



## Legislation Details (With Text)

<b>File #:</b>	ORD. 2019-079	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Adopted		
<b>File created:</b>	2/12/2019	<b>In control:</b>	City Council		
<b>On agenda:</b>	4/1/2019	<b>Final action:</b>	4/8/2019		
<b>Title:</b>	To amend Ord. No. 2011-211-2012-6, adopted Jan. 23, 2012, which authorized the special use of the properties known as 535½, 537, and 541 North 2nd Street, now known as 537 North 2nd Street, for the purpose of waiving parking, building height, maximum residential floor area, and setback requirements for the construction of a mixed-use building with up to 31 dwelling units and uses permitted in the underlying zoning district, to remove a condition requiring a non-commercial mural, upon certain terms and conditions.				
<b>Sponsors:</b>	Mayor Stoney (By Request)				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Ord. No. 2019-079, 2. Staff Report, 3. Application Form & Applicant's Report, 4. Map				

Date	Ver.	Action By	Action	Result
4/8/2019	1	City Council	adopted	Pass
4/1/2019	1	Planning Commission	recommended for approval	
3/11/2019	1	City Council	introduced and referred	

To amend Ord. No. 2011-211-2012-6, adopted Jan. 23, 2012, which authorized the special use of the properties known as 535½, 537, and 541 North 2<sup>nd</sup> Street, now known as 537 North 2<sup>nd</sup> Street, for the purpose of waiving parking, building height, maximum residential floor area, and setback requirements for the construction of a mixed-use building with up to 31 dwelling units and uses permitted in the underlying zoning district, to remove a condition requiring a non-commercial mural, upon certain terms and conditions.

### THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2011-211-2012-6, adopted January 23, 2012, be and is hereby amended and reordained as follows:

That the ~~[properties]~~ property known as ~~[535½, 537 and 541]~~ 537 North 2nd Street and identified as Tax Parcel ~~[Nos. N000-0039/040, N000-0039/041 and N000-0039/042]~~ No. N000-0039/072 in the ~~[2011]~~ 2019 records of the City Assessor, being more particularly shown on the plat entitled "Plat Showing Improvements on Three (3) Parcels of Land Located along North 2nd Street," prepared by Balzer and Associates, and dated July 25, 2011, a copy of which is attached to and made a part of ~~[this ordinance]~~

Ordinance No. 2011-211-2012-6, adopted January 23, 2012, [are] is hereby permitted to be used for the purpose of a mixed-use building containing dwelling uses and uses permitted in the underlying zoning district, substantially as shown on sheets A.0, A.001 through A.004, A. 100 through A. 102, A.201 through A.206, A.301 through A.304, A.401 through A.402, and A.501 of the plans entitled “Eggleston Plaza, 541 N. 2<sup>nd</sup> Street, Richmond, VA,” prepared by Walter Parks Architect, and dated July 28, 2011, a copy of which is attached to and made a part of [~~this ordinance~~] Ordinance No. 2011-211-2012-6, adopted January 23, 2012.

§ 2. That the adoption of this ordinance shall constitute the granting of a special use permit for the property, 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 purposes, 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) An application for a building permit for the plans referred to above shall be made within twenty-four (24) months from the effective date of this ordinance. This building permit shall expire and shall become null and void if any necessary construction has not commenced within one hundred eighty (180) days from the date of the building permit or if construction is suspended or abandoned for a period of one hundred eighty (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 after the effective date of this ordinance or should the building permit expire and become null and void after the expiration of the twenty-four (24) month time period for making application for the building permit, the privileges granted by this 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 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 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 height of the building, the height of the stories, the number of stories, the setbacks and the yards on the property shall be substantially as shown on the [attached] plans attached to Ordinance No. 2011-211-2012-6, adopted January 23, 2012. The height limitation shown on the [attached] plans attached to Ordinance No. 2011-211-2012-6, adopted January 23, 2012, shall exclude architectural features and screening features, including, but not limited to, the screening of roof mounted mechanical equipment. Roof mounted mechanical equipment shall be screened from public view.

(h) The building shall contain not more than thirty-one (31) dwelling units configured substantially as shown on the [attached] plans attached to Ordinance No. 2011-211-2012-6, adopted January 23, 2012.

