Legislation Details (With Text)

File #:	ORD. 2021-216	**Version:**	2	**Name:**	
Type:	Ordinance			**Status:**	Adopted
File created:	6/16/2021			**In control:**	City Council
On agenda:	9/7/2021			**Final action:**	9/13/2021
Title:	To authorize the special use of the property known as 1505 West Main Street for the purpose of a mixed-use building containing commercial uses and up to six multifamily dwelling units, upon certain terms and conditions. (5th District)				
Sponsors:	Mayor Stoney (By Request)				
Indexes:					
Code sections:					
Attachments:	1. Ord. No. 2021-216, 2. Staff Report 1505 West Main Street, 3. Application, 4. Applicant's Report, 5. Plans, 6. Survey, 7. Map, 8. Letters of Opposition_1505 W Main Street SUP				

Date	Ver.	Action By	Action	Result
9/13/2021	2	City Council	adopted	Pass
9/7/2021	2	Planning Commission	recommended for approval	
7/26/2021	2	City Council	introduced and referred	

To authorize the special use of the property known as 1505 West Main Street for the purpose of a mixed-use building containing commercial uses and up to six multifamily dwelling units, upon certain terms and conditions. (5th District)

WHEREAS, the owner of the property known as 1505 West Main Street, which is situated in a UB Urban Business District and the Main Street/Uptown Parking Overlay District PO-3, desires to use such property for the purpose of a mixed-use building containing commercial uses and up to six multifamily dwelling units, which use, among other things, is not currently allowed by sections 30-433.8, concerning height limit, and 30-910.3, concerning the requirements of the Main Street/Uptown Parking Overlay District PO-3, 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 1505 West Main Street and identified as Tax Parcel No.W000-0604/013 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled "Physical Improvement Survey, 1505 W. Main Street, Richmond, Virginia," prepared by Parker Design Group, and dated April 27, 2020, a copy of which is 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 building containing commercial uses and up to six multifamily dwelling units, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "New Mixed Used Building, 1505 West Main Street, Richmond, Virginia," prepared by Irby Architects, and dated April 12, 2021, 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

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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 building containing commercial uses and up to six multifamily dwelling units, substantially as shown on the Plans.

(b) Uses permitted in the UB Urban Business District pursuant to Chapter 30, Article IV, Division 18 of the Code of the City of Richmond (2020), as amended, shall be permitted on the Property.

(c) The height of the Special Use shall not exceed the height as shown on the Plans.

(d) A minimum of five off-street parking spaces shall be required for the Special Use, substantially as shown on the Plans.

§ 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) The Owner shall make improvements within the right-of-way substantially as shown on the Plans,

including removal of the curb cut and concrete sidewalk along the West Main Street frontage, installation of new granite curb and herringbone brick pavers in place of the removed curb cut and concrete sidewalk to tie into brick paver sidewalk to the east, and re-establishment of the tree well in such new sidewalk along the West Main Street frontage, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work 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, 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.

(f) 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 1,826 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.

O & R Request

DATE: June 17, 2021 **EDITION:** 1

TO: The Honorable Members of City Council

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

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

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Kevin J. Vonck, Acting Director, Dept. of Planning and Development Review

RE: To authorize the special use of the property known as 1505 West Main Street for the purpose of a mixed-

use building, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1505 West Main Street for the purpose of a mixed-use building, upon certain terms and conditions.

REASON: The applicant is requesting a special use permit to allow for the construction of a three-story mixed-use building. The proposed uses within the buildings are permitted under the UB Urban Business District, however, the proposed height of the new mixed-use building (34') exceeds the height allowed under the UB District (which is 28'). While the applicant intends to meet the parking requirements of the PO3 (Main Street/Uptown Parking Overlay District), the ordinance provides flexibility should the proposed commercial uses differ from what is preliminarily contemplated.

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 August 16, 2021, meeting.

BACKGROUND: The subject property consists of a 5,624 square foot (0.13) acre parcel that is improved with a surface parking area. The property is located in The Fan neighborhood.

The subject property is located within the UB Urban Business District and the PO3 Main Street/Uptown Parking Overlay District. The proposed height of the new mixed-use building (34') exceeds what is permitted under the UB Urban Business District (28'). While the applicant intends to meet the parking requirements of the PO3 (Main Street/Uptown Parking Overlay) District, the ordinance provides flexibility should the proposed commercial uses differ from what is preliminarily contemplated.

The Richmond 300 Master Plan recommends a future land use of "Community Mixed-Use" for the property. The development style recommended for Community Mixed-Use is development that generally complements the existing context with continuance or enhancement of the gridded street pattern to increase connectivity. The intensity recommended for Community Mixed-Use is two to six story buildings, 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 historic buildings should stepback from the build-to line after matching the height of the predominant cornice line of the block. Ground floor uses should engage and enliven the street, with windows, doors, storefronts and other features that allow transparency and interaction between the building and the street. The primary uses recommended for Community Mixed-Use are retail/office/personal service, multi-family residential, cultural, and open space. Pedestrian, bicycle, and transit access must be prioritized and bike parking should be provided. The property is also in a location identified as a "micro node" on the Richmond 300 Nodes Map, which is a notable place in a neighborhood that provides goods and services primarily to the immediate residents but also may attract visitors.

Commercial and mixed-use buildings also front on both sides of West Main Street to the east and west of the subject property, as well as to the south of the subject property fronting on S Plum Street.

The subject property and properties to the east, west, north and south are located within the UB Urban Business District and the PO3 Main Street/Uptown Parking Overlay District.

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

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REVENUE TO CITY: $1,800 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: July 26, 2021

CITY COUNCIL PUBLIC HEARING DATE: September 13, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Richard Saunders, Senior Planner, Land Use Administration (Room 511), 646 4856

Key Issues:
Retain on Consent Agenda
Move to Regular Agenda
Refer Back to Committee
Remove from Council Agenda
Strike Withdrawn Continue to:

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