

## MOTION

To amend Ordinance No. 2024-180, which authorizes the special use of the properties known as 2300 Semmes Avenue, 2201 McDonough Street, 2301 McDonough Street, 215 West 22<sup>nd</sup> Street, 217 West 22<sup>nd</sup> Street, 219 West 22<sup>nd</sup> Street, 221 West 22<sup>nd</sup> Street, 301 West 22<sup>nd</sup> Street, 307 West 22<sup>nd</sup> Street, 315 West 22<sup>nd</sup> Street, 322 West 22<sup>nd</sup> Street, 302 West 22<sup>nd</sup> Street, 2100 Perry Street, and 222 West 21<sup>st</sup> Street for the purpose of up to three multifamily buildings containing an aggregate of up to 266 dwelling units, upon certain terms and conditions, to modify certain terms and conditions and to require the construction of up to two speed tables or similar traffic calming measures.

INTRODUCED: June 24, 2024

AN ORDINANCE No. 2024-180

As Amended

To authorize the special use of the properties known as 2300 Semmes Avenue, 2201 McDonough Street, 2301 McDonough Street, 215 West 22<sup>nd</sup> Street, 217 West 22<sup>nd</sup> Street, 219 West 22<sup>nd</sup> Street, 221 West 22<sup>nd</sup> Street, 301 West 22<sup>nd</sup> Street, 307 West 22<sup>nd</sup> Street, 315 West 22<sup>nd</sup> Street, 322 West 22<sup>nd</sup> Street, 302 West 22<sup>nd</sup> Street, 2100 Perry Street, and 222 West 21<sup>st</sup> Street for the purpose of up to three multifamily buildings containing an aggregate of up to 266 dwelling units, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: JUL 22 2024 AT 6 P.M.

WHEREAS, the owner of the properties known as 2300 Semmes Avenue, 2201 McDonough Street, 2301 McDonough Street, 215 West 22<sup>nd</sup> Street, 217 West 22<sup>nd</sup> Street, 219 West 22<sup>nd</sup> Street, 221 West 22<sup>nd</sup> Street, 301 West 22<sup>nd</sup> Street, 307 West 22<sup>nd</sup> Street, 315 West 22<sup>nd</sup> Street, 322 West 22<sup>nd</sup> Street, 302 West 22<sup>nd</sup> Street, 2100 Perry Street, and 222 West 21<sup>st</sup> Street, which are situated in OS Office-Service, R-6 Single-Family Attached Residential, and M-1 Light Industrial Districts, desires to use such properties for the purpose of up to three multifamily buildings

AYES:                    8                    NOES:                    1                    ABSTAIN:                    \_\_\_\_\_

ADOPTED:            SEP 23 2024            REJECTED:                    \_\_\_\_\_                    STRICKEN:                    \_\_\_\_\_

containing an aggregate of up to 266 dwelling units, which use, among other things, is not currently allowed by sections 30-450.1, concerning permitted principal and accessory uses, 30-450.4, concerning yards, 30-450.6, concerning height, 30-412.1, concerning permitted principal uses, 30-412.5, concerning yards, 30-412.6, concerning lot coverage, 30-412.8, concerning height, 30-452.2, concerning yards, and 30-452.4, concerning height, of the Code of the City of Richmond (2020), as amended; and

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 2300 Semmes Avenue, 2201 McDonough Street, 2301 McDonough Street, 215 West 22<sup>nd</sup> Street, 217 West 22<sup>nd</sup> Street, 219 West 22<sup>nd</sup> Street, 221 West 22<sup>nd</sup> Street, 301 West 22<sup>nd</sup> Street, 307 West 22<sup>nd</sup> Street, 315 West 22<sup>nd</sup> Street, 322 West 22<sup>nd</sup> Street, 302 West 22<sup>nd</sup> Street, 2100 Perry Street, and 222 West 21<sup>st</sup> Street and identified as Tax Parcel Nos. S000-0493/002, S000-0492/001, S000-0493/007, S000-0418/021, S000-0418/022, S000-0418/0023, S000-0418/024, S000-0489/012, S000-0489/005, S000-0489/001, S000-0491/024, S000-0491/038, S000-0418/001, and S000-0418/003, respectively, in the 2024 records of the City Assessor, being more particularly shown on the sheet entitled “SUP – 077005-2022 2201 McDonough ST., City of Richmond, Virginia, Parcels,” prepared by Kimley Horn, and dated May 2024, 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 up to three multifamily buildings containing an aggregate of up to 266 dwelling units, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “SUP –

077005-2022 2201 McDonough ST., City of Richmond, Virginia,” prepared by Kimley Horn, and dated May 2024, 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 up to three multifamily buildings containing an aggregate of up to 266 dwelling units, substantially as shown on the Plans. Uses established in section 30-419.3 of the Code of the City of Richmond (2020), as amended, shall be permitted anywhere on the ground floor of main buildings A, B, and C.

(b) Prior to the issuance of any building permit for the Special Use, the Owner shall obtain approval for a plan of development, or an amendment of the existing plan of development, for the Special Use, including, but not limited to, final architectural elevation drawings and floor plans, a site plan, a landscape plan, a tree protection plan, a lighting plan, and a signage plan, pursuant to Article X, Division 4 of the Code of the City of Richmond (2020), as amended.

(c) Common areas, green space, landscaping, improvements within the right-of-way, pedestrian improvements on-site, parking areas, and other similar items shall be substantially as shown on the Plans. Garbage enclosures, accessory buildings no greater than 100 square feet, additional outdoor amenity spaces, ground-based signage, and pedestrian infrastructure greater than what is shown on plans may be approved by the Director of Planning and Development

Review during the Plan of Development application review process.

(d) The number of stories, massing, and footprints of main buildings A, B, and C shall be substantially as shown on the Plans.

(e) Interior and exterior bicycle parking shall be provided as required in section 30-730.1 of the Code of the City of Richmond (2020), as amended, subject to approval by the Director of Planning and Development Review, pursuant to Article X, Division 4 of the Code of the City of Richmond (2020), as amended.

(f) Signs on the Property shall be limited to (i) those signs permitted in all zoning districts by section 30-505 of the Code of the City of Richmond (2020), as amended, and (ii) signs permitted in the R-63 District by section 30-507.1 of the Code of the City of Richmond (2020), as amended. Internally illuminated signage shall only include illuminated lettering and shall not include illumination of the background of the sign face. Neon signage shall not be permitted.

(g) All notes provided on the Plans are hereby incorporated into and made a part of this ordinance. If any notes conflict with this Ordinance, the Ordinance shall control.

(h) Usable open space of not less than 30 percent of the area of the Property shall be provided; balconies covered by enclosed building space shall be permitted to count toward the requirement.

(i) A balcony or patio shall be provided for each dwelling unit. Vinyl shall not be permitted as a building material. Building façades shall meet the requirements of section 30-419.11 of the Code of the City of Richmond (2020), as amended.

(j) All pole-mounted lighting provided within the boundaries of the Property shall be directed or shielded so as not to shine directly on adjacent residential properties, shall not exceed 20 feet in height, and shall be dark sky compliant.

(k) Sections 30-700 through 30-720.4 of the Code of the City of Richmond (2020), as

amended, shall apply to the Property, subject to approval by the Director of Planning and Development Review, pursuant to Article X, Division 4 of the Code of the City of Richmond (2020), as amended, except that vehicular parking shall be provided at a ratio of not less than 1.3 spaces per unit, inclusive of on-street parking spaces abutting the Property.

(l) Prior to the issuance of any building permit for the Special Use, the establishment and consolidation of parcels, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats and deeds among the land records of the Clerk of the Circuit Court of the City of Richmond.

(m) Prior to the issuance of any building permit for the Special Use, the Owner shall obtain all necessary approvals for the closure of public right-of-way.

(n) Prior to the issuance of any building permit for the Special Use, the Owner, at no cost to the City, shall either (i) provide an easement for public access or (ii) dedicate to the City additional right-of-way connecting Semmes Avenue to McDonough Street by means of a shared path.

(o) The Owner shall maintain public access to the unimproved section of Perry Street and the alley extending south from Perry Street to Porter Street between West 21<sup>st</sup> Street and West 22<sup>nd</sup> Street.

(p) Prior to the issuance of any building permit for the Special Use, the Owner shall dedicate to the City sufficient land to make the alley extending north from McDonough Street and serving 401 West 24<sup>th</sup> Street, 403 West 24<sup>th</sup> Street, 405 West 24<sup>th</sup> Street, 407 West 24<sup>th</sup> Street, 411 West 24<sup>th</sup> Street, and 2301 McDonough Street no less than 16 feet in width.

(q) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way. All facilities for the collection of refuse shall be screened so as not to be visible from any public right-of-way or adjacent property and shall not be

located within 40 feet of McDonough Street or West 22nd Street. Facilities for the collection of refuse shall meet all other City standards.

§ 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) The Owner shall make improvements within the right-of-way, at the sole cost of the Owner, substantially as shown in the Plans. The City of Richmond reserves the right to provide assistance to the Owner, as the City deems expedient. The required improvements shall include the installation of street sidewalks, tree lawn, street trees, curb and gutter, street replacement, and street lighting along Semmes Avenue, McDonough Street, and West 22<sup>nd</sup> Street, substantially as shown on the Plans. The Owner shall construct, or cause to be constructed a minimum of one and a maximum of two speed tables, or similar traffic calming measures, to be located on McDonough



Street or West 22<sup>nd</sup> Street, at no cost to the City. Such 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 or the designee thereof that such improvements and work are in accordance with such requirements, (iii) transferred to the City, following the written confirmation by the Director of Public Works or the designee thereof, 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 (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.

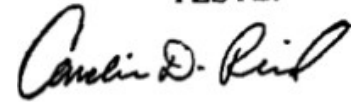
§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 1,096 calendar days 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, appearing to read "Amelia D. Reed". The signature is written in a cursive style with a large initial 'A'.

City Clerk



# City of Richmond

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

## Master

**File Number: Admin-2024-0468**

<b>File ID:</b> Admin-2024-0468	<b>Type:</b> Request for Ordinance or Resolution	<b>Status:</b> Regular Agenda
<b>Version:</b> 2	<b>Reference:</b>	<b>In Control:</b> City Clerk Waiting Room
<b>Department:</b> Planning and Development.Review	<b>Cost:</b>	<b>File Created:</b> 05/13/2024
<b>Subject:</b>	<b>Final Action:</b>	
<b>Title:</b>		

**Internal Notes:**

**Code Sections:**

**Agenda Date:** 06/24/2024

**Indexes:**

**Agenda Number:**

**Patron(s):**

**Enactment Date:**

**Attachments:** Admin-2024-0468 - Application Packet,  
Admin-2024-0468 - Map, Admin-2024-0468 - Ordinance AATF

**Enactment Number:**

**Contact:**

**Introduction Date:**

**Drafter:** Raymond.Roakes@rva.gov

**Effective Date:**

**Related Files:**

### Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	5/23/2024	Matthew Ebinger	Approve	5/27/2024
2	2	5/23/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	5/31/2024	Kevin Vonck	Disapprove	5/30/2024
<b>Notes:</b> no AATF ordinance					
2	4	6/18/2024	Matthew Ebinger	Approve	6/20/2024
2	5	6/18/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
2	6	6/18/2024	Kevin Vonck	Approve	6/25/2024
2	7	6/18/2024	Alecia Blackwell - FYI	Notified - FYI	
2	8	6/18/2024	Sharon Ebert	Approve	6/20/2024
2	9	6/18/2024	Caitlin Sedano - FYI	Notified - FYI	
2	10	6/20/2024	Jeff Gray	Approve	6/20/2024
2	11	6/20/2024	Lincoln Saunders	Approve	6/24/2024
2	12	6/20/2024	Mayor Stoney	Approve	6/24/2024

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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**Text of Legislative File Admin-2024-0468**

