



Legislation Text

File #: ORD. 2019-298, **Version:** 1

To authorize the special use of the property known as 1101 Bainbridge Street for the purpose of day nursery, restaurant, and office uses, retail stores and shops, and any other principal uses permitted on corner lots pursuant to City Code § 30-419.3(a), upon certain terms and conditions.

WHEREAS, the owner of the property known as 1101 Bainbridge Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of day nursery, restaurant, and office uses, retail stores and shops, which use, among other things, is not currently allowed by sections 30-419.2 and 30-419.3 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 (2010), 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 1101 Bainbridge Street and identified as Tax Parcel No. S000-0062/010 in the 2019 records of the City Assessor, being more particularly described on a survey entitled “Boundary Line Adjustment between Tax Parcels S000-0062/010 and S000-0062/012, City of Richmond, Virginia,” prepared by Shadrach & Associates, Inc., and dated July 8, 2019, 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 day nursery, restaurant, and office uses, retail stores and shops, and any other principal uses permitted on corner lots pursuant to section 30-419.3(a) of the Code of the City of Richmond (2015), as amended, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “1101 Bainbridge Street, Richmond, VA 23224,” prepared by Apex Design Group, PLLC, dated March 19, 2019, and last revised August 8, 2019, 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 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) That the Special Use of the Property shall be as day nursery, restaurant, and office uses, retail stores and shops, and any other principal uses permitted on corner lots pursuant to section 30-419.3(a) of the Code of the City of Richmond (2015), as amended, substantially as shown the Plans.

(b) The hours of operation of any restaurant on the Property shall be limited to 7:00 a.m. through 11:00 p.m., Monday through Sunday.

(c) Deliveries for any restaurant use of the Property shall be limited to 8:00 a.m through 6:00 p.m., Monday through Sunday, shall take place in the alley to the rear of the Property, and shall not take place on Bainbridge Street.

(d) No outdoor amplified or live music shall be allowed on the Property.

(e) Parking for a minimum of eight bicycles shall be provided on the Property, substantially as shown on the Plans.

(f) Any day nursery shall be licensed by and subject to the requirements of the Virginia Department of Social Services. The outdoor play area shall be substantially as shown on the Plans. The outdoor play area or areas shall be enclosed with a continuous opaque or non-opaque structural fence or wall not less than four feet in height. No chain link fence shall be permitted on the Property.

(g) All mechanical equipment serving the Property that is installed after the effective date of this ordinance and does not replace mechanical equipment existing prior to the effective date of this ordinance shall be located or screened so as not to be visible from any public right-of-way.

(h) No off-street parking shall be required for the Special Use.

(i) Signs for the Special Use shall meet the requirements of section 30-507.1 of the Code of the City of Richmond (2015), as amended, concerning signs permitted in the R-63 Multifamily Urban Residential District.

§ 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) 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-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 (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: September 16, 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: Lenora Reid, Acting Chief Administrative Officer

THROUGH: Sharon L. Ebert, 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 1101 Bainbridge Street, for the purpose of
authorizing a mixed-use building, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1101 Bainbridge Street, for the purpose of
authorizing a mixed-use building, upon certain terms and conditions.

REASON: The applicant has proposed to renovate a vacant building previously used as a place of worship
into a mixed-use building which may contain uses permitted on corner lots in the R-63 Multi-Family Urban
Residential District, as well as a day-nursery, office uses, and retail stores and shops. 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 November 4, 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 17,324 SF or 0.4 acre parcel of land improved with at
two-story, 20,220 SF vacant church building constructed, per tax assessment records, in 1857. The property is
located in the Manchester neighborhood within the City's Old South Planning District at the intersection of
Bainbridge Street and West 11th Street.

The City of Richmond's Downtown Master Plan designates the subject property as a Downtown Urban Center Area (DT-UCA) which is "...characterized by higher density, mixed use development, typically arranged on a fine grained street network, with wide sidewalks, regular tree planting, and minimal setbacks. Uses are less restricted, and commercial uses are often located on the ground floor with large windows and doors fronting the sidewalk. The upper stories of buildings are typically a mix of office and residential uses."(City of Richmond Downtown Master Plan, pp. 3.25(6).)

This property is currently zoned R-63 and is also near the B-5 zone recently updated for Hull Street. Properties within adjacent blocks to the West of Bainbridge Street are primarily R-63 and R-8 with some B-6 properties nearby along Commerce Road. A mix of commercial, mixed-use, vacant, single-, two-, and multi-family residential land uses are present in the vicinity of the subject property.

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: October 14, 2019

CITY COUNCIL PUBLIC HEARING DATE: November 12, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, November 4, 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.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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