



Legislation Details (With Text)

File #: ORD. 2015-098-111 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 3/13/2015 **In control:** City Council

On agenda: 5/18/2015 **Final action:** 5/26/2015

Title: To authorize the special use of the property known as 320 North 32nd Street for the purposes of a mixed-use development, upon certain terms and conditions.

Sponsors: Mayor Jones (By Request)

Indexes: Special Use Permit

Code sections:

Attachments: 1. Ord. No. 2015-98-111, 2. Staff Report, 3. Application & Applicants's Report, 4. Location Map, 5. Letter of Support, 6. Plans & Survey

Date	Ver.	Action By	Action	Result
5/26/2015	1	City Council		
5/26/2015	1	City Council	adopted	
5/18/2015	1	Planning Commission	recommended for approval	Pass
4/27/2015	1	City Council	introduced and referred	

To authorize the special use of the property known as 320 North 32nd Street for the purposes of a mixed-use development, upon certain terms and conditions.

O & R Request

DATE: March 18, 2015 **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: Christopher L. Beschler, Acting Chief Administrative Officer

THROUGH: Peter L. Downey, Jr., Interim Deputy Chief Administrative Officer for Economic Development and Planning

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

RE: Authorizing the special use of the property known as 320 North 32nd Street for the purposes of a mixed-use development, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 320 North 32nd Street for the purposes of a mixed-use development in the R-8 District, upon certain terms and conditions.

REASON: The R-8 District does not allow multi-family residential use or commercial use as by-right principal uses. A 3-unit multi-family dwelling is allowed as a principal use permitted by conditional use permit on a lot containing no less than 4,500 sq. ft. in area. Certain commercial uses are allowed as principal uses permitted by conditional use permit provided they are located in certain existing structures. The subject property is less than 4,500 sq. ft. in area and is unimproved. A special use permit is therefore required.

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 4, 2015, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 0.086 acre (3,742 sq. ft.) parcel of vacant land. The property is located at the southwest corner of the intersection of East Marshall Street and North 32nd Street in the Church Hill neighborhood of the East Planning District. The property is also located within the St. John's Church City Old & Historic District and the proposed new construction has been reviewed and approved by the Commission of Architectural Review.

The property is zoned R-8 Urban Residential which, according to the Zoning Ordinance, is intended to preserve and enhance the established character of older urban residential neighborhoods in the inner areas of the city by ensuring that infill development, as well as redevelopment, will be consistent with the predominant existing development pattern of such neighborhoods.

The City of Richmond's Master Plan recommends Single-Family (medium density) land use for the subject property. Primary uses are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Typical zoning classifications recommended to accommodate this land use category are R-5A, R-6, and R-7 (p. 133). However, the subject property abuts and is across East Marshall Street from an area with a Mixed Use (Residential) land use designation and could be considered an extension of that area. The Master Plan defines the primary uses for this category as single-, two-, and multi-family dwellings, live/work units and neighborhood-serving commercial uses developed in a traditional urban form. The typical zoning classification recommended to accommodate this land use category is R-63 (p. 304).

In regard to the East District, the Master Plan states there is a "continued need...to stabilize older low-income residential neighborhoods throughout the District, particularly north of Broad Street in the Church Hill, Oakwood/Chimborazo, and Fairmount neighborhoods" (p. 163) and that "existing historic preservation design controls should be maintained" (p. 166). "Commercial uses in the East District should be concentrated within existing commercial service centers and mixed-use areas" (p. 169).

Prior to the 2010 Church Hill Neighborhood Master Plan Amendment, the Master Plan presented concerns regarding corner commercial uses, stating they "should be restricted to neighborhood commercial uses with limitations on operating hours, number of employees, and signage...Neighborhood commercial uses are deemed appropriate only as long as ABC licenses are not included in their operation" (p. 170). However, with the expansion of mixed-use areas recommended by the 2010 amendment, increased commercial activity is encouraged in the area and concerns regarding commercial uses, particularly the sale of alcohol, have been

reduced.

The subject property, adjacent properties to the south, and properties across North 32nd Street are within the R-8 district that encompasses much of the Church Hill neighborhood. Adjacent properties to the west and across East Marshall Street are within the R-63 Multifamily Urban Residential zoning district that coincides with the Mixed Use (Residential) area referenced above. Residential (single-, two-, and multifamily) land uses predominate the area, with vacant, commercial, and institutional uses present as well. A mixed-use structure is located across from the subject property at the northwest corner of the intersection of East Marshall Street and North 32nd Street.

The conditions of the special use permit ordinance will limit the use of the subject property to a mixed use development consisting of no more than three dwelling units and two ground floor commercial spaces, served by no fewer than three on-site, screened surface parking spaces. The uses allowed within the commercial spaces will be limited to the permitted principal uses on corner lots in the R-63 District.

Likewise, signage on the premises will be limited to signage permitted in the R-63 District. Operations of the commercial spaces will cease no later than 11:00 PM daily and all mechanical units will be located out of the public view.

All building materials, material colors, and site improvements will be subject to the provisions of any applicable Old and Historic Overlay district regulations and any approvals granted by the Commission of Architectural Review. And street trees will be installed in the North 32nd Street and East Marshall Street rights-of-way in front of the subject property, pursuant to the standards and requirements of the Department of Public Works.

FISCAL IMPACT / COST: The Department 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: \$1,800.00

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: April 13, 2015

CITY COUNCIL PUBLIC HEARING DATE: May 11, 2015

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, May 4, 2015

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 ORD. OR RES.: None.

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

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

PDR O&R No. 15-04

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

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