



# City of Richmond

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

## Legislation Text

---

**File #:** ORD. 2014-196-177, **Version:** 1

---

To amend Ord. No. 2013-245-2014-14, adopted Feb. 10, 2014, which authorized the special use of a portion of the property known as 3805 Cutshaw Avenue for a multifamily dwelling with a total of up to sixty-six (66) dwelling units, for the purpose of amending the site plan and removing the requirements to provide a rooftop deck and to subdivide the property, upon certain terms and conditions.

### O & R Request

**DATE:** August 12, 2014

**EDITION:** 1

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

**THROUGH:** Dwight C. Jones, Mayor (Patron: Mayor, by Request)  
(This in no way reflects a recommendation on behalf of the Mayor.)

**THROUGH:** Byron C. Marshall, Chief Administrative Officer

**THROUGH:** Peter H. Chapman, Deputy Chief Administrative Officer

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

**SUBJECT:** Special use permit amendment for 3805 Cutshaw Avenue to remove requirements for a rooftop deck and to subdivide the property for a multifamily development.

**ORD. OR RES. No.** \_\_\_\_\_

**PURPOSE:** To amend Ord. No. 2013-245-2014-14, which authorized the special use of a portion of the property known as 3805 Cutshaw Avenue for the purpose of authorizing a multifamily dwelling with a total of up to sixty-six (66) dwelling units, to amend the site plan and remove the requirements to provide a rooftop deck and to subdivide the property, upon certain terms and conditions.

**REASON:** The subject property is located in an RO-2 Residential-Office zoning district. The applicant is proposing the adaptive reuse of a vacant office building into a multifamily residential building with a residential density that is not permitted in the RO-2 district. The applicant received a special use permit for the development in early 2014. That authorization required a rooftop deck be provided as amenity space for the

future residents. The special use permit also permitted the property to be subdivided, which allowed for future development on a portion of the site. The proposed subdivision of the property was required by the special use permit. The applicant no longer wishes to subdivide the property and is able to provide outdoor amenity space for the residents on the existing parcel, which removes the necessity for the rooftop deck. Therefore, the applicant has requested a special use permit amendment.

**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 October 6, 2014 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property is a 1.283 acre parcel located in the City's Sauer's Gardens neighborhood at the corner of Cutshaw Avenue, North Hamilton Street, and Kent Road. The property consists of a 5-story vacant office building and unscreened surface parking.

The subject property is part of a larger RO-2 district and is across Kent Road from R-53 and R-5 districts. A mix of commercial, institutional, office, and single- and multifamily land uses are present in the area.

The City of Richmond's Master Plan designates the subject property for Transitional Office land use. Primary uses are low to medium intensity professional, business and administrative offices, and medical and dental clinics that are compatible with adjacent residential uses and serve as separation between residential areas and nearby commercial or other higher intensity land uses or features (p. 134). The Plan recommends RO-2 Residential Office zoning for these areas, which, as stated above, is the underlying zoning of the subject property.

The original special use permit allowed for the renovation of the existing office building for multifamily use with up to 66 total units. This five-story building was constructed in 1964 with a height of approximately 70 feet and predates the RO-2 zoning of the property and the district's 35 feet maximum height limitation. Under current RO-2 zoning, multifamily uses are permitted at a density of approximately 35 units per acre. The original proposal would provide a residential density of approximately 75 units per acre taking into account the proposed division of the property. The proposed amendment that would remove the ability to subdivide the property would provide a residential density of approximately 51 units per acre. Also, under normal zoning requirements, 40% of the parcel area must be devoted to usable open space. The proposed amendment would provide 54% of the parcel area as usable open space.

**FISCAL IMPACT:** The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

**COST TO CITY:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

**REVENUE TO CITY:** \$1,200 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** September 8, 2014

**CITY COUNCIL PUBLIC HEARING DATE:** October 13, 2014

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission, October 6, 2014

**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 ORDINANCES:** None.

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

**STAFF:** Matthew J. Ebinger, Senior Planner  
Land Use Administration (Room 511)  
646-6308

*DCD O&R No.14-32*