



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: 931-933 W. Grace Street, Richmond, VA 23230 Date: 5/12/2021

Tax Map #: W0000468004 Fee: \$2,400.00

Total area of affected site in acres: 0.146

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

Zoning

Current Zoning: B-4 - Business

Existing Use: 426-B Restaurant/Bar

Proposed Use

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

Addition of three new stories of multi-family residential space atop an existing single story commerical building. The building will have 21 units

Existing Use: Restaurant/bar; the current tenant upfits are not a part of the project scope.

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: T. Preston Lloyd, Jr.

Company: Williams Mullen

Mailing Address: 200 S. 10th Street, Suite 1600

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 420-6615 Fax: () N/A

Email: plloyd@williamsullen.com

Property Owner: Switzerland Town LLC

If Business Entity, name and title of authorized signee: Antar Abouzaki, Manager

(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: 807 E. Parham Road

City: Richmond State: VA Zip Code: 23227

Telephone: (804) 519-8548 Fax: () N/A

Email: _____

Property Owner Signature:

T. Preston Lloyd, Jr., Acting Under Special Power of Attorney

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)



Review & Approval process for **SPECIAL USE PERMIT**

In instances where it has been determined that underlying zoning regulations cannot be met, a special use permit may be granted by City Council to provide relief from zoning regulations.

Special use permit applications are reviewed for compliance with the City's Master Plan to ensure the proposal is compatible with the surrounding area and that it is an appropriate use for the site. Specifically, applications are reviewed to ensure that the City Charter conditions for granting special use permits have been met. The City Charter requires that prior to City Council approval; it must be shown that the proposed special use will **not**:

1. be detrimental to the safety, health, morals and general welfare of the community involved;
2. create congestion in streets, 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.

Applicants **are encouraged** to schedule a pre-application conference with the Division of Land Use Administration staff to review related Master Plan, land use and other issues that may be involved prior to making application. Please call (804) 646-6304 to schedule an appointment with the staff. Staff will review submitted applications to ensure all required materials and information are provided. If the application is not acceptable, the required information must be provided prior to formal staff review.

Applicants should also discuss the proposed special use permit with area civic associations, property owners, residents, and the area Council Representative prior to submitting an application. Letters from the associations and property owners stating their position in regards to the request should be submitted with the application.

The Division of Land Use Administration circulates the special use permit application materials to appropriate City agencies as determined necessary. City agencies reviewing the proposal may include: Public Works, Building Permits & Inspections, Public Utilities, Water Resources, Zoning Administration, and Fire and Emergency Services. The Division of Land Use Administration will coordinate responses by City agencies. Written comments will be provided generally within 30 days of the application submittal date.

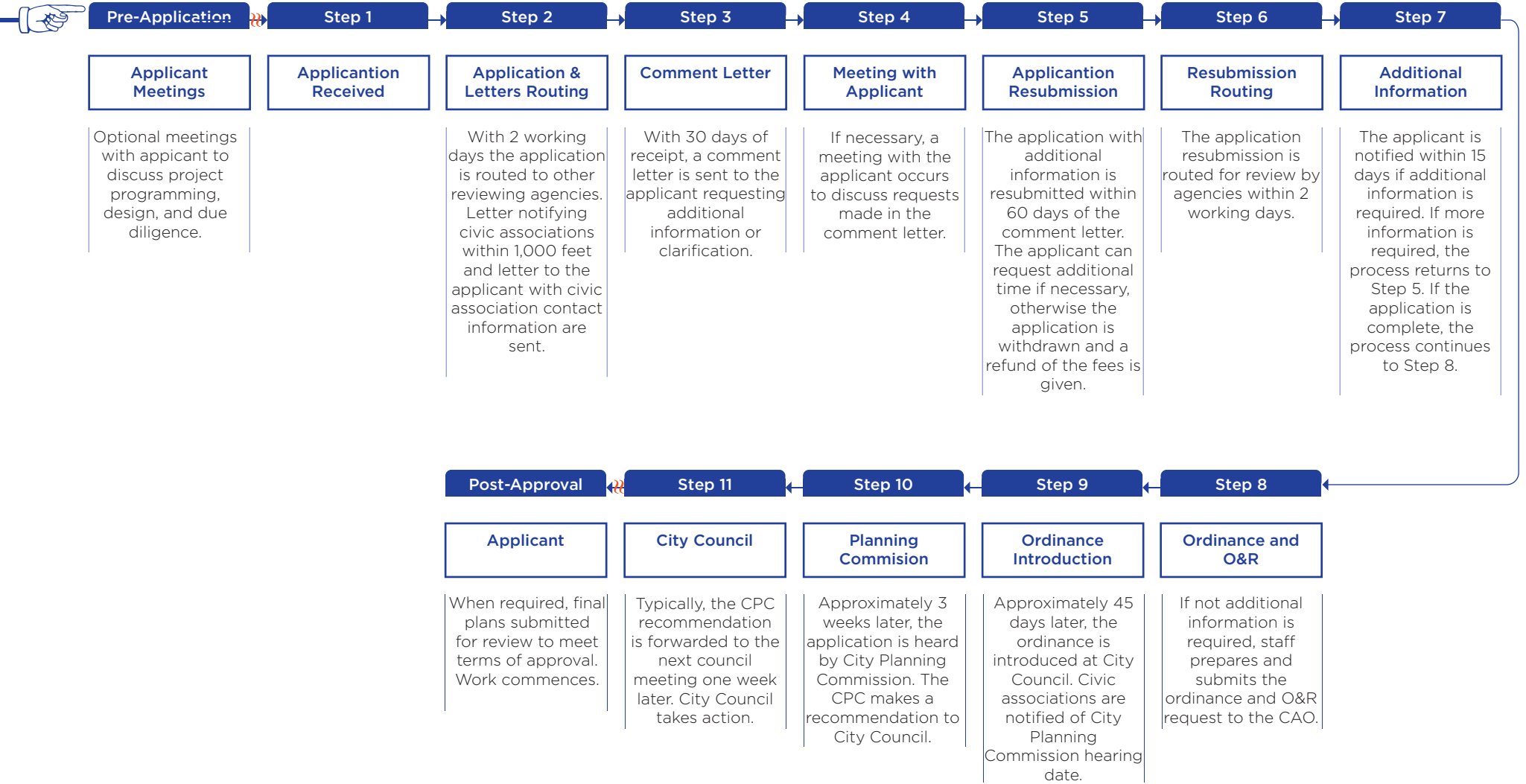
After review by these agencies and by the Division of Land Use Administration, the staff will confer with the applicant regarding suggested conditions to be included in the ordinance and any suggested changes to the plans. If the property is located in a City Old and Historic District and the request involves exterior alterations, additions or new construction, the plans should also be reviewed by the Commission of Architectural Review prior to an ordinance being introduced in City Council. Once the plans are in final form, an ordinance is drafted and the plans are attached to and are made a part of the ordinance. The staff will forward a copy of the ordinance to the applicant for review and approval.

The ordinance is then reviewed by the City Attorney's office and the City Administration. Once their review is complete, the ordinance is introduced to City Council and a public hearing is scheduled, usually thirty days after introduction. During this thirty-day period, public notice of the hearing is posted on the site and in a daily newspaper. Notices are also mailed to the owners of all properties within 150 feet of the subject property. One week prior to the City Council public hearing, the Planning Commission, after receiving a report from the Department of Planning and Development Review, considers the proposed special use permit and forwards a recommendation to City Council. The Planning Commission welcomes information submitted prior to the meeting and may ask questions of proponents and opponents during the course of its deliberation on the ordinance. Six affirmative votes of City Council are required to adopt a special use ordinance. Please note that there is a fee of \$250 for each continuance caused by the applicant.

If the special use ordinance is adopted by City Council, the applicant has a specified time period in which to apply for a building permit to implement the special use permit. Building permit plans must be substantially in accordance with the adopted special use permit plans, otherwise a building permit will not be issued. In general, the approval process for special use permits takes between 120 to 180 days. However, depending on the complexity of the proposed special use permit, more or less time may be required. The City Planning Commission considers approval of special use permits at its regular meetings on the first and third Monday of each month.

Incomplete submissions or major modifications to the plan during the review process may cause delays in the schedule.

Legislative Land Use Application Process





FILING

Special use permit applications are filed with the:

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

APPLICATION REQUIREMENTS

The application for a special use permit must include the following, each part of which is explained below. ***Application must be submitted in an electronic format (PDF).***

- 1. Application form, including a completed checklist;**
- 2. Application fee;**
- 3. Applicant's report;**
- 4. Electronic PDF plans; and**
- 5. Survey plat.**

- 1. Application Form:** All the owners of the property must sign the application form. If a legal representative signs for a property owner, a copy of an executed power of attorney is required.
- 2. Application Fee:** The appropriate fee must accompany the application. Checks should be made payable to the "City of Richmond". The fees are determined from the attached fee schedule.
- 3. Applicant's Report: A written report must be submitted describing the proposed use.** For non-residential development, the description should include the anticipated number of employees, hours of operation, and an estimate of the amount of vehicular traffic that will be generated by the use. The report should point out the specific features of the special use that will ensure that it will be compatible with the surrounding area, and that it is an appropriate use for the site. In addition, the City Charter specifies certain conditions that must be met before City Council can approve a special use permit. It must be shown that the proposed special use will ***not:***
 - a.** be detrimental to the safety, health, morals and general welfare of the community involved;
 - b.** tend to create congestion in streets, roads, alleys and other public ways and places in the area involved;
 - c.** create hazards from fire, panic or other dangers;
 - d.** tend to cause overcrowding of land and an undue concentration of population;
 - e.** adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or
 - f.** interfere with adequate light and air.

The report must indicate the reasons why the applicant feels these conditions will be met (e.g., features of the plan, characteristics of the proposed use or surrounding area). ***Please note*** that the ***above materials will be forwarded to the City Planning Commission and City Council along with the special use permit ordinance.***



FILING

- 4. Plans:** Plans are required to provide sufficient detail to permit the staff to make a determination of the compatibility of the proposed project with surrounding development. Plans must be properly scaled and include a scale bar. Depending on the request, plans may include the following:

- a.** Site Plan
- b.** Elevation Plans
- c.** Floor Plans
- d.** Landscape Plans
- e.** Signage Plan & Details
- f.** Lighting Plan & Details

In some cases not all plans would be relevant to the request and may not be required. If there is a question about the level of detail required, please contact Land Use Administration Staff. Electronic Plans (PDF) are required with the initial application and any subsequent resubmissions. Electronic plans may be submitted on a disk or via email at: DCDLanduseadmin@richmondgov.com.

- 5. Survey Plat:** A PDF of a survey plat showing the property and including metes and bounds is required. The plat should show existing physical features of the property, including:
- a.** North arrow, scale, property address, the distance to nearest public street, preparer of plat, date, revision dates, area of site;
 - b.** Existing structures, buildings, paved areas, fences, streets, alleys, easements, and limits of the 100 year flood plain, Chesapeake Bay Preservation Area limits, wetlands, and streams.



COMMUNITY UNIT PLAN

Preliminary	\$3,000 + \$100/acre ¹
Extension of Preliminary Approval	\$1,500
Final	\$1,500 + \$100/acre ¹
Amendment	\$1,500 + \$100/acre ¹

CONDITIONAL USE PERMIT

Initial	\$1,500 + \$100/acre ²
Amendment	\$1,000 + \$100/acre ²

PLAN OF DEVELOPMENT

Floor area & Land disturbed ≤5,000 square feet	\$500 + \$100/acre ²
Floor area & Land disturbed ≥5,001 & ≤50,000 square feet	\$1,000 + \$100/acre ²
Floor area & Land disturbed ≥50,001 square feet	\$1,500 + \$100/acre ²

REZONING/CONDITIONAL REZONING

Each continuance caused by the applicant	\$1,500 + \$100/acre ²
	\$250

SPECIAL USE PERMIT

<i>Use</i>	<i>Initial</i>	<i>Amendment</i>
Day Nursery	\$300	\$200
Single- or two-family detached or attached dwelling	\$300	\$200
Outdoor dining	\$300	\$200
Mobile food business	\$300	\$200
Sign	\$300	\$200
Multi-family dwelling (3 to ten units)	\$1,800	\$1,200
Commercial or industrial equal to or less than 5,000 sq ft	\$1,800	\$1,200
Multi-family dwelling (more than 10 units)	\$2,400	\$1,800
Commercial or industrial more than 5,000 sq ft	\$2,400	\$1,800

Each continuance caused by the applicant \$250

SUBDIVISION

Preliminary Plat	\$500 + \$15/lot
Extension of Preliminary Plat Approval	\$150
Final Plat	\$500 + \$15/lot
Subdivision Confirmation Letter	\$100
Continuance*	\$50
Plat of Correction	\$100

A full refund of the application fee is permitted if the application is withdrawn prior to the second submittal of plans. Once a second submittal of plans is made, fees are not refundable.

¹For Community Unit Plans (CUP), the first 10 acres are included in the base price.

²For Conditional Use Permits, Plans of Development, and Rezoning, the first acre is included in the base price.

For all applications with an additional price per acre, fractions of an acre are rounded up to the nearest whole number. Do not prorate the fee per fraction of acre.

- Example: A Conditional Use Permit (CUP) for a 0.76 acre property would owe \$1,500 (base fee only). A CUP for a 2.3 acre property would owe \$1,700 (\$1,500 base fee + 2*100 (for the 1.3 acres over the first acre))

* No charge for the 1st continuance requested by the applicant or for any continuance requested by the Planning Commission. The second or subsequent continuance request by the applicant costs \$50.

Fees went into effect upon adoption of Ordinance No. 2018-209 by City Council on September 10, 2018.

August 3, 2021

VIA E-MAIL

City of Richmond Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
Attn. Richard Saunders, Secretary, Planning Commission

**Re. Applicant's Report | Special Use Permit Application
931-933 W. Grace Street, W0000468004**

Ladies and Gentlemen:

This firm is counsel to Switzerland Town LLC, a Virginia limited liability company (the "Applicant"), on whose behalf we submit the enclosed materials referenced on Exhibit A (collectively, the "Application") for authorization of the special use of certain property further described herein pursuant to Section 30-1050.1 *et seq.* of the Code of the City (the "Code"). This letter will serve as the Applicant's Report.

Subject Property

The subject property, presently owned by the Applicant, is 0.146 acres, more or less, known as 931-933 W. Grace Street, Richmond, Virginia 23220, located near the corner of W. Grace Street and N. Harrison Street in the City of Richmond, Virginia, as depicted immediately below (the "Property").



Current Use & Zoning District Regulation

The Property, designated as B-4 Central Business District on the Zoning Map of the City, is currently improved as a single-story storefront used as a restaurant. Surrounding properties are designated as B-4 along W. Grace Street and R-73 to the rear across an alley, as shown on the Zoning Map excerpted immediately below. The Property’s frontage on W. Grace Street is designated on the Zoning Map of the City as “priority street” frontage.



Proposed Special Use

Consistent with the site plan enclosed herewith (the “Site Plan”), the Applicant proposes the addition of 3 new stories of multi-family residential use comprised of 21 units atop an existing single-story commercial building located on the Property. This use is permitted as a matter of right within the B-4 district.

In connection with its special use of the Property, the Applicant requests relief from the rear yard setback requirement imposed by the Code. Per Section 30-440.3(3), the Property is subject to a 20-foot rear yard setback requirement due to the proximity of land zoned R-73 located immediately across the alley at the rear of the parcel. The Applicant proposes a rear yard setback of ____ feet, as shown on the Site Plan.

Conformance with Master Plan

The proposed special use of the Property conforms to the City’s Master Plan, approved in the form of the Richmond 300 Master Plan (the “Master Plan”). According to the Master Plan, Richmond

300 intends the Property to be part of the VCU National/Regional Node. VCU's Monroe Park Campus anchors a cluster of shopping, dining, and housing for students and neighborhood residents alike. Further, the Richmond 300 Future Land Use Map categorizes the Property as Destination Mixed-Use. The Master Plan provides that areas designated Destination Mixed-Use are intended to be key gateways featuring prominent destinations, including retail and housing. Development in Destination Mixed-Use areas are recommended to include a mix of commercial and residential buildings with features that encourage walking, and buildings that are generally at least five stories tall. These vertically mixed-use buildings require commercial ground floor uses on street-oriented commercial frontages. The Property is currently comprised of a single-story commercial building used as a restaurant. Since the proposed development shown on the Site Plan would add three new stories of 21 multi-family residential units to the current building, the proposed development enhances the ability of the Property to achieve the future Destination Mixed-Use concept that the Master Plan outlines.

Additionally, residential units can be developed through compatible infill development and developing two to three stories of residential above existing commercial structures. New infill development incorporates high-quality architecture, complements the character of historic buildings, and matches the intensity of existing buildings with active ground floor uses that enliven the sidewalks. Given the location of the Property in the VCU National/Regional Node, the proposed infill development fits within the goals of the Master Plan as it would modernize the current building, provide additional housing, and maintain an active and engaged street front with a restaurant on the first floor. Further, since the Property is located on "priority street" frontage, deviation from the rear yard setback requirement set forth under Sec. 30-440.3(3) of the Code would improve the design and function of the development.

Charter Requirements

Based on the foregoing, the proposed use on the Property meets the criteria set forth in Section 17.11(b) of the Charter of the City that the Application is not (i) 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 cause overcrowding of land and 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.

Conclusion

The proposed special use of the Property, i.e., deviation from the rear yard setback requirement imposed by the Code, would further catalyze the ability to achieve the goals of the Master Plan. A reduction in the rear yard setback requirement would advance the land use policy priorities of City Council evidenced in the Master Plan, as authorized by the Charter of the City.

City of Richmond Department of Planning and Development Review
August 3, 2021
Page 4

Thank you for your consideration of this matter. Please confirm your determination that the Application has been received and deemed complete by your office, and kindly contact us should you have any questions or require additional materials.

Very truly yours,

/s/

T. Preston Lloyd, Jr.

cc. The Hon. Katherine L. Jordan, Councilperson for 2nd District (via email)
Kevin J. Vonck, Ph.D., Acting Director, Department of Planning and Development Review
(via email)
Nael Abouzaki (via email)

Enclosures

45209201_3

EXHIBIT A
APPLICATION MATERIALS

In connection with the proposed Special Use Permit Application for 931-933 W. Grace Street (Tax Parcel No. W0000468004), the following materials are enclosed:

1. Special Use Permit Application form;
2. Site Plan entitled “931-933 W Grace St Richmond VA 23220 USA”, prepared by Walter Parks Architects, dated April 10, 2021; and
3. Land Use Special Power of Attorney from the Applicant.