



Legislation Text

File #: ORD. 2021-330, **Version:** 1

To authorize the special use of the property known as 7012 Marlowe Road for the purpose of an office use, including medical office uses, upon certain terms and conditions, and to repeal Ord. No. 77-34-45, adopted Feb. 28, 1977, Ord. No. 78-8-23, adopted Feb. 13, 1978, Ord. No. 81-019-30, adopted Feb. 23, 1981, Ord. No. 82-207-191, adopted Sept. 13, 1982, Ord. No. 87-165-183, adopted Sept. 14, 1987, Ord. No. 93-028-39, adopted Feb. 22, 1993, and Ord. No. 97-188-204, adopted Jun. 23, 1997. (9th District)

WHEREAS, the owner of the property known as 7012 Marlowe Road, which is situated in a R-3 Single-Family Residential District, desires to use such property for the purpose of an office use, including medical office uses, which use, among other things, is not currently allowed by section 30-406.1 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 7012 Marlowe Road and identified as Tax Parcel No. C005-0600/004 in the 2021 records of the City Assessor, being more particularly shown on sheet 1 of the plans entitled “Marlowe Medical Office,” prepared by Silvercore Land Development Consultants, dated March 24, 2021, and last revised July 19, 2021, 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 an office use, including medical office uses, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Marlowe Medical Office,” prepared by Silvercore Land Development Consultants, dated March 24, 2021, and last revised July 19, 2021, and “Office Building, 7012 Marlowe Road, Richmond, VA 23225,” prepared by Thomas Hamilton & Associates, P.C., and dated June 3, 2021, 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 an office use, including medical office uses, substantially as shown on the Plans.

(b) At least 36 parking spaces shall be provided on the Property, substantially as shown on the Plans.

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

(d) All building materials and site improvements, including, but not limited to, building finishes, landscaping, and lighting, shall be substantially as shown on the Plans.

(e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(f) A minimum of one bicycle rack shall be provided on the Property.

(g) Signs on the Property shall be limited to the locations shown on the Plans, in addition to one freestanding sign not to exceed eight feet in height. No individual sign shall exceed 30 square feet in area.

§ 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, including replacement of the curb cut and entrance along Jahnke Road with a new curb and concrete sidewalk to tie into the existing curb and sidewalk along Jahnke Road, 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 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. **Repeal of Prior Ordinances.** That Ordinance No. 77-34-45, adopted February 28, 1977, Ordinance No. 78-8-23, adopted February 13, 1978, Ordinance No. 81-019-30, adopted February 23, 1981, Ordinance No. 82-207-191, adopted September 13, 1982, Ordinance No. 87-165-183, adopted September 14, 1987, Ordinance No. 93-028-39, adopted February 22, 1993, Ordinance No. 97-188-204, adopted June 23, 1997, be and are hereby repealed.

§ 8. **Effective Date.** This ordinance shall be in force and effect upon adoption.

O & R Request

DATE: October 8, 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, Director, Dept. of Planning and Development Review

RE: To authorize the special use of the property known as 7012 Marlowe Road for the purpose of an office use, upon certain terms and conditions, and to repeal Ord. No. 97-188-204 adopted on June 23, 1997, as well as Ord. Nos. 77-034-45, 78-008-23, 81-019-30, 82-207-191, 87-165-183, and 93-028-39.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 7012 Marlowe Road for the purpose of an office use, upon certain terms and conditions, and to repeal Ord. No. 97-188-204 adopted on June 23, 1997, as well as Ord. Nos. 77-034-45, 78-008-23, 81-019-30, 82-207-191, 87-165-183, and 93-028-39.

REASON: The applicant is requesting to authorize the special use of the property known as 7012 Marlowe Road for the purpose of constructing a new medical office building. Ord. No. 97-188-204, which authorized the current use and configuration of the site as a bank with drive-up facilities, is requested to be repealed. The property is located in an R-3 Single Family Residential District, which does not permit the proposed medical office use.

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 December 6, 2021, meeting.

BACKGROUND: The subject property consists of a single parcel of land that has a lot area of 44,557 square feet (1.023 acres) and is improved with a one-story commercial building that was most recently occupied by a bank with a drive-up teller. The property is located in the Hioaks neighborhood at the southeast intersection of Jahnke Road and Hioaks Road.

The subject property is located within the R 3 Single Family Residential District. The proposed office use is not permitted in the R 3 Single Family Residential District.

Richmond 300 recommends a future land use of “Destination Mixed-Use” for the property. The primary uses envisioned for Destination Mixed-Use are retail/office/personal service, multi-family residential, cultural, and open space. Secondary uses are institutional and government. The development style envisioned is higher-density, transit-oriented on vacant or underutilized sites. New development should be urban in form, may be of larger scale than the existing context, and should pay special attention to the historic character of the existing context. Development should enhance the public realm and create a sense of place, with many vertically mixed-use buildings. A gridded street pattern should be continued or introduced to increase connectivity. Ground floor uses are envisioned to engage with and enliven the street through windows, doors, storefronts and other features that allow transparency and interaction between building and street. The recommended intensity is high with new buildings typically a minimum of five stories. Pedestrian, bicycle and transit access must be prioritized.

The property is also within the Chippenham Hospital National/Regional Node. This node is envisioned as continuing to provide high quality jobs associated with the hospital and medical office-related uses. Additionally, the older multi-family residential communities can be redeveloped into high density, mixed-use neighborhoods. The redesign of these communities should emphasize walkable, well-connected communities with well-designed buildings, a street grid, sidewalks, and street trees. The growth potential for the area is medium- the older low-density, multi-family developments can be redeveloped with a mix of uses, higher residential densities and a mix of housing types. The portions of Jahnke Road and Hioaks Road that abut the property are each designated as a “Major Mixed-use Street” and the portion of Jahnke Road that abuts the property is designated as a “Great Street” on the Great Streets and Street Typologies Map.

Properties to the east are also located in the R-3 Single-Family Residential District. Properties to the north and south are located in the RO-1 and RO-2 Residential Office Districts. Properties to the west are located in the R-

73 Multifamily Residential 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: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 8, 2021

CITY COUNCIL PUBLIC HEARING DATE: December 13, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
December 6, 2021

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

RELATIONSHIP TO EXISTING ORD. OR RES.: Repeal Ord. No. 97-188-204

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646 5648

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: