

AN ORDINANCE No. 2022-212

To authorize the special use of the properties known as 1117 North Arthur Ashe Boulevard, 1119 North Arthur Ashe Boulevard, and 1201 North Arthur Ashe Boulevard for the purpose of a mixed-use building containing dwelling units, amenity space, commercial space, and structured parking spaces, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 25 2022 AT 6 P.M.

WHEREAS, the owner of the properties known as 1117 North Arthur Ashe Boulevard, 1119 North Arthur Ashe Boulevard, and 1201 North Arthur Ashe Boulevard, which are situated in a TOD-1 Transit-Oriented Nodal District, desires to use such properties for the purpose of a mixed-use building containing dwelling units, amenity space, commercial space, and structured parking spaces, which use, among other things, is not currently allowed by sections 30-457.2(18)(a), concerning parking structures along principal or priority street frontages, and 30-457.8(a), concerning the location of parking and circulation areas, of the Code of the City of Richmond (2020), as amended; and

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: JUL 25 2022 REJECTED: _____ STRICKEN: _____

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 1117 North Arthur Ashe Boulevard, 1119 North Arthur Ashe Boulevard, and 1201 North Arthur Ashe Boulevard and identified as Tax Parcel Nos. N000-1503/015, N000-1503/016, and N000-1503/025, respectively, in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “ALTA/NSPS Land Title Survey of Five Parcels of Land Located South of W. Leigh Street, West of Myers Street, and East of N. Arthur Ashe Boulevard,” prepared by Timmons Group, and dated April 12, 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 a mixed-use building containing dwelling units, amenity space, commercial space, and structured parking spaces, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Arthur Ashe Development, City of Richmond - Virginia,” prepared by Timmons Group, dated December 21, 2021, and last revised June 3, 2022, and “1201 Arthur Ashe,” prepared by Poole and Poole Architecture, and undated, and 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 a mixed-use building containing dwelling units, amenity space, commercial space, and structured parking spaces, substantially as shown on the Plans. The Special Use may contain areas devoted to the parking or circulation of vehicles between the main building and the street line, substantially as shown on the Plans. Structured parking may be located within the building, substantially as shown on the Plans.

(b) The number of parking spaces provided on the Property shall not be less than the number of parking spaces required by the underlying zoning district.

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

§ 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,

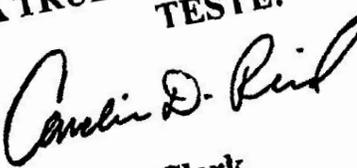
non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(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.

**A TRUE COPY:
TESTE:**

City Clerk



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Item Request File Number: PRE.2022.0244

O & R Request

DATE: June 9, 2022

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, 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 properties known as 1201 North Arthur Ashe Boulevard, 1119 North Arthur Ashe Boulevard, and 1117 North Arthur Ashe Boulevard, for the purpose of a mixed-use building that does not meet all feature requirements of the underlying zoning, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the properties known as 1201 North Arthur Ashe Boulevard, 1119 North Arthur Ashe Boulevard, and 1117 North Arthur Ashe Boulevard, for the purpose of a mixed-use building that does not meet all feature requirements of the underlying zoning, upon certain terms and conditions.

REASON: The proposed mixed-use building does not meet all feature requirements of the underlying TOD-1 - Transit-Oriented Nodal District, including:

-Section 30-457.2(18)(a): No portion of such structure located along a principal street frontage or a priority street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or priority street frontage or to means of pedestrian or vehicle access, provided that vehicle access along any principal street frontage or priority street frontage shall be permitted only when no alley or other street frontage is available for adequate access.

-Section 30-457.8(a): *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles shall not be located between the main building on a lot and the street line, nor shall such areas be located closer to the street than the main building on the lot. On a lot having more than one street frontage, this subsection shall apply along the principal street frontage of the lot as defined in Section 30-1220 as well as any designated priority street frontage.

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 July 18, 2022 meeting.

BACKGROUND: The subject property consists of three parcels of land: 1201 North Arthur Ashe Boulevard (aka 1203 Arthur Ashe Boulevard), 1119 North Arthur Ashe Boulevard, and 1117 North Arthur Ashe Boulevard. The parcels are located on the east side of North Arthur Ashe Boulevard, between West Leigh Street and West Broad Street, in the Great Scotts Addition area.

The proposal is to construct an 8-story mixed-use building containing ground-floor retail, 295 dwelling units, and 296 structured parking spaces.

The Richmond 300 master plan recommends Destination Mixed-Use Land Use for the subject property, which is described as:

Key gateways featuring prominent destinations, such as retail, sports venues, and large employers, as well as housing and open space. Located at the convergence of several modes of transportation, including Pulse BRT or other planned transit improvements.

Development Style: Higher-density, transit-oriented development encouraged on vacant or underutilized sites. New development should be urban in form, may be of larger scale than existing context, and, where relevant, should pay special attention to the historic character of the existing context. Development should enhance the public realm and create a sense of place. Many buildings are vertically mixed-use. Developments continue or introduce a gridded street pattern to increase connectivity. Ground Floor: Ground floor uses engage with, and enliven, the street. Monolithic walls are discouraged, while windows, doors, storefronts, and other features that allow transparency and interaction between building and street are encouraged. Active commercial ground floor uses are required on street-oriented commercial frontages.

Mobility: Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. Driveway entrances are required to be off alleys whenever possible; new driveways are prohibited on priority and principal street frontages. Surface parking is prohibited as a principal use; when surface parking is provided as an accessory use, it should be located to the rear of buildings and screened. Parking requirements are reduced to allow more market-based parking strategies, including shared parking.

Intensity: Buildings typically a minimum height of five stories.

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

Secondary Uses: Institutional and government.

The subject property is also located within the Greater Scott's National/Regional Node (Priority Growth Node).

Surrounding properties are located within the same TOD-1 District as the subject property. A mix of commercial, office, mixed-use, institutional, residential, and industrial land uses are present in the vicinity.

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: N/A

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: June 27, 2022

CITY COUNCIL PUBLIC HEARING DATE: July 25, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
July 18, 2022

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

STAFF: Matthew J. Ebinger, Principal Planner, Land Use Administration 804-646-6308



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304

<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

Project Name/Location

Property Address: _____ Date: _____

Tax Map #: _____ Fee: _____

Total area of affected site in acres: _____

(See **page 6** for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: _____

Existing Use: _____

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Existing Use: _____

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _() _____ Fax: _() _____

Email: _____

Property Owner: _____

If Business Entity, name and title of authorized signee: _____

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _() _____ Fax: _() _____

Email: _____

Property Owner Signature: *David Franco*

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)



1001 Boulders Parkway
Suite 300
Richmond, VA 23225

P 804.200.6500
F 804.560.1016
www.timmons.com

June 9, 2022

Exhibit 1: List of Parcels for SUP Application

Matthew J. Ebinger, AICP
Planning Supervisor, Land Use Administration
900 E Broad Street
Room 511
Richmond, Virginia 23219

Dear Mr. Ebinger,

Please accept the below list of parcels as the subject of the requested special use permit request to the City of Richmond on behalf of Level 2 Development.

Sincerely,

Amelia Wehunt, PE
Principal, Urban Practice, Timmons Group

ADDRESS	PARCEL NUMBER
1117 N Arthur Ashe Boulevard & 944 Myers Street	N000-1503/015
1119 N Arthur Ashe Boulevard	N000-1503/016
1201 & 1203 N Arthur Ashe Boulevard	N000-1503/025

1201 N ARTHUR ASHE BOULEVARD: APPLICANT'S REPORT FOR SPECIAL USE PERMIT APPLICATION



JUNE 9, 2022

PREPARED ON BEHALF OF:

Mu AA Owner LLC
c/o Level 2 Development
2920 W Broad Street, Suite 110
Richmond, Virginia 23220

PREPARED BY:

Amelia Wehunt, PE
Principal, Urban Practice, Timmons Group
1001 Boulders Parkway, Suite 300
Richmond, Virginia 23225
804.517.4996
Amelia.Wehunt@timmons.com



June 9, 2022

Matthew Ebinger, AICP
Planning Supervisor, Land Use Administration
City of Richmond, Department of Planning and Development Review
900 East Broad Street, Room 511
Richmond, VA 23219

Dear Mr. Ebinger,

Please accept this applicant's report as an accompaniment to the special use application for the parcels listed below (Figure 1). Timmons Group is representing Level 2 Development ("the Owner") in this special use permit request.

ADDRESS	PARCEL NUMBER
1117 N Arthur Ashe Boulevard & 944 Myers Street	N000-1503/015
1119 N Arthur Ashe Boulevard	N000-1503/016
1201 & 1203 N Arthur Ashe Boulevard	N000-1503/025

Figure 1

The special use permit is requested to allow for relief from Secs. 30-457.2(18)a and 30-457.8(a) and (b) of the Zoning Ordinance of the City of Richmond Code of Ordinances. As a performance standard for parking decks and parking garages, this section of the TOD-1 district regulations in the Zoning Ordinance requires that "no portion of such structure located along a principal street frontage or a priority street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or priority street frontage or to means of pedestrian or vehicle access, provided that vehicle access along any principal street frontage or priority street frontage shall be permitted only when no alley or other street frontage is available for adequate access."¹

The Owner desires to construct an 8-story mixed-use building containing up to 305 dwelling units with ground floor commercial uses along the principal street frontage (N Arthur Ashe Boulevard) and 296 structured parking spaces. Sec. 30-457.2(18)a does not allow parking decks or parking garages on any level along the principal street frontage (N Arthur Ashe Boulevard), which differs from the performance standard in a similar urban mixed-use zoning district (B-4), which only prohibits parking decks or parking garages uses on the ground floor along the principal street frontage.

