

AN ORDINANCE NO. 22-2

To grant a special use permit to Southpark Mall CMBS LLC, located at Southpark Circle, also known as parcel identification number 68204700013, and zoned GB – General Business, to allow the redevelopment of the former Sears Building into multi-family residential apartments.

WHEREAS, Southpark Mall CMBS LLC, located at Southpark Circle, also known as parcel identification number 68204700013, has filed an application for a special use permit to allow for multi-family residential apartments located at the former Sears Building, which is zoned GB – General Business; and

WHEREAS, Southpark Mall CMBS LLC needs the special use permit to allow for multi-family residential apartments 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; and

WHEREAS, the Planning Commission held a public hearing to receive citizen comment on the issuance of a special use permit, and after due consideration the Planning Commission approved Planning Commission Resolution No. 22-2, a copy of which is attached hereto and made a part of this ordinance; and

WHEREAS, the Planning Commission recommends that City Council approve this ordinance; and

WHEREAS, upon recommendation of the Planning Commission, the City Council finds that the public necessity, convenience, general welfare, and good planning and zoning practice require that this special use permit be granted; and

WHEREAS, City Council further finds, after investigation by the Colonial Heights' Planning Commission, that issuance of the requested special use permit to Southpark Mall CMBS LLC to

redevelop the former Sears Building into multi-family residential apartments, will not be detrimental to the safety, health, morals, and general welfare of the community involved; will conform to the principles of good planning; will not tend to create congestion in streets, drives, 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; NOW, THEREFORE, THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. Southpark Mall CMBS LLC, located at Southpark Circle, also known as parcel identification number 68204700013 and zoned GB – General Business, is granted a special use permit to allow the redevelopment of the Sears Building into multi-family residential apartments without complying with the following City Code provisions:

- a. 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
- b. 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.

2. The grant of this special use permit is expressly conditioned upon City Council's final approval of Ordinance No. 22-1.

3. This permit shall be subject to review and revocation by Council, at Council's discretion, in the same manner and under the same conditions as required by law for the granting of such permits.

4. This ordinance shall be in full force and effect upon its approval on second reading.

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

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I certify that the above ordinance was:

Adopted on its first reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilmember: \_\_\_\_\_

The Honorable John E. Piotrowski, Councilmember: \_\_\_\_\_

The Honorable Dr. Laura F. Poe, Councilmember: \_\_\_\_\_

The Honorable Robert W. Wade, Councilmember: \_\_\_\_\_

The Honorable John T. Wood, Councilmember: \_\_\_\_\_

The Honorable Elizabeth G. Luck, Vice-Mayor: \_\_\_\_\_

The Honorable T. Gregory Kochuba, Mayor: \_\_\_\_\_

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilmember: \_\_\_\_\_

The Honorable John E. Piotrowski, Councilmember: \_\_\_\_\_

The Honorable Dr. Laura F. Poe, Councilmember: \_\_\_\_\_

The Honorable Robert W. Wade, Councilmember: \_\_\_\_\_

The Honorable John T. Wood, Councilmember:

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The Honorable Elizabeth G. Luck, Vice-Mayor:

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The Honorable T. Gregory Kochuba, Mayor:

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\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney