



Legislation Details (With Text)

File #: ORD. 2014-106-80 **Version:** 2 **Name:**

Type: Ordinance **Status:** Adopted

File created: 4/16/2014 **In control:** City Council

On agenda: 5/19/2014 **Final action:** 5/27/2014

Title: To authorize the special use of the property known as 404 North 23rd Street for the purposes of office use and one (1) single-family dwelling, upon certain terms and conditions.

Sponsors: Mayor Jones (By Request)

Indexes: Special Use Permit

Code sections:

Attachments: 1. Ord. No. 2014-106-80, 2. Staff Report, 3. Location Map, 4. Plans, 5. Application, 6. CAR Approval, 7. Public Response

Date	Ver.	Action By	Action	Result
5/27/2014	1	City Council	adopted	Pass
5/19/2014	1	Planning Commission	recommended for approval	Pass
4/28/2014	1	City Council	introduced and referred	

To authorize the special use of the property known as 404 North 23rd Street for the purposes of office use and one (1) single-family dwelling, upon certain terms and conditions.

O & R Request

DATE: March 25, 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 for Economic Development and Planning

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

SUBJECT: Special use permit for 404 North 23rd Street for office use and one dwelling unit

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 404 North 23rd Street for the purposes of office use and one (1) single-family dwelling, upon certain terms and conditions.

REASON: The subject property is located in the R-8 Urban Residential zoning district. The applicant is seeking permission to construct a two-story mixed-use building with an office use on the first floor and one dwelling unit on the second floor. New construction containing a office service use on the ground floor with a single dwelling unit above is not permitted in the R-8 district; therefore, the applicant has requested a special use permit.

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 May 19, 2014, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is an unimproved lot of 1,155 sq ft located on the block bounded by North 23rd Street to the east, East Marshall Street to the south, North 22nd Street to the west, and East Clay Street to the north. A two-story building occupied the property before being demolished approximately ten years ago. The previous uses included retail use on the first floor and residential use on the second floor.

The property is zoned R-8 Urban Residential District and is located in the Church Hill North Old and Historic District. Though the district allows certain commercial uses with conditional use permits, it is primarily a residential district. All of the properties facing both sides of the N. 23rd Street block in which the subject property is located are residential uses. The R-8 District does not recognize office uses with dwelling units occupying space in the same building above the ground floor as permitted principal uses unless they meet the criteria for "principal uses permitted by conditional use permits." That criteria applies only to existing buildings. New construction containing an office use on the ground floor with a single dwelling unit above does not meet the criteria required for the granting of a conditional use permit in the R-8 district. Therefore, the applicant is requesting a special use permit.

The Richmond Master Plan designates this property as Neighborhood Commercial. "Primary uses include office, personal service and retail uses, intended to provide the daily convenience shopping and service needs of adjacent neighborhood residents. Such uses are typically small scale and low intensity, have limited hours of operation, involve a high percentage of walk-in trade and minimal vehicular traffic, and are especially compatible with adjacent low to medium density residential uses" (p.134).

FISCAL IMPACT: The Department of 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: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: April 28, 2014

CITY COUNCIL PUBLIC HEARING DATE: May 27, 2014

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission,
May 19, 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: Application Form, Applicant's Report, Draft Ordinance, Survey, Plan

STAFF: Willy Thompson, AICP, Senior Planner
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PDR O&R No. 14-13