The Owner is seeking relief from Sec 30-457.2(18)a of the Zoning Ordinance in order to allow for spaces in a parking deck along the principal street frontage (North Arthur Ashe Boulevard) on the second floor of the building. The Special Use is necessary due to site constraints, including narrowness of the site, a DPU 50' wide sewer easement bisecting the site, and because the owner desires to provide off-street parking at a ratio of approximately one space per dwelling unit. Limited on-street parking is available on the east side of N Arthur Ashe Boulevard, so the justification for the second-floor parking spaces is warranted. Active commercial uses are provided on the ground floor, and the openings for the parking deck on the second floor

¹ Code 2015, § 30-457.2; Ord. No. 2017-150, § 2, 9-25-2017; Ord. No. 2019-343, § 1(30-457.2), 6-22-2020

are designed to appear as an extension of the ground floor commercial storefront. Active uses are also provided on floors 3-8 of the building.

The Owner is seeking relief from Secs 30-457.8(a) and (b) of the Zoning Ordinance in order to allow for the modernization of an existing curb cut and to allow for a drop-off and pick up area for lobby access to the building (i.e., Uber, Lyft, UPS, USPS) with a plaza. Per the referenced zoning ordinance section, the modification to the existing curb cut and removal and replacement of the existing parking area with a new parking area are not permitted and necessitates a waiver through a Special Use Permit. The proposed drop off area and plaza are also both located over an unbuildable 50'-side sewer easement, which represents a significant hardship for the site and makes compliance with the zoning ordinance unattainable. The drop-off and pick-up area will allow for loading, drop-off, and pick-up activities to be more safely accommodated outside of the City right-of-way. It will also include pedestrian circulation and seating, including connection to a 5' pedestrian connection from Arthur Ashe Boulevard to Myers Street, which was a request by staff in order to accommodate pedestrian access between Myers Street and the Scott's Addition neighborhood.

A preliminary plan of development application package was submitted to the City on December 21, 2021, and as of the date of this special use permit application submittal, the technical plan of development application is in its second round of review. The applicant team has been working with City staff for approximately six months to meet all of the City of Richmond requirements, and the location of structured parking on the second floor of the mixed-use building as well as the drop off area and corresponding entrance location have recently been brought to our attention as performance standards that can only be waived via a special use permit.

The subject of the request for the special use permit (*to waive the location requirements related to structured parking on the second floor of a mixed-use building and location of vehicular entrance and off-street parking*) WILL NOT:

1. Be detrimental to the safety, health, morals and general welfare of the community involved
2. Create congestion in street, roads, alleys and other public ways and places in the area involved;
3. Create hazards from fire, panic, or other dangers;
4. Tend to cause overcrowding of land and an undue concentration of population;
5. Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences, and improvements; or
6. Interfere with adequate light and air.
7. Impact the visual appearance or experience in the neighborhood.

I am available via the contact information on the first page of this applicant's report if there are any questions or concerns related to the special use permit application.