City of Richmond  
Intracity Correspondence

O&R Transmittal

DATE: June 18, 2024

TO: The Honorable Members of City Council  
THROUGH: The Honorable Levar M. Stoney, Mayor (by request)  
(This is no way reflects a recommendation on behalf of the Mayor)

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

FROM: Kevin J. Vonck, Director of Planning & Development Review

RE: To authorize the special use of the properties known as 2300 Semmes Avenue, 2201 McDonough Street, 2301 McDonough St, 215 West 22nd Street, 217 West 22nd Street, 219 West 22nd Street, 221 West 22nd Street, 301 West 22nd Street, 307 West 22nd Street, 315 West 22nd Street, 322 West 22nd Street, 302 West 22nd Street, 2100 Perry Street, and 222 West 21st Street for the purpose of up to three multifamily buildings containing an aggregate of up to 266 dwelling units, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Special Use Permit to authorize multi-family residential uses within the OS Office-Service, R-6 Single-Family Attached Residential, and M-1 Light Industrial Zoning Districts. This use is not permitted within the R-6 and OS Districts and the dimensional requirements of the proposed plans do not meet the requirements of the respective zones. A Special Use Permit is therefore required.

BACKGROUND: The property is located in the Swansboro neighborhood. The development includes parcels on McDonough Street, West 22nd Street, and Perry Street; centering around 2201 McDonough Street. The development site consists of roughly 6.94 acres. The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed Use and Residential. Neighborhood Mixed Use is defined as "Existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses (p. 56). Residential is defined as "Neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature." (P. 54)

Neighborhood Mixed Use Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets (see Street Typologies Map). Parcels are generally between 1,500 and 5,000 sq. ft.

Residential Intensity: Buildings are generally one to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft. Residential density of 2 to 10 housing units per acre.

The current zoning for this property is OS office-service, R-6 Single-Family attached residential, and M-1 light industrial zoning district. Adjacent properties are located within a mix of zones including M-1 light Industrial to the east and south, R-53 Multi-family Residential to the south, and R-6 Single Family Attached Residential to the west.

The area is generally single family attached and detached, with some additional multifamily uses under development review in the vicinity. Canoe Run Park is located north of the development site, across Semmes Avenue. GRTC Bus Line 2A, 2B, and 2C run along Semmes within the vicinity of the development site. The proposed density is a maximum of 266 units located on roughly 6.94 acres, or roughly 38 units per acre.

COMMUNITY ENGAGEMENT: Swansboro Neighborhood Association was notified of the application and additional community notification will take place after introduction. The applicant has also been engaging with the community.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

FISCAL IMPACT: \$2400 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: June 24, 2024

CITY COUNCIL PUBLIC HEARING DATE: July 22, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, July 16, 2024

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

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

STAFF:

Matthew Ebinger, Planning Supervisor, Land Use Administration (Room 511) 804-646-6308

Ray Roakes, Planner, authenticCITY Studio - Planning and Development Review (Room 511)

804-646-5467



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: See Applicant's Report - Exhibit A Date: August 2, 2023

Tax Map #: See Exhibit A 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: OS, R-6 and M-1

Existing Use: Vacant

**Proposed Use**

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

Residential multifamily

Existing Use: \_\_\_\_\_

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: 23220

Telephone: (804) 420-6615 Fax: ( )

Email: plloyd@williamsullen.com

**Property Owner:** 2201 McDonough LLC & 322 W. 22nd Street LLC

If Business Entity, name and title of authorized signee: T. Preston Lloyd, Jr., acting under special power of attorney

(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: c/o Harper Associates, 5607 Grove Ave.

City: Richmond State: VA Zip Code: 23226

Telephone: (804) 282-6550 Fax: ( )

Email: \_\_\_\_\_

**Property Owner Signature:** T. Preston Lloyd, Jr.

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)



# WILLIAMS MULLEN

Direct Dial: 804.420.6000  
plloyd@williamsmullen.com

August 2, 2023

City of Richmond Department of Planning and Development Review  
City Hall, 900 East Broad Street, Room 511  
Richmond, Virginia 23219

Re: Special Use Permit Application – 2201 McDonough LLC & 322 W. 22nd Street LLC

Ladies and Gentlemen:

This firm is counsel to 2201 McDonough LLC and 322 W. 22nd Street LLC (together, the “Applicants”), the respective owners of the subject property described on the table of parcels enclosed herewith as Exhibit A (the “Property”), on whose behalf we submit the enclosed the materials referenced on Exhibit B (collectively, the “Application”) to request approval of the special use of certain property 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 & Current Zoning**

The Property is characterized by multiple parcels located south of Semmes Avenue in the Swansboro neighborhood of the City, as more particularly identified on the table attached as Exhibit A. The Property is comprised of approximately 6.6748 acres, located immediately adjacent to a residential community developed by an affiliate of the Applicant and known as “Belle Heights” (the “Phase I SUP”), adopted by City Council on February 25, 2019.<sup>1</sup> As depicted on the enclosed conceptual plan, the Property also contains unimproved portions of existing public rights of way, which are requested to be vacated per a request to the Department of Public Works being filed concurrently with this application.

This area is located at the convergence of several established residential neighborhoods, including Swansboro, Spring Hill, Woodland Heights, and Manchester. Portions of the Property were previously compromised by a former manufactured home site that is currently unimproved, a recently demolished former 2-story vehicle service structure, and other currently vacant property.

## **Proposed Special Use**

The Applicants propose the special use of the Property as residential uses, as authorized in the R-63 Multifamily Urban Residential District and subject to the corresponding applicable zoning district regulations. The Property is currently zoned M-1 Light Industrial District, R-6 Single Family Attached

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<sup>1</sup> For the avoidance of doubt, two parcels comprising the Property of this Application were previously approved as part of the Phase I SUP are Parcel ID S0000301007 and S0000360011, which together were identified as “Future B-6 Uses” on the Conceptual Site Plan. These parcels are included with and defined as part of the “Eastern Section” for the purposes of this Application.

Residential District, and OS Office Service District. Notwithstanding any contrary provision of the City Code, the Property shall be developed subject to the following additional conditions:

1. A plan of development shall be required for development of all uses as specified in Sec. 30-446.2 per Article X of Chapter 30 of the City Code.
2. Plan(s) of development shall be evaluated to determine if building design is in line with the following form elements:
  - a. Building Locations. Building locations shall be in general conformance the layout shown on the Conceptual Master Plan, provided however that alterations to the building locations may be approved by the Director of Planning and Development Review upon a finding that the revised location is consistent with the goals and priorities of the Richmond 300 Master Plan.
  - b. Semmes Avenue streetscape. The project shall include at least one pedestrian access to Semmes Avenue, as generally shown on the Conceptual Master Plan.
  - c. Quality design and materials. Building materials and architectural features shall be of comparable or superior quality to those comprising the townhomes in Belle Heights, as approved by the Director of Planning and Development Review or their designee.
  - d. Woodland Heights step-back. Building(s) along the westernmost boundary line of the Property shall be designed with appropriate step-backs to mitigate a height differential with existing single-family residential structures located immediately to the west, as generally shown on the Conceptual Massing Exhibits.
3. Permitted uses. In addition to those uses permitted in R-63 district, single-family attached dwellings and uses and structures shall be permitted, subject to the following:
  - a. Appropriate agreements and covenants approved by the City Attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
  - b. Architectural style, dimensions and lot configuration shall be generally consistent with the dwellings approved pursuant to the Phase I SUP;<sup>2</sup> and
  - c. A plan of development shall be required as set forth in Sec. 30-446.2 per Article X of Chapter 30 of the City Code.
4. Minimum multifamily unit size. Multifamily buildings shall not be subject to any minimum floor area for each dwelling unit.
5. Usable open space. Usable open space of not less than ten percent of the area of the lot shall be provided for multifamily dwellings.
6. Height. Multifamily buildings shall not exceed five stories in height; provided, however, that building heights shall be stepped down in general conformance with the Conceptual Massing Diagram.

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<sup>2</sup> For avoidance of doubt, lot widths of not less than 16 feet and not greater than 24 feet shall be deemed to be in general conformance with the dimensions of lots for the attached dwellings approved pursuant to the Phase I SUP.

**Conformance with Richmond 300 Master Plan**

The proposed Application presents an opportunity to redevelop infill areas adjacent to Belle Heights, which will allow for commercial, retail, and multifamily dwellings, integrating with and enhancing the existing neighborhood to foster a true mixed-use community. As further described below, the proposed special use of the Property is consistent with the City’s vision for future land use set forth in the Richmond 300 Master Plan, adopted by City Council on December 14, 2020 (the “Master Plan”), which designates the majority of the Property as “Neighborhood Mixed-Use.”

<b>Richmond 300 Master Plan: Vision</b>	<b>Key Elements of SUP Application</b>
<p>Existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses.</p>	<p>Belle Heights represents the conversation of an existing, anachronistic island of industrial uses to a diverse mix of residential uses (townhome &amp; multifamily) with office, retail and restaurants. The Property comprising this Application must be viewed in the context of the larger Belle Heights development. In contrast with the initial development of the community, which only includes single-family attached housing, this Application proposes to include multifamily housing, thus promoting a diversity of housing option for residents.</p>
<p>Development Style: These areas feature a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Setbacks, plazas, and parks create a sense of place and community gathering areas. New developments on larger parcels continue or introduce a gridded street pattern to increase connectivity within the neighborhood and to adjacent neighborhoods. .... In new neighborhoods, small scale commercial buildings should be introduced.</p>	<p>Multifamily will be oriented to face the street wall of Semmes Avenue, which represents a “major street” abutting the project. At street level, the project will appear to be approximately 3-4 stories. The drop in topography away from Semmes Avenue will allow the project to include greater density without presenting the visual impact of height at the street. As shown on the conceptual plan, the project will foster pedestrian connectivity to Semmes Avenue, providing access to transit options and Canoe Run Park and the James River Park System (Buttermilk Trail), which are located immediately across Semmes Avenue from the Property.</p>
<p>Ground Floor: Regardless of use, buildings should engage the street with features such as street-oriented façades with windows and door openings along street frontages. Appropriate setbacks, open space, front porches, elevated ground floors, and other features that provide a sense of privacy should be provided for residential uses.</p>	<p>Multifamily buildings will engage with the street along McDonough Avenue. Step-backs will facilitate a transition from urban form to single-family residential along the western edge, as shown on the Conceptual Massing Exhibit.</p>

<p>Mobility: Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. New driveways are prohibited on Priority and Principal Street frontages. Vehicular access to parcels should use alleys wherever possible.</p>	<p>No new roadway connections are proposed to Semmes Avenue or Cowardin. This will mitigate traffic impacts to existing public roads within Swansboro. Regarding traffic generation, the use of this portion of the Property with additional multifamily residential units represents a net decrease in the maximum potential peak hour traffic generated when compared to other B-3 and M-1 uses permitted by-right, such as office. The Property is located immediately adjacent to bicycle lane improvements recently constructed along Semmes Avenue and GRTC transit service, offering additional means of transportation connectivity. Parking will be provided on-site via surface parking.</p>
<p>Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets (see Street Typologies Map). Parcels are generally between 1,500 and 5,000 sq. ft.</p>	<p>Taller heights are appropriate in this location due to (i) the location of the project on a “major street”, (ii) the size of the parcels, and (iii) the unique topographic conditions of the site that will mitigate the visual impact of height on adjacent uses. The step-back requirements for the project creates a transition from multifamily buildings fronting on Semmes to the massing of existing single-family detached residences located west on Semmes Avenue, and with buffer separation from the existing single-family attached residences approved in the initial phase.</p>
<p>Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.</p>	<p>The proposed special uses will allow multifamily uses in up to 5-story buildings. The proposed development will utilize public water and sewer, both of which presently serve the Property. Poor drainage of the northern portion of Property has led to periodic flooding issues following periods of heavy precipitation. These deficiencies will be addressed through upgrades to the existing stormwater runoff facilities, in conformance with applicable federal, state and local laws and regulation. The proposed configuration of the potential multifamily structures reflects the topography of the site, allowing for mitigation of stormwater runoff.</p>

