

INTRODUCED: June 27, 2016

AN ORDINANCE No. 2016-192

To authorize the special use of the property known as 2723 East Cary Street for the purpose of a multifamily dwelling with up to 15 dwelling units and accessory parking, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JULY 25 2016 AT 6 P.M.

WHEREAS, the owner of the property known as 2723 East Cary Street, which is situated in a M-2 Heavy Industrial District, desires to use such property for the purpose of a multifamily dwelling with up to 15 dwelling units and accessory parking, which use, among other things, is not currently allowed by section 30-454.1 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 (2010), 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: JULY 25 2016 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 2723 East Cary Street and identified as Tax Parcel No. E000-0443/001 in the 2016 records of the City Assessor, being more particularly shown on a survey entitled “ALTA/ACSM Land Title Survey of No. 2723 E. Cary Street, in the City of Richmond, Virginia,” prepared by McKnight and Associates, and dated January 27, 2016, 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 multifamily dwelling with up to 15 dwelling units and accessory parking, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Nexus, 2723 east cary street, richmond,” prepared by Johannas Design Group, and dated January 11, 2016, with Sheet C102 dated March 7, 2016, with Sheet 103 dated December 15, 2015, and last revised April 25, 2016, and with Sheets A101 and A102 last revised March 7, 2016, hereinafter referred to as “the Plans,” a copy of which is 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 use of the Property shall be as a multifamily dwelling containing up to 15 dwelling units with accessory parking substantially as shown on the Plans.

(b) The dwelling units contained within the multifamily dwelling shall be condominiums as defined in section 55.79.41 of the Code of Virginia (1950), as amended. Nothing contained in this subsection shall preclude individual condominium unit owners from leasing their units for residential purposes.

(c) Parking for the multifamily dwelling shall be provided at a minimum of one on-site parking space per dwelling unit substantially as shown on the Plans.

(d) Principal uses allowed in the B-5 Central Business District shall be permitted in the condominium unit identified as “unit 1n” on Sheet A 101 of the Plans.

(e) No parking shall be required for any use that is not a dwelling, hotel, or motel use.

(f) All signs on the property shall comply with the sign regulations applicable in the B-5 Central Business District set forth in section 30-517 of the Code of the City of Richmond (2015), as amended.

§ 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) 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 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.

§ 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.



City of Richmond

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

Intracity Correspondence

Pre Introduction to Council: PRE. 2016-156

RECEIVED

JUN 10 2016

File Number: PRE. 2016-156

OFFICE OF CITY ATTORNEY

To authorize the special use of the properties known as 2723 East Cary Street for the purpose of authorizing a fifteen (15) multi-family dwelling units and accessory off-street parking, upon certain terms and conditions.

4-5250

O & R REQUEST

O & R Request

DATE: June 1, 2016

EDITION: 1

JUN 1 2016

TO: The Honorable Members of City Council

Chief Administration Office
City of Richmond

THROUGH: Dwight C. Jones, Mayor 
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer 

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning 

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

ORD. OR RES. No.

PURPOSE: To authorize the special use of the properties known as 2723 East Cary Street for the purpose of authorizing a fifteen (15) multi-family dwelling units and accessory off-street parking, upon certain terms and conditions.

REASON: The subject property is zoned M-2 Heavy Industrial, which does not permit residential uses in new construction. A Special Use Permit is required.

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, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is an unimproved lot of .298 acres located on the block bounded by East Cary Street to the north, Pear Street to the east, and Dock Street to the south.

The applicant proposes to develop a nine-story residential condominium over two stories of partially

underground parking. The project would include 15 residential units and two parking spaces for each unit.

The first six floors would accommodate two residential units each with an approximate unit size of 2,275 square feet. The top three floors would be reserved for full-floor penthouse units of approximately 3,250 square feet each.

The Downtown Master Plan designates this area as an Urban Center Area. The Plan states that, "Shockoe Slip is also an example of a classic urban center condition, with a dense mix of office space, apartments, and retail located in four- to six-story brick buildings that front the street. Pedestrians have an active presence in these neighborhoods" (p. 3.26).

FISCAL IMPACT / COST: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

FISCAL IMPLICATIONS: The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

BUDGET AMENDMENT NECESSARY: No budget amendment is necessary.

REVENUE TO CITY: \$2,400 application fee.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: June 27, 2016

CITY COUNCIL PUBLIC HEARING DATE: July 25, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, July 18, 2016

AFFECTED AGENCIES: Office of Chief Administrative Officer; Law Department (for review of draft ordinance); City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Survey, Plans

STAFF: Willy Thompson, Senior Planner; Land Use Administration (Room 511); 646-5734



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/>

RECORDED

Application is hereby submitted for: (check one)

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

JAN 19

LAND

Project Name/Location

Project Name: Nexus - a residential condominium Date: 1/14/2016

Property Address: 2723 E. Cary Street, Richmond 23223 Tax Map #: E0000443001

Fee: \$2,400 Total area of affected site in acres: 0.290
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: M2

Proposed Use

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

Existing Use: Vacant

Is this property subject to any previous land use cases?

15 unit residential condominium

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

Applicant/Contact Person: David Johannas

Company: 2723 E. Cary, LLC

Mailing Address: 1649B W. Broad Street

City: Richmond State: VA Zip Code: 23220

Telephone: (804) 358-4993 Fax: ()

Email: dave@johannasdesign.com

Property Owner: Pear Street, LLC

If Business Entity, name and title of authorized signer: David S. White - Owner

(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: 1723 PARK AVE

City: Richmond State: VA Zip Code: 23220

Telephone: (804) 237-8240 Fax: ()

Email: DWhite@swa-co.com

Property Owner 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)

SPECIAL USE PERMIT

APPLICANT'S REPORT

2723 E. Cary Street
Richmond, VA 23219

Tax Map: E0000443001

Project Overview:

The subject property for this Special Use Permit is a single parcel located at 2723 E. Cary Street in the Shockoe Bottom/Tobacco Row neighborhood. The total area of the parcel is 0.290 acres. The parcel is currently zoned M-2 Heavy Industrial. The property is bordered by E. Cary, Pear Street and the RR tracks along Dock Street. The surrounding properties are zoned M-2 to the west, M-1 to the East and B-5 to the North.

The property is currently vacant and undeveloped. The proposed development is a small footprint, mid rise residential condominium. It will be comprised of 9 stories of residential floors over 2 stories of partially underground parking. The Cary Street elevation will be 9 stories plus roof access (125.8 feet) above the street and the Dock street elevation will be 11 stories above grade. Off street parking will be provided for all owners.

Intended Occupancy:

The first six floors of the building will be bifurcated - each floor housing two residential units with an average size of 2,275 square feet each. The top three floors will be reserved for full-floor "penthouse" units of approximately 3,250 square feet. All units will have large balconies ranging in size from 350 to 1,400 square feet. With this scheme, the total number of units will be 15. Parking has been carefully considered. At least two indoor and secure parking spaces for each unit will be provided in partially underground garage facilities.

The units are intended to be owner-occupied at the highest level of the Richmond's residential housing market. The quality of the design, the construction and the amenities will justify our planned pricing which ranges from \$589,000 to \$1.3 million.

We wish to reserve the option, in the event that the market conditions demand, to utilize the first floor north unit, which fronts on E. Cary Street, for commercial uses. We further request that any commercial use be governed by the rights and restriction of the prevailing B-5 zoning consistent with the rest of Cary Street.

Signage shall be in accordance to B-5 zoning.

Neighborhood Context:

The proposed project will be a visible and distinctive addition to the city's streetscape and its skyline. It will respect the view-shed of the entire community. The project will be a modern structure. It will incorporate an aesthetic design appropriate for the 21st century. At the same time it will pay homage to the vernacular of its 18th and 19th century surroundings.

The building has been designed with full cognizance and adherence to the Downtown Master Plan. The building size and scale is consistent with the surrounding Tobacco Row structures. With a base footprint of about 7,600 square feet it is among the smallest on E. Cary Street. (For example, the Lucky Strike Power Plant is 8,740 square feet plus silo and chimney.) The height is approximately the same as the Lucky Strike Apartment building across the street and it is lower than the other architectural features such as the water tower and smokestack.