Sincerely

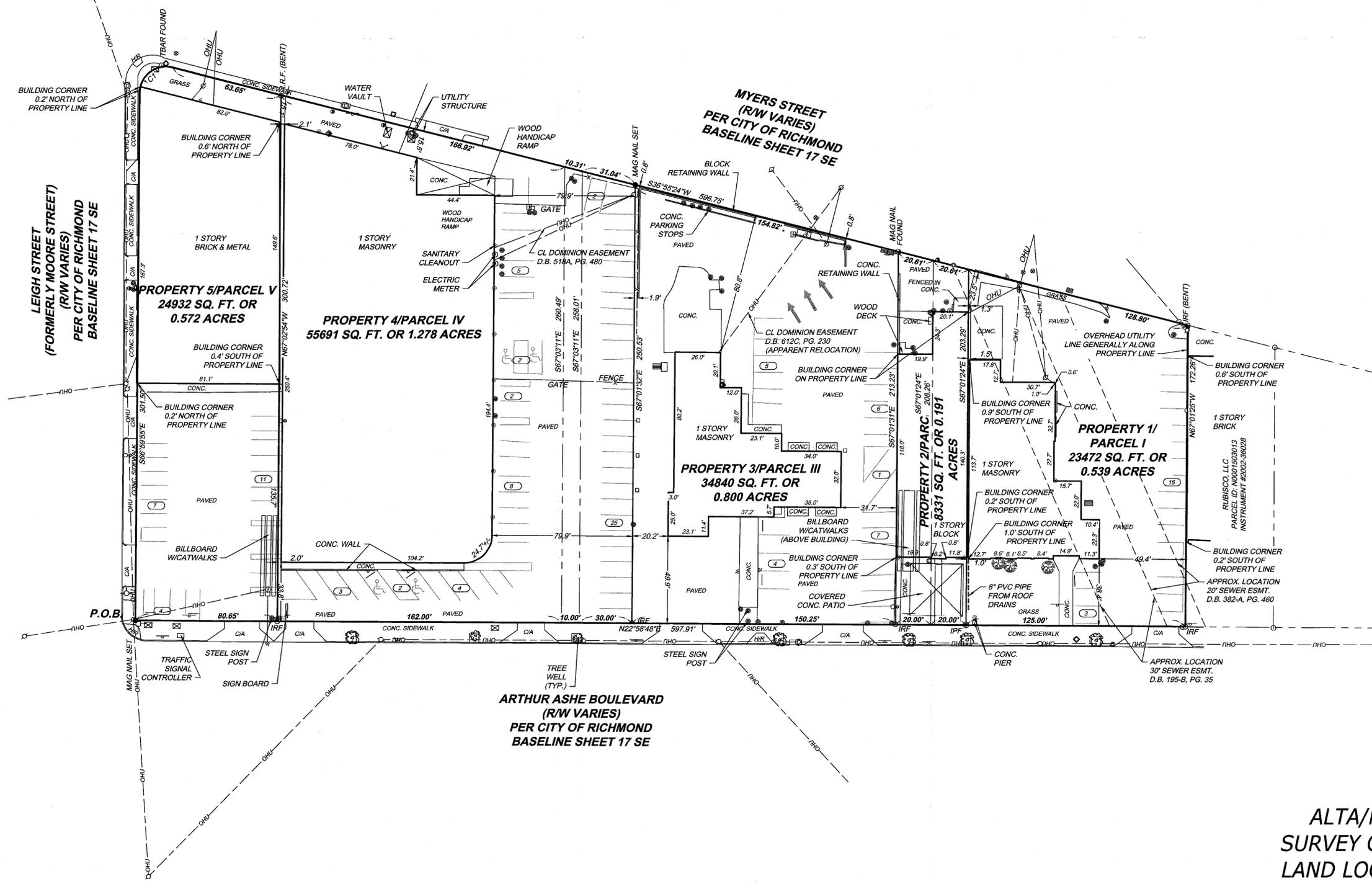


Amelia Wehunt, PE
Principal, Urban Practice, Timmons Group

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C1	15.00'	27.21'	19.17'	103°55'20"	S15°02'16"E	23.63'



- Legend**
- ◆ Gas Meter
 - Gas Valve
 - Light Pole
 - ⊕ Electric Meter
 - ⊞ Electric Pedestal
 - ⊞ Traffic Signal Pole
 - ⊞ Sign
 - Bollard
 - Sanitary Cleanout
 - ⊞ Storm Manhole
 - ⊞ Storm Grate
 - Roof Drain
 - ⊞ Utility Pole
 - ⊞ Guy Anchor
 - ⊞ Utility Vault
 - ⊞ Fire Hydrant
 - ⊞ Water Meter
 - ⊞ Siamese Water
 - Water Valve
 - ⊞ Property Corner Found
 - ⊞ Iron Pipe Found
 - ⊞ Concrete Monument Found
 - ⊞ Tree
- IRF Iron Rod Found
 IPF Iron Pipe Found
 CIA Concrete Apron
 H/R Handicap Ramp



ALTA/NSPS LAND TITLE
 SURVEY OF FIVE PARCELS OF
 LAND LOCATED SOUTH OF W.
 LEIGH STREET, WEST OF
 MYERS STREET, AND EAST OF
 N. ARTHUR ASHE BOULEVARD

CITY OF RICHMOND	VIRGINIA
Date: APRIL 12, 2021	Scale: 1"=30'
Sheet 2 of 2	J.N.: 47914
Drawn by: RPS	Checked by: GFD
REVISED: JUNE 25, 2021	

Y:\901147914-Ashe-Leigh-ALTA\DWG\47914-XP\SURV.dwg | Plotted on 6/28/2021 1:24 PM | by Robert Sidam

THIS DRAWING PREPARED AT THE
CORPORATE OFFICE
 1001 Boulders Parkway, Suite 300 | Richmond, VA 23225
 TEL: 804-200-6500 FAX: 804-500-1010 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

TIMMONS GROUP