### **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 permit authorizes a project that will further catalyze the significant growth and revitalization of a key infill location in Historic Swansboro, which is presently undergoing significant reinvestment and development after decades of decline. The proposed exceptions to the zoning ordinance will allow consistent density of residential uses with the Neighborhood Mixed-Use future land use designation in a quality design befitting this prominent site location, consistent with the land use policy priorities of City Council evidenced in the Richmond 300 Master Plan and Riverfront Plan. The proposed Project is consistent with the character of the surrounding properties and meets each of the criteria set forth in Section 17.11(b) of the Charter of the City of the Charter of the City.

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. Mr. Will Allen, Harper Associates (via email)  
The Hon. Stephanie Lynch, Councilperson for 5<sup>th</sup> District (via email)  
Kevin J. Vonck, Ph.D., Director, Department of Planning and Development Review (via email)

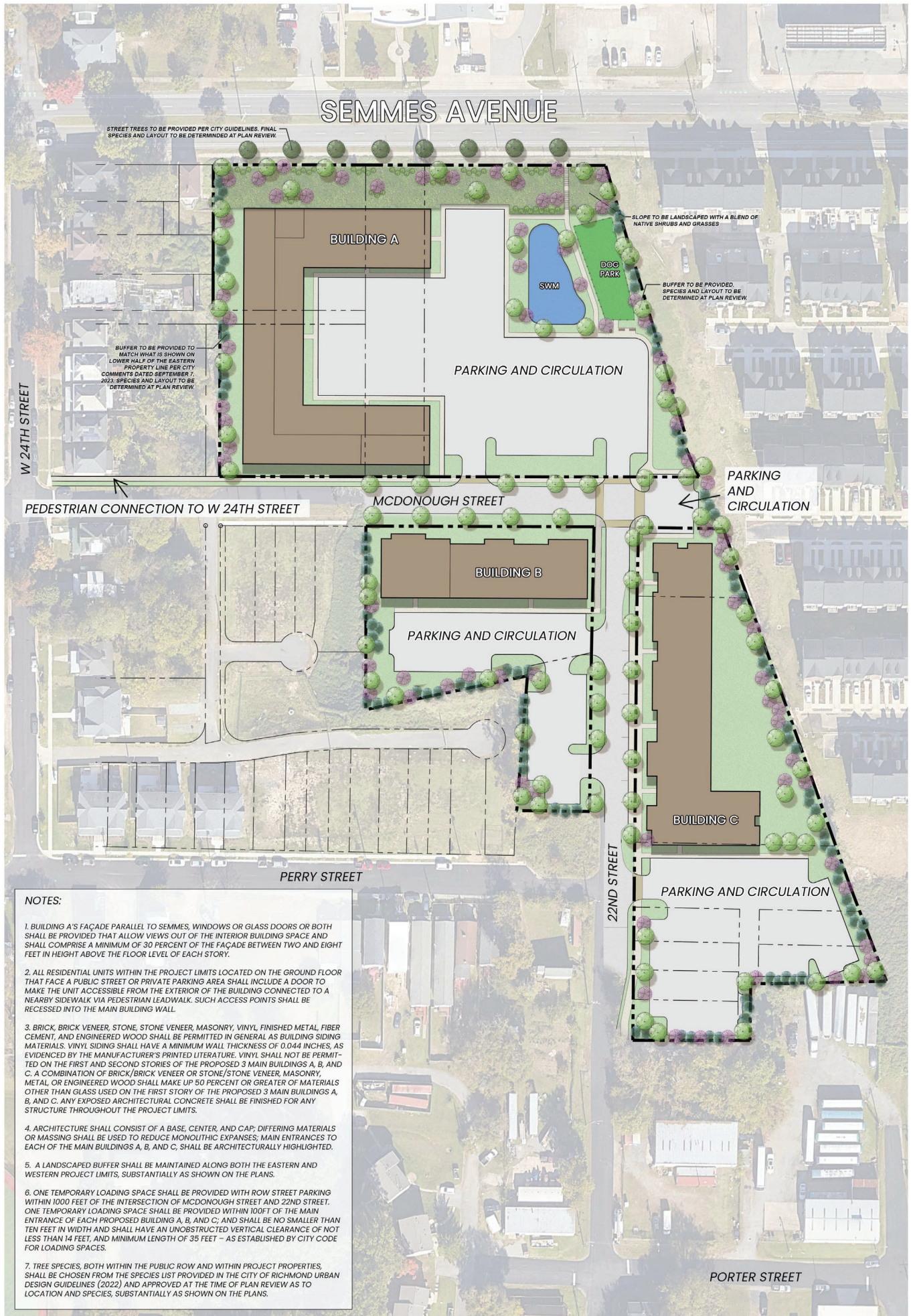
Enclosures

EXHIBIT A

Table of Parcels

<b>Owner</b>	<b>Address</b>	<b>Tax Parcel ID</b>	<b>Acreage</b>	<b>Existing Zoning</b>
2201 McDonough LLC	2201 McDonough St.	S0000492001	1.6	OS
2201 McDonough LLC	2300 Semmes Ave.	S0000493002	0.527	R-6
2201 McDonough LLC	2301 McDonough St.	S0000493007	0.527	R-6
2201 McDonough LLC	2310 Semmes Ave.	S0000493001	0.058	R-6