The siting of the building is reflective of the other buildings immediately across East Cary Street. The Cary Street façade is designed to respond to the form of the Tobacco Row District. The height, width, proportion and massing are responsive to district structures.

The building will front on E. Cary Street with a lower level façade consistent with the other buildings on the street. On the other three sides setbacks are provided to allow visual and walking access past the building to the park and the river. The east side of the building, in particular, will provide space to facilitate a pedestrian connection to and from Libby Hill, Shiplock Park, the river and the Capital Bike Trail.

Appropriateness:

This project will bring new residents to an already thriving residential area. This owner occupied housing in a predominantly rental market will contribute and enhance the diversity of the area. These new residents will contribute to the existing walkable, welcoming environment. With good foot traffic, the project will facilitate patronage of the local commercial establishments. The project will have a positive, low-impact effect on the surrounding neighborhood.

In compliance and in consideration of the City Charter this project will NOT:

- *Be detrimental to the safety, health, morals and general welfare of the community involved* – The project will comply with all national, state and local building codes. It will bring vitality into an area and will benefit from the additional residential and economic activity.
- *Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved* – The immediate neighborhood is served by multiple surface streets providing good traffic flow throughout and providing easy access to adjacent neighborhoods and interstate highways. The provision of off-street parking spaces will ensure the continued free flow of traffic.
- *Create hazards from fire, panic or other dangers* – The project will be reviewed by the police and fire departments and the construction will be built in compliance with all

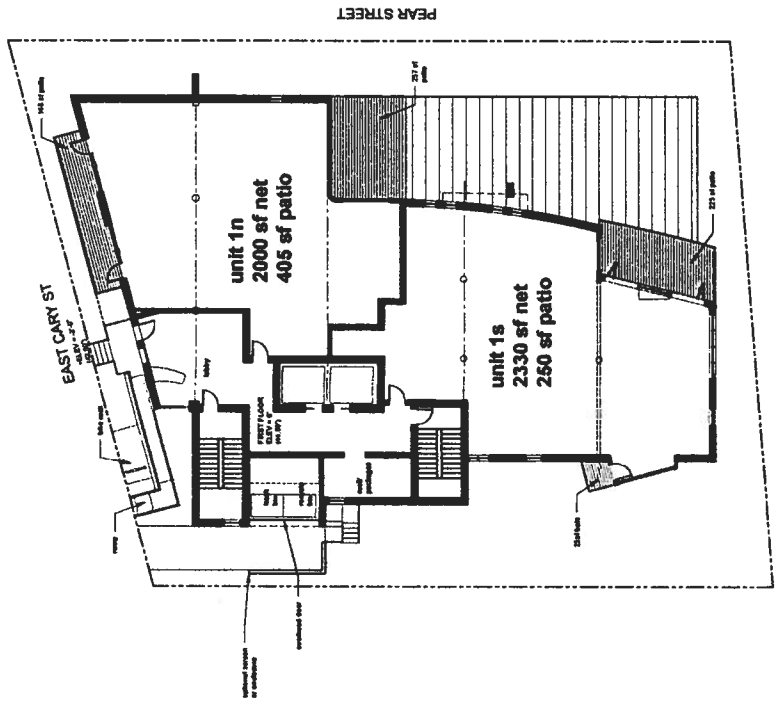
national, state and local building codes. In addition, the building will be fully sprinkled. A high-end, owner occupied residential development will improve the overall safety of the area.

- *Tend to cause overcrowding of land and an undue concentration of population* – The project is smaller in size, scale and lot coverage compared to the other buildings in Shockoe Bottom. While 15 additional residential units will contribute to the neighborhood diversity, this small number of units will have minimal impact on the local residential density.
- *Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.* –The small influx of new residents will contribute to the commercial and entertainment vitality of the immediate area. There are no schools and playgrounds to be effected in the immediate area. Access to and from the Libby Park, Shiplock Park, Capital Bike Trail and other recreational facilities in the area will be facilitated and encouraged by the proposed site development. The water, sewage and other infrastructure is adequate for the proposed use.
- *Interfere with adequate light and air* – The proposed use is smaller and consistent in character with the other dominant structures in the area. The site plan calls for setbacks to ensure adequate visual, light and air easements.

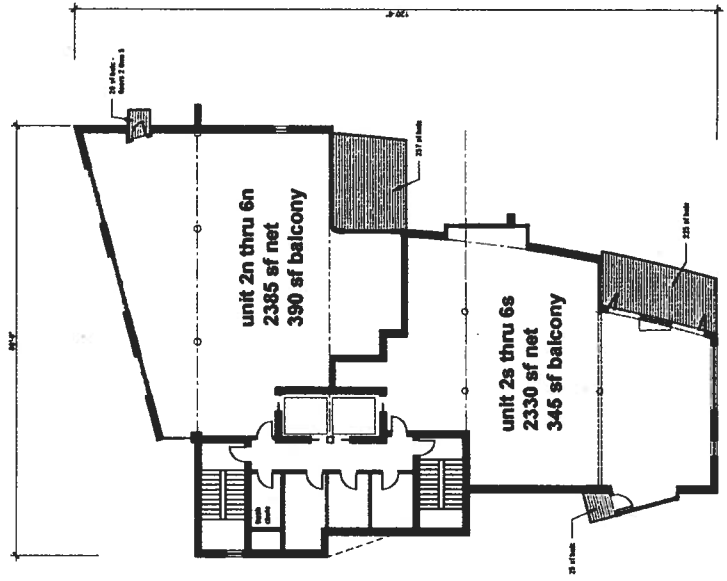
Project Support:

The Church Hill Association and the Shockoe Partnership Civic Association have been consulted for review and support of the project. Additionally Partnership for Smarter Growth, Scenic Virginia, Councilperson Cynthia Newbille, Economic and Community Development Director Lee Downey and Chief Administrative Officer Selena Cuffee-Glenn have been consulted. Input and suggestions from all of these sources have been incorporated in the plans. We anticipate receiving formal endorsement from these area leaders and all other effected neighbors. We intend to comply in all respects with the signage, notice and other requirements of the Special Use Permit procedures and expect full cooperation from all constituent parties.

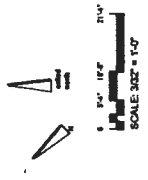
NEXUS



① FIRST FLOOR

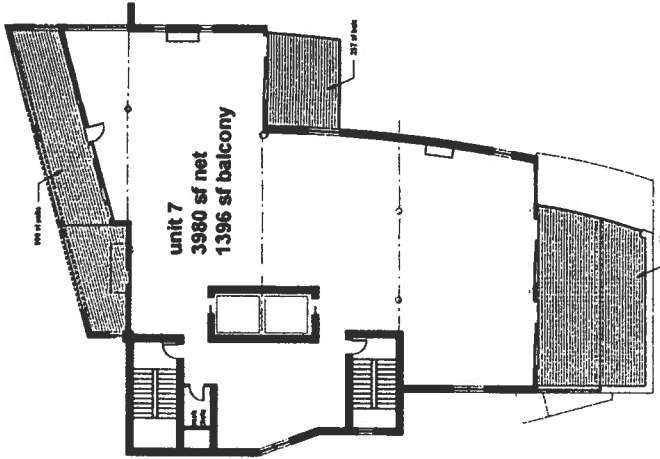


② FLOORS 2 THRU 6

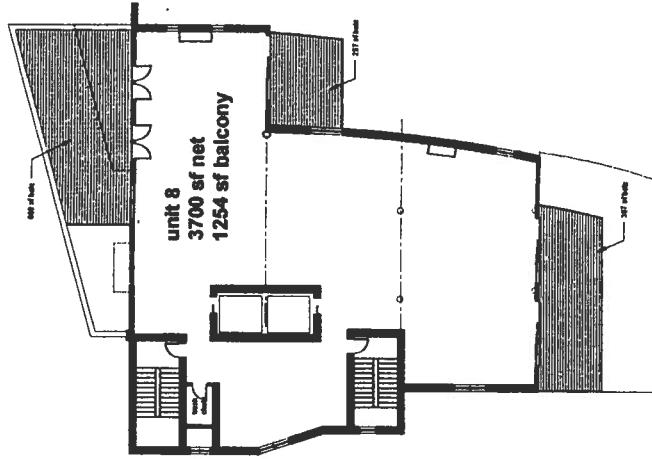


SEAL	REVISIONS 307/16	PROJECT NO 1041	DATE 11/11/16	SHEET NO A 101
1901 WEST CARY STREET RICHMOND, VA 23220		JOHANNAS DESIGN GROUP		
NEXUS		MID LEVELS		

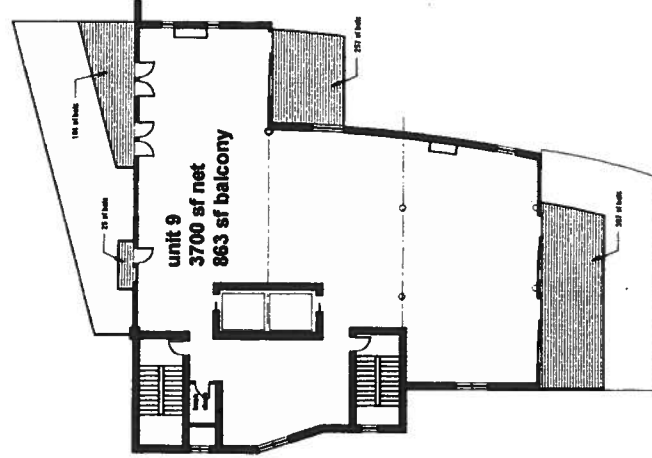
NEXUS



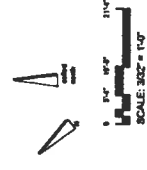
① 7TH FLOOR PENTHOUSE



② 8TH FLOOR PENTHOUSE



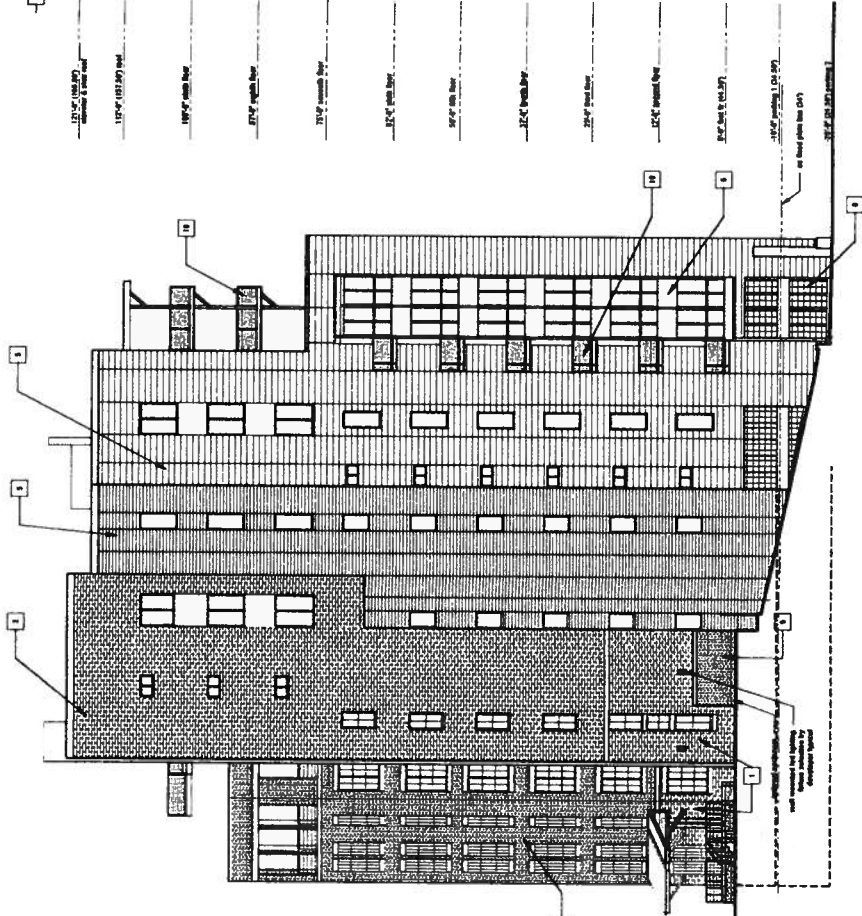
③ 9TH FLOOR PENTHOUSE



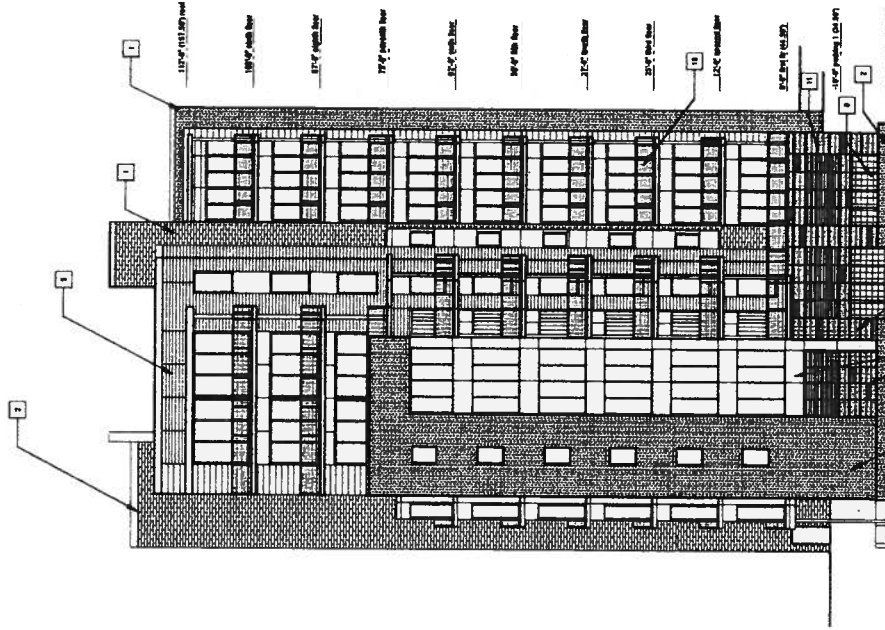
NEXUS

MATERIAL KEY NOTES

- 1 brick
- 2 brick
- 3 not used
- 4 not used
- 5 masonry
- 6 either:
terra cotta
metal panels
6"x6" panels
- 7 terra cotta
- 8 either:
terra cotta
metal panels
6"x6" panels
- 9 masonry
- 10 metal railing
- 11 horizontal terra cotta screen
to meet 45% opacity
requirement
- 12 terra cotta
- 13 metal mesh



WEST ELEVATION



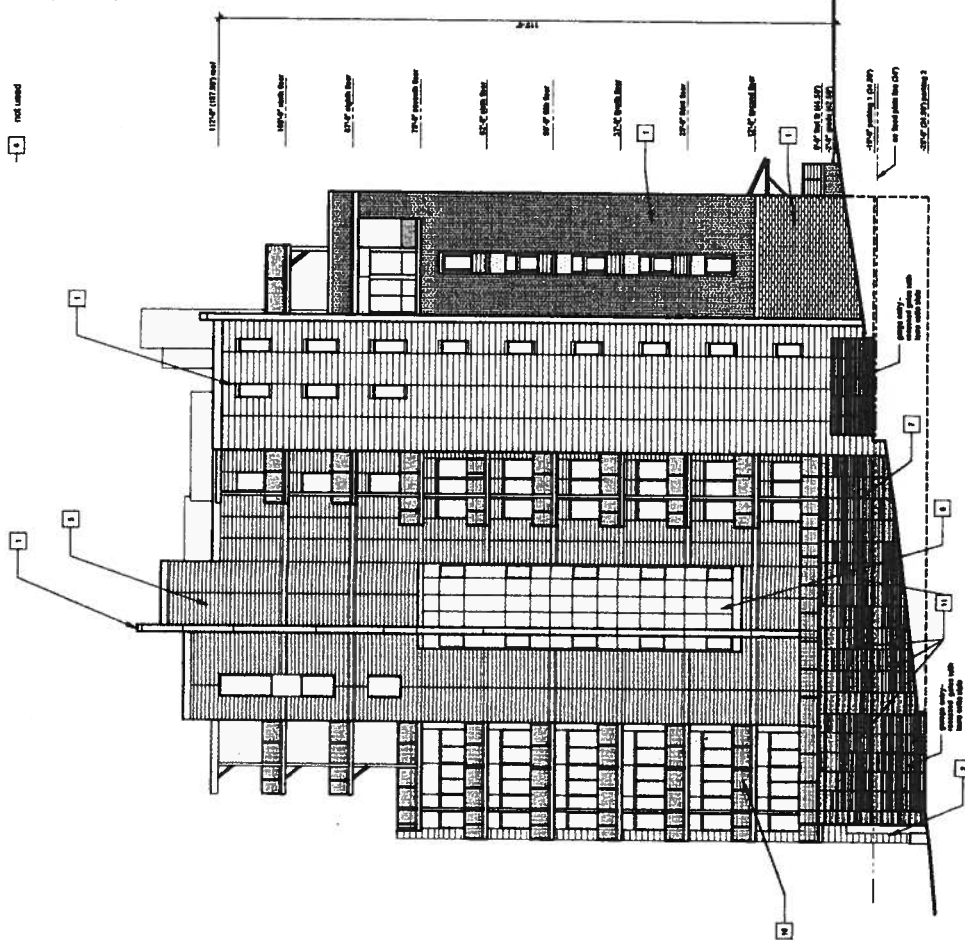
SOUTH ELEVATION

1" = 16' 0"
1 1/4" = 21'
SCALE 3/32" = 1'-0"

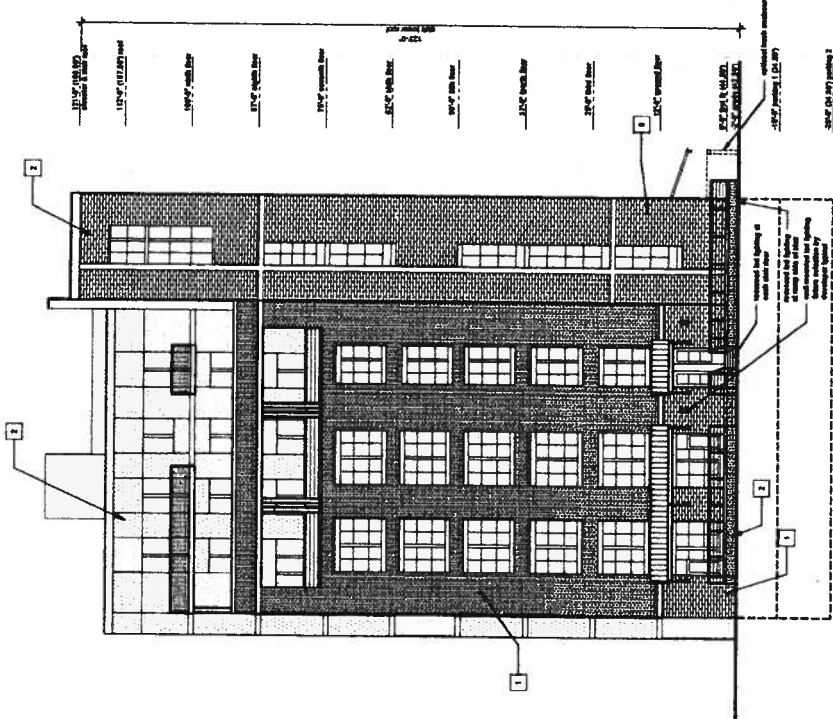
NEXUS

MATERIAL KEY NOTES

- 1 brick
- 2 brick
- 3 red wood
- 4 red wood
- 5 terra cotta
- 6 terra cotta
- 7 terra cotta
- 8 terra cotta
- 9 terra cotta
- 10 terra cotta
- 11 terra cotta
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- 100 terra cotta



EAST ELEVATION (PEAR STREET)



NORTH ELEVATION (EAST CARY STREET)

SCALE: 3/8" = 1'-0"

NEXUS

2723 east cary street richmond

Developer: 2723 E. Cary, LLC
 1649-B West Broad St.
 Richmond, VA 23220

Contact: Dave Johannas
 Johannas Design Group
 1901 West Cary Street
 Richmond, VA 23220

