



SUP – 22-01
Special Use Permit
Southpark Circle - Southpark Mall CMBS LLC
Parcel ID 68204700013

Southpark Mall CMBS LLC has filed a special use permit application to allow the redevelopment of the former Sears Building into multi-family residential apartments. The subject property is also known as parcel identification number 68204700013 and zoned GB, General Business. The special use permit is needed to allow multi-family residential dwellings in the GB – General Business District without complying with the following City Code provisions:

1. Section 286-404.20 D (1): The multi-family use shall be allowed only in the same structure as, and in conjunction with, an associated civic, office or commercial use type; and
2. Section 286-404.20 D (2): The civic, office or commercial use type must occupy at least 50% of the gross floor area of the structure.

Below, you will find more detailed information regarding the location, zoning, land use, and staff analysis.

Background

Property owner Southpark Mall CMBS LLC is applying for the subject Special Use Permit; the applicant is Colonial Heights LLC which is owned by Nick Wexler and Shane Burnette. The City has been informed by Karen Epps that this project is no longer requesting a tax incentive and will be seeking market rate financing.

Location

Located on Southpark Circle, the former Sears Building is identified as parcel identification number 68204700013, currently zoned GB – General Business. The site is located near the Gold’s Gym and Sam’s Club. If approved, the former Sears Building would be demolished and replaced with two (2) new, four (4) story apartment buildings detached from Southpark Mall.

Zoning

The official zoning map shows this property zoned as GB – General Business.

Surrounding Zoning

North: GB – General Business
South: GB – General Business
East: GB – General Business
West: GB – General Business

Comprehensive Plan Land Use Plan

The City’s Existing Land Use Map identifies parcel 68204700013 as “Commercial.” The City’s Land Use Plan identifies parcel 68204700013 as “Mixed Use.”

Surrounding Land Use

Existing Land Uses:

North: Retail
South: Retail
East: Retail
West: Retail

Land Use Plan:

North: Low Density- Mixed Use
South: Low Density- Mixed Use
East: Low Density – Mixed Use
West: High Density Mixed Use

Analysis of Request

City Zoning Ordinance

1. City Charter §17.11-1 Uniformity of Regulations within a District—Special Use Permits, the City Council has the authority to issue a special use permit by adopting an ordinance; however, prior to such adoption, the planning commission must investigate the circumstances and conditions and hold a public hearing. Once this occurs, “The city planning commission may recommend and the council may impose such conditions upon the use of the land, buildings and structures as will, in its opinion, protect the community and area involved and the public from adverse effects and detriments that may result therefrom”. As provided in this same section of the Charter, the Commission should investigate the circumstances and conditions to determine whether the “special use 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”.
2. Zoning of the City of Colonial Heights City Code, Use and Design Standards, Section §286-404.20 Multi-family dwelling:

- A. Intent. The following minimum standards are intended to accommodate multi-family dwellings, ensuring adequate separation and other design characteristics to create a safe and healthy residential environment while protecting adjoining uses which are less intensive.
- B. General standards:
 - 1. Minimum front yard setback: 30 feet from any street right-of-way for all structures.
 - 2. Minimum side yard setback: 20 feet for principal structures.
 - 3. Minimum rear yard setback: 25 feet for principal structures.
 - 4. Additional setbacks in the form of a buffer yard shall be required in accordance with §286-512, where the property adjoins a less intensive zoning district.
 - 5. Each multi-family building shall be separated by 40 feet between facing living areas. This separation may be reduced to 20 feet when both multi-family buildings contain facing windowless walls.
 - 6. Where buildings are placed at right angles (90 degrees) to one another and both interior walls are windowless, the minimum separation of buildings shall be 20 feet.
 - 7. Minimum standards for open space and recreational areas required below:
 - (a) Shall be in addition to any buffer yard required under § 286-512 of this chapter;
 - (b) Shall be in addition to and not be located in any required front, side or rear yard setback;
 - (c) Shall have a minimum width of 50 feet or more, except that areas with a minimum width of at least 20 feet or more shall be counted as open space provided such areas contain facilities such as, but not limited to, bikeways, exercise trails, tot lots, gazebos, picnic tables, etc.
 - (d) Shall not include proposed street rights-of-way, open parking areas, driveways, or sites reserved for other specific uses, and
 - (e) Shall be of an appropriate nature and location to serve the residents of the multi-family development.
 - 8. Provisions must be made for vehicular access and turnaround for regularly scheduled service vehicles such as trash collection.
 - 9. All multi-family dwellings shall be served by public sewer and water.
- C. Additional standards in the RH District: (N/A)
- D. Additional standards in the BB and GB Districts:
 - 1. *The multi-family use shall be allowed only in the same structure as, and in conjunction with, an associated civic, office or commercial use type; and*

2. *The civic, office or commercial use type must occupy at least 50% of the gross floor area of the structure.*

The applicants cannot meet the above conditions in the GB – General Business District as the multi-family units will be stand-alone structures and not located in the same structure as, and in conjunction with, any civic, office or commercial use type. There are no civic, office or commercial use types associated with this proposal.

Comprehensive Plan:

The City's comprehensive plan provides the following:

1. Chapter 2. Vision, Goals and Objectives: Key themes were identified, such as providing quality housing, revitalize neighborhoods and create positive neighborhood identity (page 11). In addition, redeveloping the mall area to spur economic development was identified as an Economic Prosperity Objective (page 14).
2. Chapter 3. Land Use Policies:
Form a task force of Southpark Mall area business owners/managers, including Mall management and City staff to identify ways to improve and redevelop the commercial area to include new land use options, such as mixed use; apartments styled to attract young adults, senior housing and offices for areas around, and including, Southpark Mall (page 21). This area is identified as Mixed use on the Land Use Plan.
3. Chapter 4. Neighborhoods and Housing:
 - **Mall Area Mixed Use Center:** As many residents reach retirement age and look for alternative housing, there is little opportunity for them to stay in the City. Providing senior-friendly apartments in the Mall area would provide an opportunity for residents to stay in the City and be close to shopping and services.

Additionally, this mixed center is an opportunity to attract young adults. With the marriage age increasing and the impact of the recent recession, young people are putting off buying homes and are choosing to live closer to their jobs and entertainment. Mixed use developments allow them to live, work and play in one area. Attracting this population could benefit the City in the future, because these young people may choose to stay, purchase homes and start families in Colonial Heights (page 24).

According to the applicant, the request furthers the objectives of the Comprehensive Plan by keeping the mall a vibrant asset for the community through redevelopment, specifically including multi-family housing. In addition, this mixed-use center is an opportunity to attract young adults as well as senior adults. Lastly, the applicants wanted to point out that the comprehensive plan indicates that housing is a “substantial concern” and that its “an important part of maintaining a high quality of life and a powerful economic development tool to attract new residents and jobs.”

Staff Recommendation

The recommendation from staff is for the City Council to approve Ordinance Number 22-2, with the following conditions:

1. The development shall be in substantial accord with the concept/site plan, prepared by Poole & Poole Architecture, LLC; and
2. A site plan will be required for the development, which complies with all other City standards and specifications.

Attachments:

1. Application
2. Concept/Site Plan, prepared Poole & Poole Architecture LLC