



## Legislation Text

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**File #:** ORD. 2019-013, **Version:** 1

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To authorize the special use of the property known as 1802 Semmes Avenue for the purpose of up to 111 single-family attached dwellings as well as the principal and accessory uses permitted in the B-6 Mixed-Use Business District, upon certain terms and conditions. (As Amended)

WHEREAS, the owner of the property known as 1802 Semmes Avenue which is situated in a M-1 Light Industrial District, desires to use such property for the purpose of up to 111 single-family attached dwellings and the principal and accessory uses permitted in the B-6 Mixed-Use Business District, which use, among other things, is not currently allowed by section 30-452.1 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2018), 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 (2015), 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 1802 Semmes Avenue and identified as Tax Parcel No. S000-0420/001 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “ALTA/ACSM Land Title Survey Showing 12.990 Acres of Land Lying on the South Line of Semmes Avenue,” prepared by Timmons Group, and dated August 27, 2009, 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 up to 111 single-family attached dwellings and the principal and accessory uses permitted in the B-6 Mixed-Use Business District, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Conceptual Site Plan, Semmes Avenue Site, City of Richmond, Virginia” prepared by HG Design Studio, dated July 2, 2018, and last revised November 26, 2018, and on the untitled plans prepared by NVR, Inc., dated November 12, 2015, 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 up to 111 single-family attached dwellings as well as the principal and accessory uses permitted in the B-6 Mixed-Use Business District substantially as shown on the Plans. No more than seven single-family attached dwelling units shall be attached in a series.

(b) The lot width and lot depth of the single-family attached dwelling lots shall meet or exceed the lot widths and depths shown on the Plans.

(c) Building height of the single-family attached dwellings shall not exceed the height shown on the Plans.

(d) Front, rear and side yards shall meet or exceed the front, rear and side yards shown on the Plans.

(e) Each dwelling unit shall have a one-car garage and a driveway sufficient for the parking of one vehicle within the residential lot on which the dwelling is located. Additional site parking shall be provided, substantially as shown on the Plans.

(f) Street trees shall be provided in the locations, substantially as shown on the Plans.

(g) Sidewalks shall be installed, substantially as shown on the Plans

(h) Bike racks shall be installed with a minimum total capacity of 30 bicycles.

(i) Decorative pedestrian lighting shall be installed, substantially as shown on the Plans.

(j) Signage pertaining to the residential portion of the development shall be limited to (i) signage permitted in all districts pursuant to section 30-505 of the Code of the City of Richmond (2015), as amended, and (ii) one freestanding sign not exceeding 16 square feet in area or six feet in height. (k) Prior to approval of a subdivision plat for the residential portion of the Property, the Applicant shall submit a landscape

plan, including planting plan and species list, for the portion of the Property shown on such subdivision plat. The landscape plan shall be subject to review and approval by the Director in accordance with applicable laws and regulations.

(l) Development of the portion of the Property designated on the Plans as “Future B-6 Uses” shall be governed by the zoning regulations prescribed for the B-6 Mixed-Use Business District.

(m) Prior to issuance of any building permit for any use within the area designated on the Plans as “Future B-6 Uses,” the applicant shall obtain approval for a plan of development in accordance with Chapter 30, Article X, Division 4 of the Code of the City of Richmond (2015), as amended. Notwithstanding the preceding requirements of this subsection or any provision of Chapter 30, Article X, Division 4 of the Code of the City of Richmond (2015), as amended, to the contrary, no plan of development shall be required for any building permit issued for the renovation of any existing warehouse structure located within the area designated on the Plans as “Future B-6 Uses” or for any improvements related thereto for parking, the installation of curbs, or the installation of gutters.

(n) If the Special Use of the Property according to the plan entitled “Conceptual Site Plan, Semmes Avenue Site, City of Richmond, Virginia,” prepared by HG Design Studio, dated July 2, 2018, and last revised November 26, 2018, is not feasible due to the topography of the Property, the Special Use of the Property, as it relates to the location of dwelling units on the Property, may be governed by the plan entitled “Conceptual Site Plan, Semmes Avenue Site, City of Richmond, Virginia,” prepared by HG Design Studio, dated July 2, 2018, and last revised January 21, 2019, a copy of which is attached to and made a part of this ordinance, provided that the Owner shall otherwise continue to be bound by, shall observe, and shall comply with all other requirements and conditions of this ordinance, and (ii) the Special Use of the Property shall be in accordance with the Plans, except as provided in this subsection.

§ 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 (2015), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the public right-of-way, including installation of a sidewalk along Semmes Avenue, substantially as shown on the Plans, 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, (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 (2015), 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-appellable 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 (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.

(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.

### **O & R Request**

**DATE:** December 19, 2018

**EDITION:** 1

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

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

**THROUGH:** Selena Cuffee Glen, 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 authorize the special use of the property known as 1802 Semmes Avenue to authorize up to 106 single-family attached dwellings as well as those principal and accessory uses permitted in the B-6 Mixed-Use Business District upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To authorize the special use of the property known as 1802 Semmes Avenue to authorize up to 106 single-family attached dwellings as well as those principal and accessory uses permitted in the B-6 Mixed-Use Business District upon certain terms and conditions.

**REASON:** The subject property is zoned M-1 Light Industrial. Improvements on the property consist of a number of vacant warehouses originally designed and used for the storage and curing of tobacco. When this use ceased, the configuration of the structures on the property was found unsuitable for other uses allowed in the M-1 Light Industrial District. As such, the property owner proposes demolition of the existing structures in order to redevelop the property with residential uses in one section and mixed uses in another section. A special use permit is needed to accomplish this.

**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 February 4, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The property is located in the Swansboro neighborhood of the Old South District. The City of Richmond's Master Plan designates the subject property for industrial land use. Primary uses in this category are "manufacturing, processing, research and development, warehousing, distribution, office warehouse and service uses." (See page 135, Richmond Master Plan.)

Specifically for the Old South District, the Master Plan states that "there are a number of vacant and obsolete industrial facilities, most with limited reuse potential" in the area. It also notes that there is generally inadequate buffering of residential uses from commercial and industrial uses. The subject property is an abandoned industrial warehouse site.

The 12.83 acre subject property is zoned M-1 Light Industrial and contains improvements in the form of six large warehouses and a wireless communications tower. The site was originally developed in 1940, with the last warehouse structure completed in 1975. Since this time the surrounding area has become more residential. There are several nearby established residential neighborhoods including Swansboro, Spring Hill, Woodland Heights, and Manchester. On Semmes Avenue there are a number of single-family homes as well as multi-family structures, some of which are adaptive reuses of commercial structures.

The proposed project will redevelop the property in two components. The larger portion of the site will contain up to 106 single-family attached structures and the second component will contain those principal and accessory uses permitted in the B-6 Mixed-Use Business 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

**REVENUE TO CITY:** \$2,400 application fee.

**DESIRED EFFECTIVE DATE:** Upon Adoption.

**REQUESTED INTRODUCTION DATE:** January 14, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** February 11, 2019



**REQUESTED AGENDA:** Consent.

**RECOMMENDED COUNCIL COMMITTEE:** None.

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, February 4, 2019.

**AFFECTED AGENCIES:** Office of Chief Administrator 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.

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

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

**STAFF:** David F. Watson, Senior Planner  
Land Use Administration (Room 511) 804-646-1036

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: