



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2016-191: To authorize the special use of the property known as 701 East Cary Street for the purpose of allowing a building to exceed the applicable height restrictions, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: July 18, 2016

PETITIONER

Brian K. Jackson, Esq. - Hirschler Fleischer

LOCATION

701 East Cary Street

PURPOSE

To authorize the special use of the property known as 701 East Cary Street for the purpose of authorizing a waiver to the height restrictions, upon certain terms and conditions.

SUMMARY & RECOMMENDATION

The applicant has requested a Special Use Permit, to authorize a waiver to the incline plane provisions in the B-4 Central Business District.

The subject property is an improved lot located on the block bounded by East Cary Street to the north, South 8th Street to the east, East Canal Street to the south, and South 7th Street to the west. The existing building is the headquarters for Dominion Resources.

The proposed Dominion Workplace project will be one of two towers proposed for the two blocks located within South 6th Street, East Cary Street, South 8th Street, and East Canal Street. A plan of development (POD) has been filed for Tower 1, which will be located on the South 6th Street block.

The building proposed for the subject property is Tower 2 with a total height 424.4 feet. Approximately 3.83 percent of the building's façade is not in compliance with the height restrictions. The ordinance requires that no portion of a building shall penetrate an inclined plane originating at the centerline of each abutting street and extending over the lot at an inclination of one foot horizontal for each four feet vertical and provided, further, that such inclined plane may be penetrated by a building wall adjacent to a street for a horizontal distance not exceeding 50 percent of the length of the property line along such street. In all other respects, the proposed building shall meet the B-4 zoning requirements.

The Downtown Master Plan designates this area as an Urban Core Area. The Plan states that, "The Urban Core Area is the most urban Character Area. This area is characterized by high density, an intense mix of uses, and civic buildings of regional significance, distributed along

urban blocks with wide sidewalks, regular street tree plantings, and buildings that front the street. City Center is an example of the urban core condition in Downtown Richmond, with tall buildings that contain a range of office, residential and retail space. Continued pedestrian-oriented development will support a vibrant street realm in City Center” (p.3.27).

The ordinance that was introduced at City Council contained standard language regarding timing of the implementation of the special use permit even though the applicant had request a four year time frame. Additionally, the introduced ordinance contained standard language that would make the special use permit null and void if the use of the property was abandoned for two years. However, once the high rise is built with the height waiver there should be no prohibition on occupying the building. The introduced ordinance also included a limitation on the height to 430 feet, which was supposed to be able to be altered by the Director should additional height be needed. The City Attorney’s Office removed this language. In order to fulfill the applicant’s request and comply with the law staff recommends that the ordinance be amended.

Staff finds that with the proposed amendments to the ordinance the proposed development would be consistent with the recommendations of the Downtown Plan. Staff further finds that with the conditions of the ordinance, the safeguards contained within the City Charter, relative to the granting of special use permits, are met. Staff therefore recommends approval of the proposed special use permit subject to the following amendments:

1. Section 3b - The height of the building shall not exceed ~~430 feet~~ 525 feet.
2. Section 5f - ~~When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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.~~
3. Section 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~~ 1,460 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.

FINDINGS OF FACT

Site Description

The subject property is an improved lot located on the block bounded by East Cary Street to the north, South 8th Street to the east, East Canal Street to the south, and South 7th Street to the west. The existing building is the headquarters for Dominion Resources.

Proposed Use of the Property

The proposed Dominion Workplace project will be one of two towers proposed for the two blocks located within South 6th Street, East Cary Street, South 8th Street, and East Canal Street. A plan of development (POD) has been filed for Tower 1, which will be located on the South 6th Street block.

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Master Plan

The Downtown Master Plan designates this area as an Urban Core Area. The Plan states that, "The Urban Core Area is the most urban Character Area. This area is characterized by high density, an intense mix of uses, and civic buildings of regional significance, distributed along urban blocks with wide sidewalks, regular street tree plantings, and buildings that front the street. City Center is an example of the urban core condition in Downtown Richmond, with tall buildings that contain a range of office, residential and retail space. Continued pedestrian-oriented development will support a vibrant street realm in City Center" (p.3.27).

Zoning & Ordinance Conditions

The subject property is located in the B-4 Central Business District, and would be subject to conditions of the special use permit ordinance, including:

The building on the Property may exceed the height restrictions, including those based on the inclined plane provisions, of section 30-440.6 of the Code of the City of Richmond (2015), as amended, substantially as shown on the Plans, provided that, at the Owner's request, the Director of Planning and Development Review may approve aspects of the building that are not substantially as shown on the Plans but that are otherwise consistent with this ordinance, including section 4(e).

The height of the building shall not exceed 430 feet.

A plan of development shall be approved as required in section 30-440.1 of the Code of the City of Richmond (2015), as amended, prior to the issuance of a building permit.

In order to accommodate the building schedule for Tower 1 and Tower 2, the applicant has requested that the validity period for the special use permit be extended from two years to four years.

Surrounding Area

Adjacent properties are located in the B-4 district that includes the subject property and encompasses much of the Downtown area. A mix of office, commercial, multi-family residential, and public-open space land uses are present in the area.

Neighborhood Participation

Staff has not received any letters of support or opposition.

Staff Contact: Matthew J. Ebinger, AICP, (804) 646-6308