(i) ~~[A non-commercial, painted mural containing no commercial message, logo or name of a business or product and not displayed in connection with a commercial promotion or for purposes of attracting attention to a commercial activity shall be provided prior to the issuance of the certificate of occupancy at the location and with the dimensions substantially as shown the sheet A.304 of the attached plans. The final design of this mural shall be approved by the Historic Jackson Ward Association. All other signage on the property shall conform to signage regulations applicable in the underlying zoning district.~~

(j) No parking spaces for permitted commercial uses of the [properties] property shall be required. A minimum of eight (8) parking spaces shall be provided for the dwelling use of the [properties] property substantially as configured on the [attached] plans attached to Ordinance No. 2011-211-2012-6, adopted January 23, 2012. An additional eight (8) parking spaces shall be provided for the dwelling use within a 1,250-foot radius of the principal residential entrance to the building.

~~[(k)]~~ (j) In order to ensure that the special use permitted by this ordinance (i) will not be detrimental to the safety, health, and general welfare of the community involved, (ii) will not create hazards from dangers in streets, roads, alleys and other public ways and places in the area involved and (iii) will not adversely affect or interfere with public requirements, conveniences and improvements, the owner shall provide street trees within the public right-of-way substantially as shown on sheet A.102 of the [attached] plans attached to Ordinance No. 2011-211-2012-6, adopted January 23, 2012. All improvements and work, including street trees, within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in

accordance with such requirements, (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. No certificate of occupancy shall be issued for the property until all requirements of this subsection are fully satisfied.

[4] (k) In all other respects, the use of the property shall be in accordance with the applicable underlying zoning regulations.

§ 4. That 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)]~~ (2015), 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 law.~~ 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)]~~ (2015), as amended, and all future amendments to such law or any other applicable laws or regulations.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, 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:** February 12, 2019

**EDITION:** 1

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

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

**THROUGH:** Selena Cuffee Glenn, Chief Administrative Officer

**THROUGH:** Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic Development and Planning

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

**RE:** To amend and reordain Ord. No. 2011-211-2012-6, adopted January 23, 2012, which authorized the special use of the properties known as 535 ½ , 537 and 541 North 2<sup>nd</sup> Street, now known as 537 North 2<sup>nd</sup> Street, for the purpose of waiving parking, building height, maximum residential floor area and setback requirements for the construction of a mixed-use building with up to 31 dwelling units and uses permitted in the underlying zoning district, to remove a condition regarding a non-commercial mural, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To amend and reordain Ord. No. 2011-211-2012-6, adopted January 23, 2012, which authorized the special use of the properties known as 535 ½ , 537 and 541 North 2<sup>nd</sup> Street, now known as 537 North 2<sup>nd</sup> Street, for the purpose of waiving parking, building height, maximum residential floor area and setback requirements for the construction of a mixed-use building with up to 31 dwelling units and uses permitted in the underlying zoning district, to remove a condition regarding a non-commercial mural, upon certain terms and conditions.

**REASON:** The applicant is proposing to amend the existing Special Use Permit in order to remove a condition requiring a non-commercial, painted mural to be installed on a wall of the building.

**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 April 1, 2019 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property is consists of a 25,651 sq. ft. or .6 acre parcel of land, improved with an existing four (4) story, mixed-use building constructed, according to tax assessment records, in 2017.

The building is located in the Downtown Planning District and the Jackson Ward neighborhood.

The City of Richmond's adopted Pulse Corridor Plan designates a land use category for the subject property as NMU (Neighborhood Mixed Use). "Neighborhood Mixed use areas are cohesive districts that provide a mix of uses, but with a larger amount of residential uses than other mixed use districts. They are an urban, walkable environment with limited neighborhood oriented uses incorporated along key commercial corridors and at corner sites." (City of Richmond, Pulse Corridor Plan, p. 29)

The property is currently zoned B-2 (Community Business District) as are surrounding parcels. A mix of commercial, residential, office, and institutional land uses are present in the area.

**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:** \$200 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** March 11, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** April 8, 2019

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, April 1, 2019

**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.:** Amend Ordinance No. 2011-211-2012-6

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

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

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

Key Issues:  
Retain on Consent Agenda  
Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: