Legislation Details (With Text)

File #:	ORD. 2022-234 **Version:** 1	**Name:**	
Type:	Ordinance	**Status:**	Adopted
File created:	6/27/2022	**In control:**	City Council
On agenda:	10/10/2022	**Final action:**	10/10/2022
Title:	To authorize the special use of the property known as 1701 Roseneath Road for the purpose of a mixed-use building containing dwelling units, amenity space, commercial space, and structured parking spaces, upon certain terms and conditions. (2nd District)		
Sponsors:	Mayor Stoney (By Request)		
Indexes:			
Code sections:			
Attachments:	1. Ord. No. 2022-234, 2. Staff Report, 3. Application Form & Applicant's Report, 4. Plans, 5. Map		

Date	Ver.	Action By	Action	Result
10/10/2022	1	City Council		
9/26/2022	1	City Council	continued	
9/12/2022	1	City Council	continued	
9/6/2022	1	Planning Commission	recommended for approval	
7/25/2022	1	City Council	introduced and referred	

To authorize the special use of the property known as 1701 Roseneath Road for the purpose of a mixed-use building containing dwelling units, amenity space, commercial space, and structured parking spaces, upon certain terms and conditions. (2nd District)

WHEREAS, the owner of the property known as 1701 Roseneath Road, which is situated in a B-7 Mixed-Use Business District, desires to use such property for the purpose of a mixed-use building containing dwelling units, amenity space, commercial space, and structured parking spaces, which use, among other things, is not currently allowed by section 30-446.7(1), concerning height, 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 1701 Roseneath Road and identified as Tax Parcel No. N000-1792/015 in the 2022 records of the City Assessor, being more particularly shown on a site plan entitled "Conceptual Site Plan for 1701 Roseneath, Multifamily, Proposed Development, 1701 Roseneath Road, City of Richmond, VA 23230," prepared by Bohler, and dated

February 17, 2022, 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 dwelling units, amenity space, commercial space, and structured parking spaces, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "1701 Roseneath Road, Blackwood Development," prepared by 510 Architects, and dated January 24, 2022, and the site plan entitled "Conceptual Site Plan for 1701 Roseneath, Multifamily, Proposed Development, 1701 Roseneath Road, City of Richmond, VA 23230," prepared by Bohler, and dated February 17, 2022, hereinafter referred to, collectively, 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 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 not to exceed seven stories in height, substantially as shown on the Plans, containing dwelling units, amenity space, commercial space, and structured parking spaces.

(b) The number of parking spaces provided on the Property shall not be less than 215 parking spaces.

(c) Vinyl shall not be permitted as a principal building material.

(d) All mechanical equipment, including heating, ventilation, and air conditioning units, serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 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.

(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

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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 730 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.

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O & R Request

DATE: June 27, 2022 **EDITION:** 1

TO: The Honorable Members of City Council

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

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

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

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

RE: To authorize the special use of the property known as 1701 Roseneath Road for the purpose of a mixed-use building containing dwelling units, amenity space, commercial space, and structured parking spaces, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1701 Roseneath Road for the purpose of a mixed-use building containing dwelling units, amenity space, commercial space, and structured parking spaces, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit which would allow for a mixed-use building containing up to 250 dwelling units, with off-street parking, within a B-7 Mixed Use Business Zoning District. The proposed use is intended to be seven stories in height, which exceeds the maximum B-7 height of five stories. 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 August 15, 2021, meeting.

BACKGROUND: The property is located in the Scott's Addition neighborhood on Roseneath Road between Norfolk and Rockbridge Streets. The property is a 51,758 sq. ft. (1.19 acre) parcel of land and is improved with a 8,368 sq. ft., one story commercial building constructed, per tax assessment records, in 1947. The application is for a seven story, mixed-use building with off street parking.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Industrial Mixed Use which are defined as "Formerly traditional industrial areas that are transitioning to mixed use because of their proximity to growing neighborhoods and changes in market conditions. These areas may still retain some light industrial uses." The development style is a mix of building types with low scale, post industrial buildings that are adapted for a new use are adjacent to new taller residential and/or office buildings. These areas allow "maker uses" to continue while encouraging more individuals to live, work, and play in the area. Buildings should have street oriented façades with windows and door openings along street frontages. New light industrial uses are compatible with residential and office uses, and are attractively buffered. New developments

continue or introduce a gridded street pattern to increase connectivity. Ground floor uses engage with and enliven the street. Monolithic walls are discouraged, while windows, doors, storefronts, and other features that allow transparency and interaction between building and street are encouraged. Active commercial ground floor uses are required on street oriented commercial frontages. Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. New driveway entrances are prohibited on priority and principal street frontages and minimal driveway entrances are allowed on secondary streets. Vehicular access to parcels should use alleys where possible. Loading for trucks must be provided off street. Parking lots and parking areas should be located to the rear of street facing buildings.

Intensity: Medium to high density, three to eight stories.

Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space.
Secondary Uses: Institutional and government. (p. 62)

The current zoning for this property is B-7 (Mixed Use Business). Adjacent properties to the east and south are located within the same B-7 Zone.

The surrounding land uses include primarily residential and commercial with some small industrial uses present. The density of the proposed building is approximately 211 units per acre.

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: $2,400 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: July 25, 2022

CITY COUNCIL PUBLIC HEARING DATE: September 12, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
August 15, 2022

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: 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:

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