



Legislation Text

File #: ORD. 2024-017, **Version:** 1

To authorize the special use of the property known as 1912 West Cary Street for the purpose of a mixed-use development, upon certain terms and conditions. (5th District)

WHEREAS, the owner of the property known as 1912 West Cary Street, which is situated in a UB Urban Business District, desires to use such property for the purpose of a mixed-use development, which use, among other things, is not currently allowed by sections 30-433.2, concerning permitted principal and accessory uses, 30-433.8, concerning height limit, and 30-710.3:1, concerning dimensions of parking spaces, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance 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.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 1912 West Cary Street and identified as Tax Parcel No. W000-0851/021 in the 2024 records of the City Assessor, being more particularly shown on a survey entitled “Survey Showing Consolidation of 4 Parcels of Land Located at 1904, 1906, 1908 & 1912 West Cary Street, City of Richmond, Virginia,” prepared by Bruce Robertson Land Surveying, P.C., and dated November 16, 2022, provided as an inset on sheet SUP 2, dated January 19, 2023, and last revised July 12, 2023, on the plans entitled “Boutique Hotel - Special Use Permit, 1904, 1906, 1908 & 1912 W Cary St,” prepared by Johannas Design Group, with sheet SUP 10 dated January 19, 2023, sheets SUP 1, SUP 3, SUP 4, SUP 5, SUP 6, SUP 7, SUP 8, SUP 9, dated January 19, 2023, and last revised February 22, 2023, and sheet SUP 2, dated January 19, 2023, and last revised October 27, 2023, copies of which are attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a mixed-use development, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Boutique Hotel - Special Use Permit, 1904, 1906, 1908 & 1912 W Cary St,” prepared by Johannas Design Group, with sheet SUP 10 dated January 19, 2023, sheets SUP 1, SUP 3, SUP 4, SUP 5, SUP

6, SUP 7, SUP 8, SUP 9, dated January 19, 2023, and last revised February 22, 2023, and sheet SUP 2, dated January 19, 2023, and last revised October 27, 2023, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as a mixed-use development, substantially as shown on the Plans. The mixed-use development shall be authorized to contain (i) a retail use, within the area labeled as “Market” on the Plans, (ii) a hotel use with up to 19 guestrooms, and (iii) a special events use, including private parties, and civic and community events uses, within the areas labeled as “Lobby” and “Arcade Outdoor Expansion Area” on the Plans. All other uses permitted in the UB Urban Business District, pursuant to section 30-433.2 of the Code of the City of Richmond (2020), as amended, may also take place on the Property.

(b) The number of special events permitted on the Property shall be limited to 12 per year. Each special event shall be limited to 49 attendees, shall not extend beyond 11:00 p.m., and may include live or recorded music.

(c) No fewer than seven off-street parking spaces shall be provided the Special Use, substantially as shown on the Plans.

(d) The height of the Special Use shall not exceed four stories, substantially as shown on the Plans.

(e) All building materials, elevations, and site improvements shall be substantially as shown on the Plans.

(f) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(g) In addition to the signs permitted in all districts, pursuant to section 30-505 of the Code of the City of Richmond (2020), as amended, signs substantially as shown on the Plans shall also be permitted on the Property.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) 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 any other property or public streets and the use thereof.

(c) 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.

(d) Any encroachments existing, proposed on the 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 (2020), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) 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 Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The 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 (2020), 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 (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) 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 addressed 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. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in

this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: October 24, 2023

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request)

(This is no way reflects a recommendation on behalf of the Mayor)

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

FROM: Kevin J. Vonck, Director of Planning & Development Review

RE: To authorize the special use of the property known as 1912 West Cary Street, for the purpose of a mixed-use development, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Special Use Permit to authorize a mixed-use development within an Urban Business District. While a portion of the proposed uses are permitted, the plans overall do not meet the current building height and off-street parking space width requirements. A Special Use Permit is therefore required.

BACKGROUND: The property is located in the Fan neighborhood on West Cary Street at the corner of West Cary and South Granby Streets. The property is currently a 13,939 sq. ft. (.3 acre) parcel of land. The City's Richmond 300 Master Plan designates a future land use for the subject property as Community Mixed Use,

which is defined as a “Cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions.”

Intensity: Buildings generally ranging from two to six stories, based on street widths and depending on the historic context and stepping down in height adjacent to residential areas, as necessary. New buildings that are taller than historical buildings should step back from the build-to line after matching the height of the predominant cornice line of the block. **Primary Uses:** Retail/office/personal service, multi-family residential, cultural, and open space. **Secondary Uses:** Single-family houses, institutional, and government.

The current zoning for this property is Urban Business. All adjacent properties are located primarily within the same UB District with R-7 Single and Two Family Urban Residential Districts to the north of the property. The area is generally single family residential, with some multi-family residential and small, neighborhood commercial uses present in the vicinity.

COMMUNITY ENGAGEMENT: The Fan Area Business Alliance and The Uptown Association were notified of the application; additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan; Will be considered by Planning Commission on February 5, 2024 (tentative)

FISCAL IMPACT: \$2,400 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: January 8, 2024

CITY COUNCIL PUBLIC HEARING DATE: February 12, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

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

STAFF:

Matthew Ebinger, Planning Supervisor, Land Use Administration (Room 511) 646-6308

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