior materials and their colors shall be subject to the approval of the Director of [Community Development] Planning and Development Review prior to the issuance of any applicable building permits:

1. The fiber cement panel system.
2. The perforated metal screen and open grating around the parking area.
3. The painted steel balcony railings.
4. The rusticated brick units and the color of the brick types.

(j) 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)~~] (2020), as amended.

(k) All signage on the site must comply with the sign regulations for the B-6 Mixed-Use Business Zoning District, as set forth in section [~~114-518~~] 30-518 of the Code of the City of Richmond [~~(2004)~~] (2020), as amended.

(l) Parking spaces shall be provided at a minimum ratio of one parking space per dwelling unit. [~~One hundred seventy three (173)~~] One hundred sixty-eight on-site parking spaces shall be provided to serve the use or uses of the properties configured and arranged substantially as depicted on the [~~attached~~] plans attached to Ordinance No. 2009-45-125, adopted June 22, 2009, except as modified by the plans entitled “Construction Area of Pool and Sun Deck,” prepared by Emerson-Roper Companies, and dated June 9, 2021, and as shown on sheets A.1 and A.2 of the plans entitled “Cedar Broad Pool, Richmond, Virginia,” prepared by Walter Parks Architect, and dated June 28, 2021, copies of which are attached to and made a part of this amendatory ordinance. A maximum of [~~thirty~~] 30 percent [~~(30%)~~] of these spaces are permitted to meet the dimensions of a compact parking space as defined by section [~~114-710.3:1(a)~~] 30-710.3:1(a) of the Code of the City of Richmond [~~(2004)~~] (2020), as amended. In addition to the on-site parking, no fewer than [~~thirty-one~~

(31) 31, or the minimum number required to provide the desired one parking space per dwelling unit ratio, off-site parking spaces shall be provided within a [~~one thousand~~] 1,000 feet [~~(1,000')~~] radius of the East Broad Street entrance to the residential portion of the building.

(m) Landscaping, lighting, and streetscape improvements shall be provided, substantially as depicted on LP1 and LP2 of the [~~attached~~] plans attached to Ordinance No. 2009-45-125, adopted June 22, 2009, except as modified by the plans entitled "Construction Area of Pool and Sun Deck," prepared by Emerson-Roper Companies, and dated June 9, 2021, and as shown on sheets A.1 and A.2 of the plans entitled "Cedar Broad Pool, Richmond, Virginia," prepared by Walter Parks Architect, and dated June 28, 2021, copies of which are attached to and made a part of this amendatory ordinance, and in accordance with the required permits issued by the Urban Forestry Division of the Department of Public Works and by the Department of Public Utilities.

(n) The height of building on the Property shall not exceed [~~eighty-five~~] 85 feet [~~(85')~~], substantially as shown on the [~~attached~~] plans attached to Ordinance No. 2009-45-125, adopted June 22, 2009.

§ 4. [~~That the~~] 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)~~] (2020), 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 laws. 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)]~~ (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

§ 5. ~~[That when]~~ 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 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. This ordinance shall be in force and effect upon adoption.

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

### O & R Request

**DATE:** December 13, 2021

**EDITION:** 1

**TO:** The Honorable Members of City Council

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

**THROUGH:** J.E. Lincoln Saunders, Chief Administrative Officer

**THROUGH:** Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

**FROM:** Kevin J. Vonck, Director, Department of Planning and Development Review

**RE:** To authorize the amendment ordinance 2009-45-125, adopted June 22, 2009 which authorized the amendment of ordinance 2008-192-194, adopted on September 8, 2008 authorizing the special use of the property known as 305 North 18<sup>th</sup> Street for the purpose of a mixed-use, multi-family dwelling in order to allow the modification of the site plan and on-site parking requirements, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To authorize the amendment ordinance 2009-45-125, adopted June 22, 2009 which authorized the amendment of ordinance 2008-192-194, adopted on September 8, 2008 authorizing the special use of the property known as 305 North 18<sup>th</sup> Street for the purpose of a mixed-use, multi-family dwelling in order to allow the modification of the site plan and on-site parking requirements, upon certain terms and conditions.

**REASON:** The subject property is located in the M-1 Light Industrial Zoning District and dwelling units are not permitted uses in this district. Ordinance number 2008-192-194 authorized 192 dwelling units and required a swimming pool and clubhouse to be located on the roof of the proposed structure. Ordinance number 2009-45-125 amended the special use to remove this requirement for rooftop amenities. The current proposed

amendment seeks authorization to construct an on-site swimming pool and deck as well as to reduce the minimum on-site parking requirements. Therefore a special use permit amendment is requested.

**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 February 7, 2022 meeting.

**BACKGROUND:** The subject property has a principal frontage on North 18<sup>th</sup> Street as well as frontage along East Marshall Street to the north, East Broad Street to the south, and North Cedar Street to the east. The property is approximately 1.54 acres and is improved with a structure containing 204 dwelling units located above ground floor commercial uses.

Residential uses are not authorized in the underlying M-1 Light Industrial Zoning District and a special use of the property was granted for this purpose. Approximately 8,000 square feet of commercial area is located along the ground floor East Broad Street and North 18<sup>th</sup> Street frontages. Parking is provided at a ratio of one space per dwelling unit. A total of 173 parking spaces are provided on-site and 31 spaces are located off-site within a 1,000 foot radius.

The Richmond 300 Master Plan recommends Destination Mixed Uses for the Property. Primary uses include multi-family residential, retail, and office uses.

Properties to the north, south and east are located in the B-5 Central Business District and contain a variety of uses including mixed use buildings, industrial uses, single-family dwellings, offices, and a park.

**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:** \$1,800 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** January 10, 2022

**CITY COUNCIL PUBLIC HEARING DATE:** February 14, 2022

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission February 7, 2022

**AFFECTED AGENCIES:** None

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

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

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

**STAFF:** David Watson, Senior Planner, Land Use Administration, 804-646-1036

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: