



## Legislation Details (With Text)

**File #:** ORD. 2019-142      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 4/4/2019      **In control:** City Council

**On agenda:** 6/17/2019      **Final action:** 6/24/2019

**Title:** To amend and reordain Ord. No. 2009-225-225, adopted Dec. 14, 2009, which authorized the special use of the property known as 703 North Harrison Street for the purpose of converting the existing building for commercial uses or residential uses or both, for the purpose of removing the off-street parking requirement, upon certain terms and conditions.

**Sponsors:** Mayor Stoney (By Request)

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord. No. 2019-142, 2. Staff Report, 3. Application Form, Applicant's Report & Survey, 4. Map

| Date      | Ver. | Action By           | Action                   | Result |
|-----------|------|---------------------|--------------------------|--------|
| 6/24/2019 | 1    | City Council        | adopted                  | Pass   |
| 6/17/2019 | 1    | Planning Commission | recommended for approval |        |
| 5/28/2019 | 1    | City Council        | introduced and referred  |        |

To amend and reordain Ord. No. 2009-225-225, adopted Dec. 14, 2009, which authorized the special use of the property known as 703 North Harrison Street for the purpose of converting the existing building for commercial uses or residential uses or both, for the purpose of removing the off-street parking requirement, upon certain terms and conditions.

### THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2009-225-225, adopted December 14, 2009, be and is hereby amended and reordained as follows:

§ 1. That the property known as 703 North Harrison Street and identified as Tax Parcel No. N000-0466/038 in the 2019 records of the City Assessor, being more particularly shown on the survey entitled "survey of 703 N. Harrison Street," prepared by Long Surveying, LLC and dated March 28, 2009, as depicted on sheet A.0 of plans entitled "703 N Harrison St," prepared by Walter Parks Architect, and dated September 3, 2009, a copy of which is attached to and made a part of [~~this ordinance~~] Ordinance No. 2009-225-225, adopted December 14, 2009, is hereby permitted to be used for the purpose of the construction and occupancy

of up to [~~twelve (12)~~] 12 units for commercial uses consistent with the B-6 Mixed-Use Business District or dwelling units or both substantially as shown on sheets A.0, A.201, A.202, A.203, A.204, A.205, and A.301 and A.302 of the plans entitled “703 N Harrison St,” prepared by Walter Parks Architect, and dated September 3, 2009, copies of which are attached to and made a part of [~~this ordinance~~] Ordinance No. 2009-225-225, adopted December 14, 2009.

§ 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 or permits substantially in accordance with the plans referred to above for the aforementioned purpose, 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~~] Certificate of Zoning Compliance shall be made within [~~twenty-four (24)~~] 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~~] Certificate of Zoning Compliance not be made within [~~twenty-four (24)~~] 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 amendatory ordinance shall terminate and the special use permit for the property shall [~~become null and void~~]

be governed by Ordinance No. 2009-225-225, adopted December 14, 2009.

(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 [~~the Department of Community Development~~] 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 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 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 so located or screened so as not to be visible from adjacent properties and public streets.

(g) The use of the building shall be as a maximum of [~~twelve (12)~~] 12 units with commercial uses consistent with the intent of the zoning regulations governing the B-6 Mixed-Used Business District as described in section [~~114.444.1~~] 30-444.1 of the Code of the City of Richmond [~~(2004)~~] (2015), as amended, or dwelling units or both, substantially configured and arranged as shown on the [~~attached~~] building plans and elevations attached to Ordinance No. 2009-225-225, adopted December 14, 2009. Commercial uses shall be limited to the ground floor of the building, and shall not occupy more than four [~~(4)~~] units. The ground floor unit adjacent to North Harrison Street shall not be used for a dwelling unit. Units may be combined, layout may be altered, and such combinations and alterations shall not require an amendment to the special use permit granted by this ordinance, provided that not more than [~~twelve (12)~~] 12 units shall be permitted, and that in no case shall any unit contain fewer than [~~five hundred (500)~~] 500 square feet of space.

(h) The entryways to the building from both Harrison Street in the front and the alley on the southern side of the building shall be substantially in accordance with that shown on the ~~[attached]~~ plans attached to Ordinance No 2009-225-225, adopted December 14, 2009. The entryways may be altered subject to the approval of the Director of ~~[Community]~~ Planning and Development Review prior to the issuance of a building permit.

(i) ~~[A minimum of twelve (12) parking spaces shall be provided. These parking spaces shall be provided in accordance with Article VII of Chapter 114 of the Code of the City of Richmond (2004), as amended, except that the spaces may be located within one a thousand (1000) foot radius of the property, as measured from the main entrance of the building.]~~ No off-street parking shall be required for the special use.

(j) The owner shall be responsible for the repair or replacement or both of existing sidewalk, curb, gutter, entrance ramps and pavement that may be in disrepair. Curb entrances that are no longer to be used shall be removed and replaced with sidewalk and curb to match what is adjacent to the entrance, as shown on the ~~[attached]~~ plans attached to Ordinance No. 2009-225-225, adopted December 14, 2009.

(k) ~~[Street trees shall be installed]~~ The owner of the property shall install street trees within the right-of-way substantially as depicted on the ~~[attached]~~ plans attached to Ordinance No. 2009-225-225, adopted December 14, 2009. All improvements within the right-of-way, including the installation of street trees ~~[and lighting]~~, shall be ~~[subject to the approval of and in accordance with the requirements of the Director of Public Works]~~ (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, and (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. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(l) Any encroachments existing, proposed on the attached 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 [(2004)] (2015), as amended.

(m) Signage for the building shall be limited to that permitted for the B-6 Mixed-Use Business District pursuant to section [114-518] 30-518 of the Code of the City of Richmond [(2004)] (2015), as amended.

§ 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 through 114.1050.11 of the Code of the City of Richmond (2004), 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. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of the section 114-1080 of the Code of the City of Richmond (2004), as amended, or any other applicable laws or regulations] 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 (2015), 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 (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 becomes null and void or when the use of the premises is abandoned for a period of [~~twenty-four (24)~~] 24 consecutive months, 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:** April 29, 2019

**EDITION:** 1

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

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

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

**THROUGH:** Sharon Ebert, 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. 2009-225-225, adopted December 14, 2009, which authorized the special use of the property known as 703 North Harrison Street for the purpose of converting the existing building for commercial uses or residential uses or both, for the purpose of removing the off-street parking requirement, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To amend and reordain Ord. No. 2009-225-225, adopted December 14, 2009, which authorized the special use of the property known as 703 North Harrison Street for the purpose of converting the existing building for commercial uses or residential uses or both, for the purpose of removing the off-street parking requirement, upon certain terms and conditions.

**REASON:** The applicant has requested an amendment to the special use permit to allow for the removal of the off-street parking requirement of the special use permit, due to the loss of off-site surface parking that had been used to

meet the parking requirement.

**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 June 17, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property consists of a 6,456 SF (.14 acre) parcel of land improved with a two-story, mixed-use building containing constructed, according to tax assessment records, in 1920. The building is located in the Near West Planning District and the Carver neighborhood.

The current special use permit authorizes up to 12 commercial or dwelling units and requires a minimum of 12 off-street parking spaces within a radius of 1,000' of the property.

The City of Richmond's adopted Pulse Corridor Plan designates a land use category for the subject property as 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 M-1 Light Industrial as are parcels to the west and north. Properties to the south and east are primarily R-7 Single- and Two-Family Urban Residential. A mix of commercial, residential, and institutional land uses are also 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:** \$1,200 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** May 28, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** June 24, 2019

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, June 17, 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.:** Amendment of Ord. No. 2009-225-225

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

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

**STAFF:** Jonathan Brown, Senior Planner  
Land Use Administration (Room 511) 804-646-5734

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: