



Legislation Text

File #: ORD. 2023-347, **Version:** 1

To authorize the special use of the properties known as 4605, 4623, 4625, and 4627 West Broad Street for the purpose of exceeding the inclined plane height and rear setback for a mixed-use building and live/work units, upon certain terms and conditions. (As Amended) (1st District)

WWHEREAS, the owner of the properties known as 4605, 4623, 4625, and 4627 West Broad Street, which are situated in a TOD-1 Transit-Oriented Nodal District, desires to use such properties for the purpose of exceeding the inclined plane height and rear setback for a mixed-use building and live/work units, which use, among other things, is not currently allowed by sections 30-457.2, concerning permitted principal and accessory uses, 30-457.2(7), concerning the minimum depth of ground floor commercial frontage, 30-457.5(3), concerning yards, and 30-457.9, 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 properties known as 4605, 4623, 4625, and 4627 West Broad Street and identified as Tax Parcel Nos. W019-0037/007, W019-0037/004, W019-0037/002, and W019-0037/001, respectively, in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “Boundary and Topographic Survey for Parcels W0190037002, W0190037004, W0190037007, W0190037012, W0190037013, W0190037014, W0190037015 & W0190037016, City of Richmond, VA,” prepared by Nyfeler Associates, and dated June 15, 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 exceeding the inclined plane height and rear setback for a mixed-use building and live/work units, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Siteplan Exhibit,” prepared by RBA Architects, and dated July 12, 2023, and “Commonwealth -

Live/Work Unit,” prepared by an unknown preparer, and dated October 30, 2023, hereinafter referred to as “the Plans,” copies of which are attached to and made 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 exceeding the inclined plane height and rear setback for a mixed-use building, substantially as shown on the Plans, and for live/work units, which ~~[may be located on any floor of the mixed-use building]~~ shall only be an additional permitted principal use within the portion of the building fronting on West Broad Street, only the portion of a live/work unit devoted to a non-dwelling use shall count toward the minimum floor area requirement for other principal uses.

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

(c) Prior to the issuance of any building permit for the Special Use, a plan of development for the Special Use shall be approved by the Director of Planning and Development Review, or the designee thereof, pursuant to Article X, Division 4 of Chapter 30 of the Code of the City of Richmond (2020), as amended.

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

O & R Request

DATE: September 12, 2023

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 4605, 4623, 4625, and 4627 West Broad Street, for the purpose of exceeding the inclined plane height and rear setback for a mixed-use building, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 4605, 4623, 4625, and 4627 West Broad Street, for the purpose of exceeding the inclined plane height and rear setback for a mixed-use building, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit for the purpose of mixed-use building with off-street parking. While the proposed use is authorized by the Transit Oriented Nodal Development District, the use would not comply with sections 30-457.5(2) and 30-457.9, regarding rear yards and maximum height adjacent to a residential zone, of the Code of the City of Richmond (2020), as amended. 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.

BACKGROUND: 4605, 4623, 4625, and 4627 West Broad Street are currently improved with a 58,920 sq. ft. commercial building, constructed in 1963, situated on four contiguous parcels with a combined 45,479 sq. ft. (1 acre) of land. The property is located in the Monument Avenue Park neighborhood, between Blacker and Westmoreland Streets.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Corridor Mixed-Use, which are defined as properties that are "Found along major commercial corridors and envisioned to provide for medium- to medium-high-density pedestrian- and transit-oriented development."

Intensity: Buildings generally ranging from two to ten stories, based on street widths and depending on the historic context and stepping down in height adjacent to residential areas. New buildings that are taller than historical buildings should step back from the build-to line after matching the height of the predominant cornice line of the block.

Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space.

Secondary Uses: Single-family houses, institutional, and government.

The current zoning for these properties is TOD-1 Transit Oriented Nodal District. Adjacent properties are located within the same TOD-1 District, with properties to southwest zoned R-5, Single-Family Residential.

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 10, 2023

CITY COUNCIL PUBLIC HEARING DATE: November 13, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission November 6, 2023

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: 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

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