

INTRODUCED: June 22, 2020

AN ORDINANCE No. 2020-149

To authorize the special use of the property known as 1101 North Arthur Ashe Boulevard for the purpose of a mixed-use building containing up to 29 dwelling units, with amenity spaces and commercial uses on the ground floor, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 27 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 1101 North Arthur Ashe Boulevard, which is situated in a TOD-1 Transit-Oriented Nodal District, desires to use such property for the purpose of a mixed-use building containing up to 29 dwelling units, with amenity spaces and commercial uses on the ground floor, which use, among other things, is not currently allowed by section 30-457.2 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2019), 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUL 27 2020 REJECTED: _____ STRICKEN: _____

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 (2015), 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 property known as 1101 North Arthur Ashe Boulevard and identified as Tax Parcel No. N000-1503/011 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled “Exhibit Map of Two Parcels Totaling 0.49 Acres of Land Situated on the East Side of North Boulevard and the West Side of Myers Street, City of Richmond, Virginia,” prepared by Townes Site Engineering, and dated May 22, 2018, 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 up to 29 dwelling units, with amenity spaces and commercial uses on the ground floor, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Outlier, 1101 North Arthur Ashe Boulevard, Richmond, VA 23230,” prepared by Walter Parks Architects, dated January 31, 2020, and last revised April 24, 2020, hereinafter referred to 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 up to 29 dwelling units, with amenity spaces and commercial uses on the ground floor, substantially as shown on the Plans.

(b) No fewer than 31 off-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.

(c) All building elevations, materials, building colors, and site improvements shall be substantially as shown on the Plans. Alternative designs, materials, and colors may be used, subject to the approval of the Director of Planning and Development Review in accordance with applicable law, prior to the issuance of a building permit.

(d) The height of the Special Use shall not exceed the height as shown on the Plans.

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

(f) Interior doors to bedrooms within dwelling units may contain exterior locking mechanisms.

(g) Up to six unrelated persons or combinations of related and unrelated persons may reside within individual dwelling units.

(h) Leases of occupancy shall be at least 30 days or greater in length.

§ 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 (2015), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way, including the installation of a sidewalk and an entrance along Myers Street and the installation of a street tree within the tree well along North Arthur Ashe Boulevard, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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 (2015), 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 (2015), 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 (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

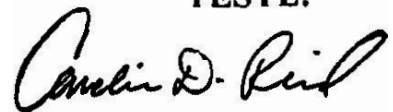
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property 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:

A handwritten signature in black ink that reads "Carlin D. Reed". The signature is written in a cursive style with a large initial "C".

City Clerk

RECEIVED

By Barbara Fore at 9:25 am, Jun 18, 2020

City of Richmond

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

Item Request

File Number: PRE.2020.177

O & R Request

DATE: May 22, 2020

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)  6/17/2020
(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer 

THROUGH: Sharon L. Ebert, Chief Administrative Officer for Economic Development and Planning 

FROM: Mark A. Olinger, Director, Department of Planning and Development Review 

RE: To authorize the special use of the property known as 1101 North Arthur Ashe Boulevard, for the purpose of a mixed-use building containing up to 29 dwelling units, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 1101 North Arthur Ashe Boulevard, for the purpose of a mixed-use building containing up to 29 dwelling units, upon certain terms and conditions.

REASON: The applicant has requested a special use permit to allow a mixed-use building to include dwelling units that will have five to six bedrooms with a communal kitchen and living area. The dwelling units are intended to be occupied by more than three unrelated persons. Furthermore, bedrooms will be lockable from the outside and not accessible to other tenants should they be unrented. These provisions are not allowed by the Zoning Ordinance, a Special Use Permit is therefore required to accomplish this request.

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 20, 2020, meeting.

BACKGROUND: The subject property consists of a parcel totaling 13,343 SF (.309 acres) of land improved with a garage and unscreened parking area. The property is a part of the greater Scott's Addition area in the City's Near West Planning District, and has frontage on both North Arthur Ashe Boulevard and Myers Street.

The City of Richmond's current Pulse Corridor Plan designates the subject property for Nodal Mixed Use (NO-MU). The plan calls for development aligned with the Transit-oriented district located immediately adjacent to the Pulse BRT or other frequent transit service at key gateways and prominent places in the city in order to provide for significant, urban-form development in appropriate locations. Higher-density pedestrian- and transit-oriented development encouraged on vacant and underutilized sites; new development should be urban in form and may be of larger scale than existing context. It should directly engage with the prominence of Nodal Mixed-Use places and the public realm. Highly active street frontages and urban design features that encourage pedestrian activity are required. Driveway entrances required to be off alleys whenever possible; new driveways prohibited on street-oriented commercial and priority street frontages. Little to no setback of new development unless to create pedestrian-oriented amenities like plazas and outdoor dining. Surface parking 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 by shade trees. Parking requirements are reduced to allow more market-based parking strategies, including shared parking.

The property is currently zoned TOD-I Transit-Oriented Nodal District as are surrounding parcels to the north, south, east, and west. A mix of commercial, residential, office, and institutional land uses are present in the area.

The intent of the TOD-I district is to encourage dense, walkable transit-oriented development consistent with the objectives of the master plan and to promote enhancement of the character of this development along principal corridors, at key gateways, and at nodes of high activity located near transit service, bicycle infrastructure, and pedestrian-friendly streetscapes. The district regulations are also intended to safeguard the character of adjoining properties by only being applied in areas that meet the criteria above, with buffering by setbacks and screening or transitional districts to lower intensity residential areas.

The district regulations are intended to encourage redevelopment and place-making, including adaptive reuse of underutilized buildings, to create a high-quality urban realm. They are intended to improve streetscape character by providing continuity of building setbacks, to enhance public safety by encouraging an active pedestrian environment consistent with the mixed-use character of the district by providing for windows in building façades along street frontages, and to promote an environment that is safe for walking and biking.

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: June 22, 2020

CITY COUNCIL PUBLIC HEARING DATE: July 27, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
July 20, 2020

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: David Watson, Senior Planner, Land Use Administration (Room 511) 804-646-1036



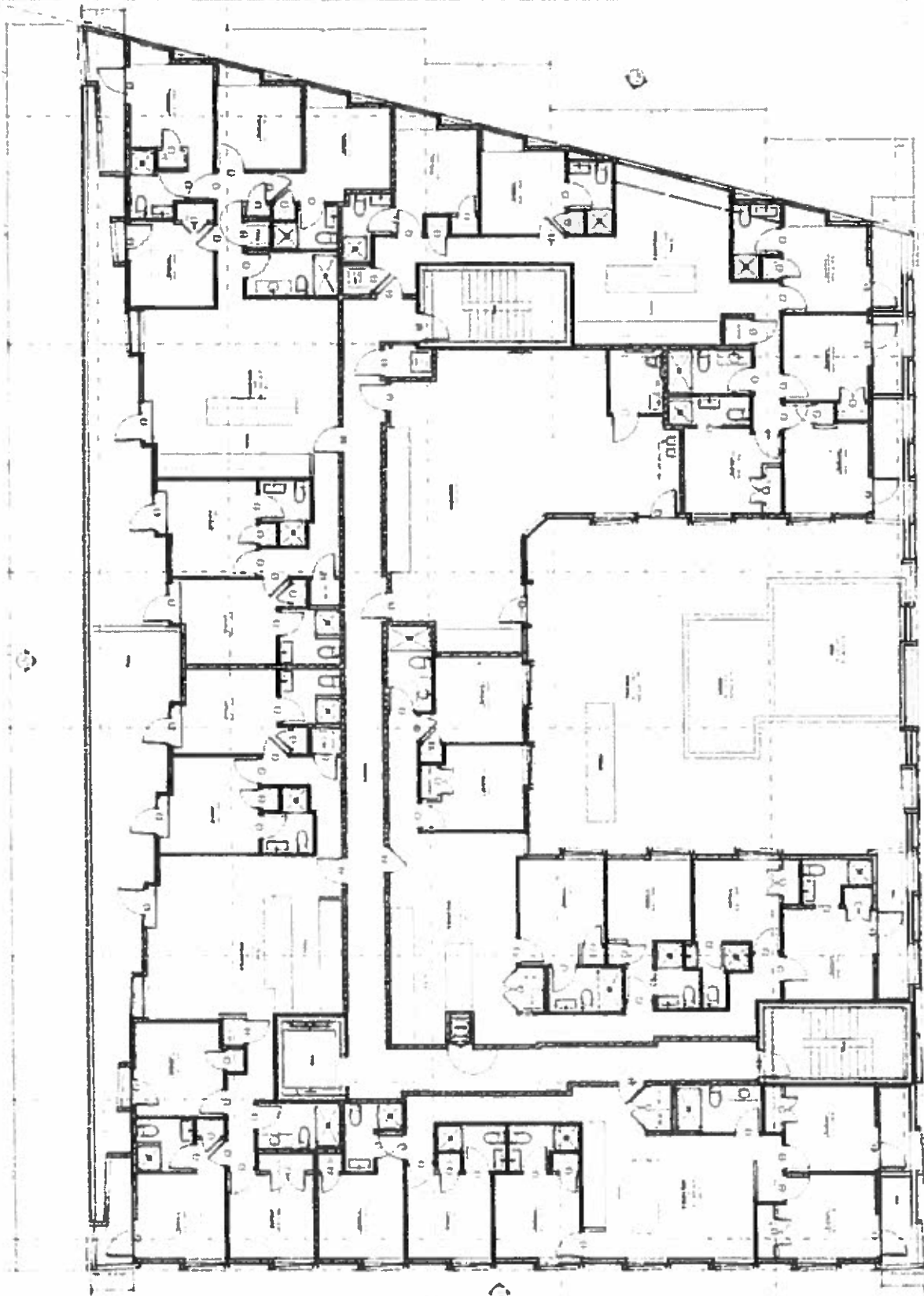
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2ND FLOOR PLUM
 A.203



2ND FLOOR - PODIUM
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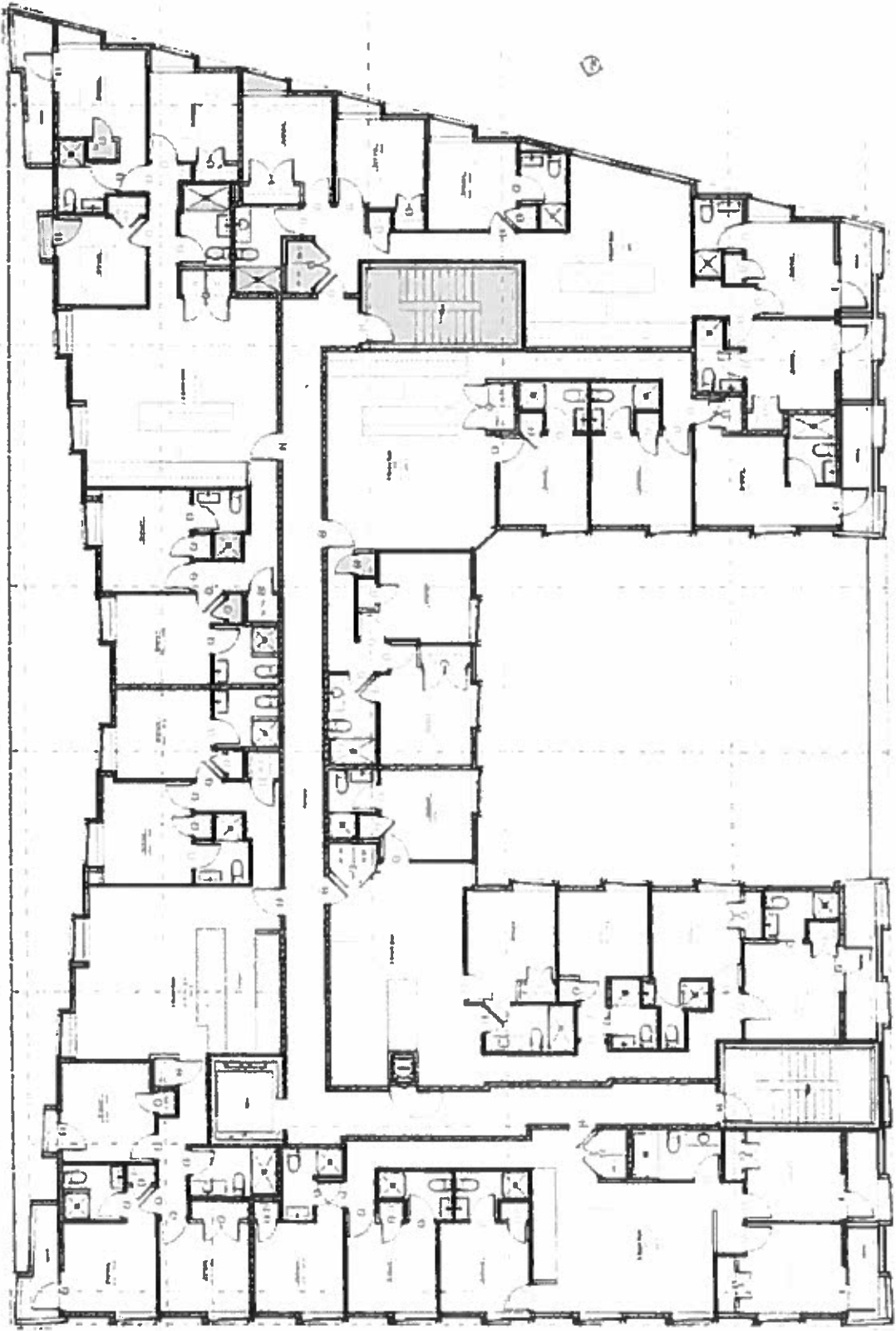


ASAP
ARCHITECTURAL
SERVICES
P.C.



Outlier
Architectural
Services, Inc.

360 - 6TH FLOOR
A.204



360 - 6TH FLOOR





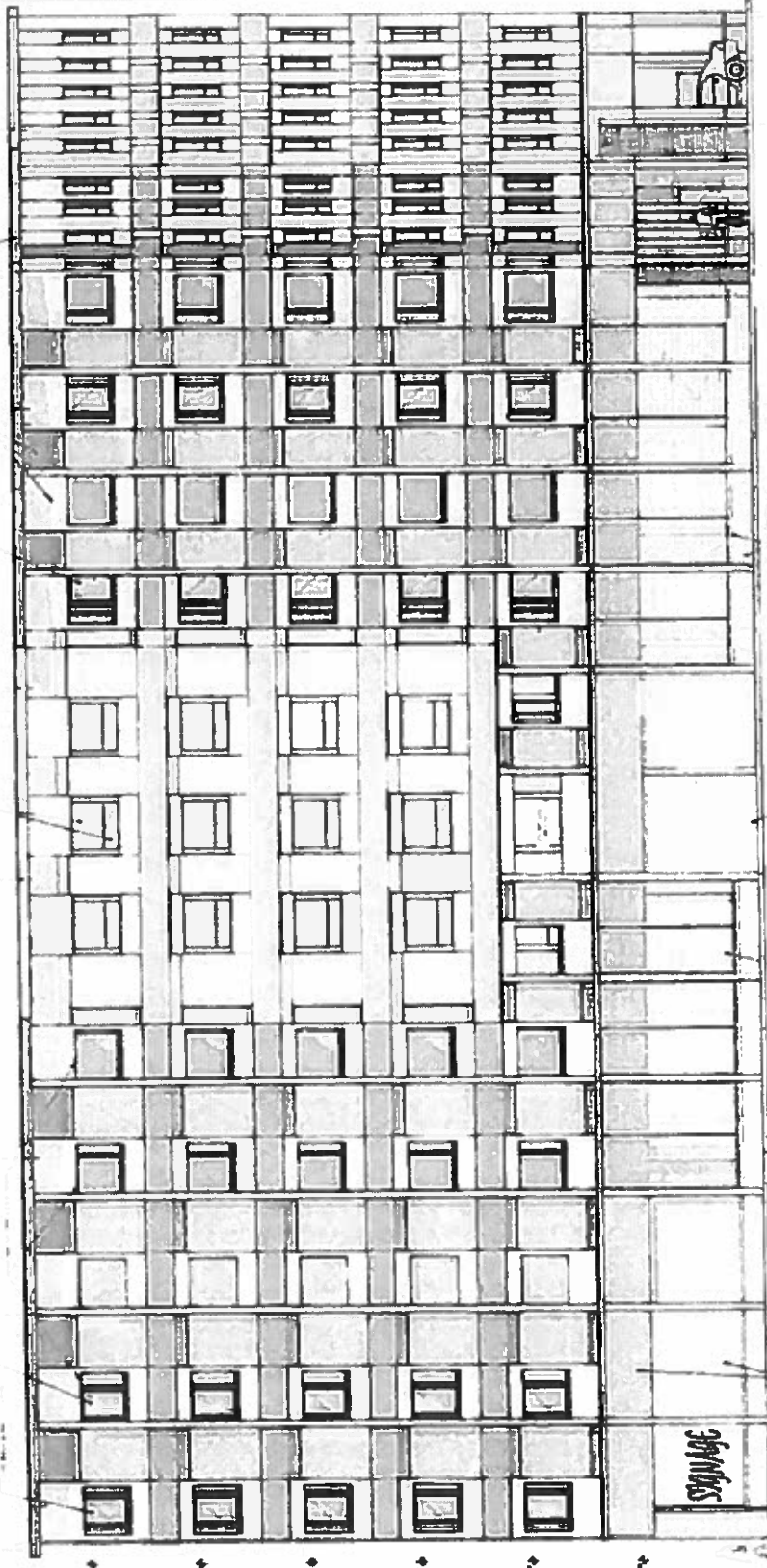
ARCHITECT
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OUTLIER
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ELEVATIONS
 A.303



SOUTH ELEVATION

SPARKS

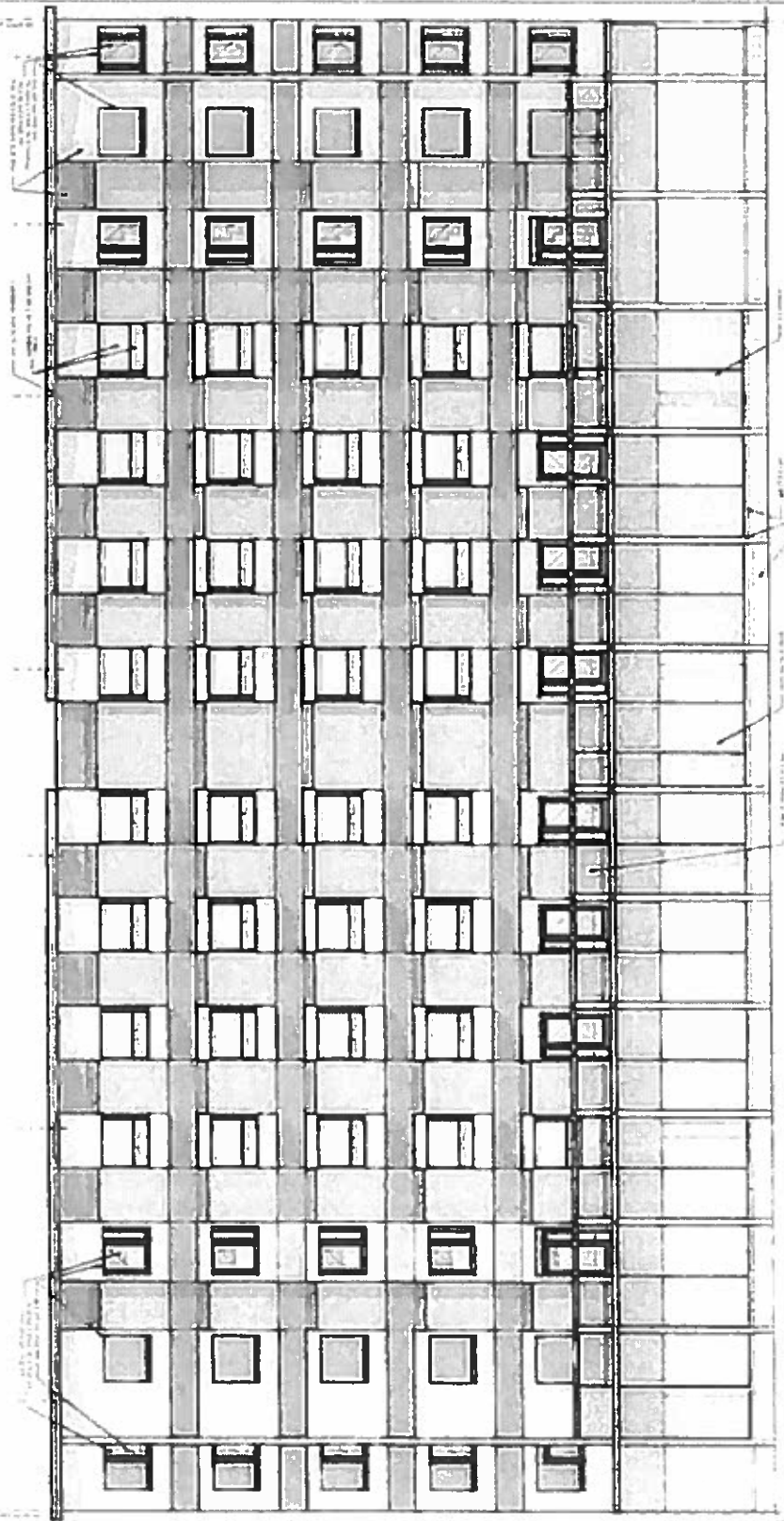


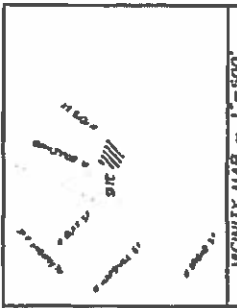
Outlier
 1000 15th Street, N.W.
 Washington, D.C. 20004
 Phone: (202) 331-1000
 Fax: (202) 331-1001
 www.outlier.com

NO. OF SHEETS	1
TOTAL NO. OF SHEETS	1
DATE	08/14/08
PROJECT NO.	08-001
CLIENT	Outlier
ARCHITECT	Walter Peterson Architects
ENGINEER	
DATE PLOTTED	08/14/08
PLotted by	

ELEVATION
A.304

NORTH ELEVATION **1**





VICINITY MAP - 1" = 500'

- NOTES**
- 1) This Exhibit Map was prepared by the City of Richmond, Virginia, and is not a legal document. It is intended to provide a general overview of the property and is not to be used as a legal instrument.
 - 2) The boundaries shown on this Exhibit Map are based on the best available information and are not guaranteed to be accurate. The City of Richmond, Virginia, is not responsible for any errors or omissions in this Exhibit Map.
 - 3) The City of Richmond, Virginia, is not responsible for any damages or losses resulting from the use of this Exhibit Map.
 - 4) The City of Richmond, Virginia, is not responsible for any claims or liabilities arising from the use of this Exhibit Map.
 - 5) The City of Richmond, Virginia, is not responsible for any claims or liabilities arising from the use of this Exhibit Map.
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 - 9) The City of Richmond, Virginia, is not responsible for any claims or liabilities arising from the use of this Exhibit Map.
 - 10) The City of Richmond, Virginia, is not responsible for any claims or liabilities arising from the use of this Exhibit Map.

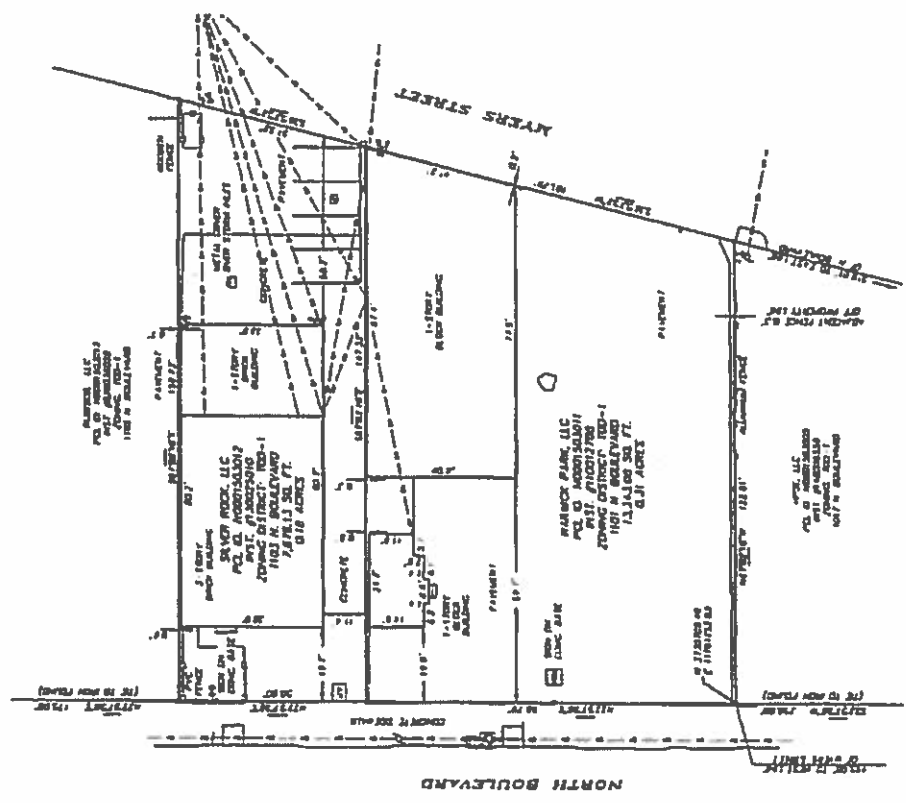
PARCEL TABLE
 PARCEL NO. 011-001-001
 AREA 0.49 ACRES
 TOTAL AREA 0.49 ACRES



EXHIBIT MAP
 OF TWO PARCELS TOTALING
 0.49 ACRES OF LAND SITUATED ON
 THE EAST SIDE OF NORTH BOULEVARD
 AND THE WEST SIDE OF MYERS STREET
 CITY OF RICHMOND, VIRGINIA
 SCALE 1" = 20'
 MAY 27, 2018

Townes
 11111 BROADWAY
 RICHMOND, VA 23231
 PHONE: (804) 748-8011 FAX: (804) 748-2390

SHEET 1 OF 1



MADE BY: JAMES G. SMITH

REFERENCES:
 1. CITY OF RICHMOND RECORD MAP 178

SYMBOL	LEGEND
—	PROPERTY LINE
—	BOUNDARY LINE
—	GAS LINE
—	WATER MAIN
—	SEWER
—	CONCRETE
—	PAVEMENT
—	FINISH
—	FRONT OF ADJACENT
—	UTILITY TIE-IN
—	WATER METER
—	ELECTRIC METER



DRAWN BY: JUNE



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street Room 51
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 1101 Arthur Ashe Boulevard Date February 3, 2020
 Tax Map # N0001503011 Fee \$2,400
 Total area of affected site in acres 0.31

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

Zoning

Current Zoning TOD-1 (Transit Oriented Development)

Existing Use Auto Body Repair

Proposed Use

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

Mixed-use development
Existing Use Auto Body Repair

Is this property subject to any previous land use cases?

Yes No If Yes please list the Ordinance Number _____

Applicant/Contact Person: Lory Markham

Company Markham Planning LLC
 Mailing Address 23 West Broad Street #304
 City Richmond State VA Zip Code: 23220
 Telephone (804) 248-2561 Fax ()
 Email lory@markhamplanning.com

Property Owner: Warwick Park LLC

If Business Entity, name and title of authorized signee Alexis Allen, owner A Ferris Allen, LLC
Hollis L. Allen owner Hollis L. Allen

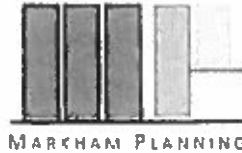
(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address 1000 Warwick Park Road
 City Richmond State VA Zip Code 23231
 Telephone (703) 707 9206 Fax (301) 851 1377
 Email ferris@all.com

Property Owner Signature: [Signature]

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)



February 10, 2020

Mr. Mark Olinger, Director
Department of Planning & Development Review
900 East Broad Street, Suite 511
Richmond, VA 23219
Mark.Olinger@richmondgov.com

RE: Applicant's Report for Special Use Permit Application at 1101 North Arthur Ashe Boulevard (Tax Parcel #N0001503011)

Dear Mr. Olinger,

Please accept this letter as the Applicant's Report for the Special Use Permit (SUP) application for the property at 1101 North Arthur Ashe Boulevard. With this application, Outlier Realty Capital, the contract purchaser and Warwick Park LLC, the owner, are petitioning the City Council for a SUP to authorize a co-living residential building that will contain dwelling uses that do not meet the traditional definition of dwelling units in the City of Richmond's Zoning Ordinance. This will allow for the construction of a new 6-story mixed-use residential development that will offer a wider range of housing types for the Scott's Addition neighborhood.

Site

The property is located between Arthur Ashe Boulevard and Myers Street with frontage on both streets. The property has a land area 13,343 square feet and is zoned in the TOD-1 (Transit Oriented Development) District. The property is currently improved with an auto body repair shop and surface parking lot that has access from curb cuts along both Arthur Ashe Boulevard and Myers Street. The recently new Starbucks development is located on the adjacent property to the south and the new bowling alley is located on the property across Myers Street.

Proposal

The proposed development consists of a 6-story mixed use building with parking and commercial uses on the ground floor and dwelling uses above. A total of 30 parking spaces will be provided on-site, accessed via Myers Street. The commercial uses and lobby for the residential will front on Arthur Ashe Boulevard, which is designated as a street-oriented commercial street and a priority street on the City's Zoning Map. The dwelling uses would consist of 29 apartments with 5- to 6-bedroom

MARKHAM PLANNING
2314 West Main Street · Richmond, Virginia 23220
(804) 248-2561

and a common kitchen and living area. The apartments will be furnished and marketed as co-living accommodations that have become popular in larger cities like New York and Washington DC.

Zoning

The property is currently zoned TOD-1 Transit Oriented Development, which allows for a wide variety of commercial and residential uses. The proposed configuration and occupancy of the dwelling use would not meet the Zoning Ordinance's definition of dwelling unit as there would be more than 3 unrelated individuals occupying each apartment. The Zoning Ordinance has multiple dwelling uses defined; dwelling unit, lodging house, lodging unit, group home, fraternity or sorority house, etc. The proposed development does not meet any one of these definitions exactly. The definition that is the most similar to the proposed development is dwelling unit.

The units will be rented for periods that are not shorter than 30-days. They will contain one kitchen and provisions for living, eating and sanitation, all of which are generally accessible to all occupants of the unit. There are two parts of the definition that are not met in the proposed development. The first is that the units will not be occupied by one family. A family is defined by the ordinance as not more than three unrelated persons or a combination of related and unrelated persons. The proposed units will be occupied by 5 to 6 unrelated persons. The second is that the bedrooms will be able to be locked from the outside and thus the provisions for sleeping would not be generally accessible to all occupants of the unit.

Master Plan

The City's Pulse Corridor Plan recommends Nodal Mixed-Use land uses for the property. The plan encourages higher density and transit-oriented development on vacant or underutilized sites within this designation. This designation also specifies that new development should be urban in form and may be of larger scale than existing context and specifies that buildings should be a minimum of 5-stories. The proposed development would be the higher density called for by the Plan and provide an active streetscape along Arthur Ashe Boulevard. Additionally, by offering a different type of housing, the proposal will increase the variety of housing options available in the City, which is also a goal of the Plan.

Neighborhood Response

The proposed development and the request for a special use permit was presented to the Scott's Addition Business Association at their December 4, 2019 meeting. The Association was generally supportive of the proposal.

City Charter Conditions

We trust that you will agree with us that this proposed SUP meets the City Charter criteria for the granting of SUPs as the project 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.

Thank you for your consideration of this application. Please feel free to contact me at lory@markhamplanning.com or (804) 248-2561 if you have any questions or require additional materials to process the application.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Lory Markham', written in a cursive style.

Lory Markham

Enclosures

cc: The Honorable Kimberly Gray
Matthew Ebinger, Secretary to the City Planning Commission