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- C-100 cover, project data
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- A-100 parking levels plans
- A-101 mid levels plans
- A-102 penthouse levels plans
- A-200 elevations
- A-201 elevations

gross floor area

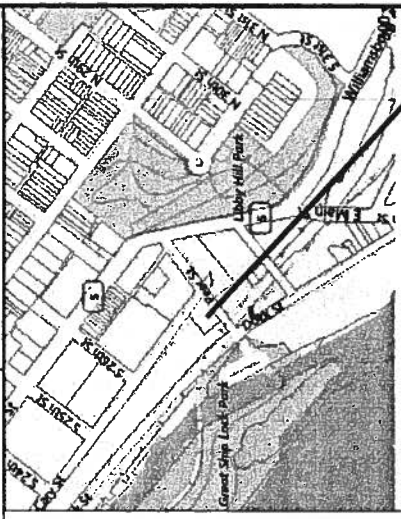
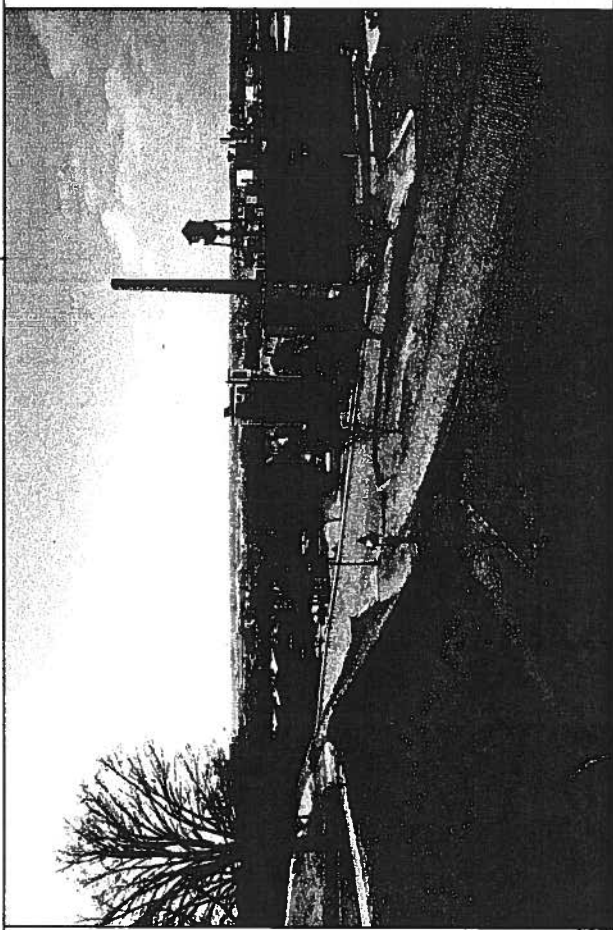
lower level garage	7600
first floor	6200
second floor	6200
third floor	6200
fourth floor	6200
fifth floor	6200
sixth floor	6200
seventh floor	6200
eighth floor	6200
ninth floor	6200
total	67,300

area of units as shown

first floor residential unit area	408
second floor north	200
second floor south	200
third floor north	200
third floor south	200
fourth floor north	200
fourth floor south	200
fifth floor north	200
fifth floor south	200
sixth floor north	200
sixth floor south	200
seventh floor north	200
seventh floor south	200
eighth floor north	200
eighth floor south	200
ninth floor north	200
ninth floor south	200
total	6730

project data

- current zoning: M-2
- site area: 24,441 sf (200 acres)
- number of units: 12
- number of parking spaces: 30
- long term bike parking spaces: 0
- existing floor plate: 0
- existing floor plate (to be demolished): 0
- amount of ground area: 4,783 sf
- amount of ground area: 679 sf
- amount of ground area: 180 sf
- amount of ground area: 34 feet
- AE flood zone elevation: 100
- Notes: Former warehouse structures, 11,321 sq. feet demolished after 1991.
- Parking is 2 spaces per dwelling unit. If unit is in commercial space it will have 2 parking spaces.



location plan (ms) ←

grading view from Libbie Hill Park