2201 McDonough LLC	2310A Semmes Ave.	S0000493021	0.012	R-6
322 W 22nd Street LLC	322 W. 22 <sup>nd</sup> St.	S0000491024	0.906	M-1
322 W 22nd Street LLC	315 W. 22 <sup>nd</sup> St.	S0000489001	0.154	M-1
322 W 22nd Street LLC	307 W 22 <sup>nd</sup> St.	S0000489005	0.561	M-1
322 W 22nd Street LLC	301 W 22 <sup>nd</sup> St.	S0000489012	0.342	M-1
322 W 22nd Street LLC	302 W 22 <sup>nd</sup> St.	S0000491038	0.2439	M-1
322 W 22nd Street LLC	2100 Perry	S0000418001	0.081	M-1
322 W 22nd Street LLC	222 W. 21st St.	S0000418003	0.082	M-1
322 W 22nd Street LLC	211 W. 22nd St.	S0000418019	0.083	M-1
322 W 22nd Street LLC	215 W. 22nd St.	S0000418021	0.083	M-1
322 W 22nd Street LLC	217 W. 22nd St.	S0000418022	0.083	M-1
322 W 22nd Street LLC	219 W. 22nd St.	S0000418023	0.083	M-1
322 W 22nd Street LLC	221 W. 22nd St.	S0000418024	0.102	M-1
322 W 22nd Street LLC	301 W. 22nd St.	S0000489012	0.342	M-1
322 W 22nd Street LLC	302, 304, 306, 308, and 310 W. 22nd St.	S0000491038	0.2439	M-1
322 W 22nd Street LLC	307 W. 22nd St.	S0000489005	0.561	M-1



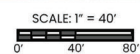


**NOTES:**

1. BUILDING A'S FAÇADE PARALLEL TO SEMMES, WINDOWS OR GLASS DOORS OR BOTH SHALL BE PROVIDED THAT ALLOW VIEWS OUT OF THE INTERIOR BUILDING SPACE AND SHALL COMPRISE A MINIMUM OF 30 PERCENT OF THE FAÇADE BETWEEN TWO AND EIGHT FEET IN HEIGHT ABOVE THE FLOOR LEVEL OF EACH STORY.
2. ALL RESIDENTIAL UNITS WITHIN THE PROJECT LIMITS LOCATED ON THE GROUND FLOOR THAT FACE A PUBLIC STREET OR PRIVATE PARKING AREA SHALL INCLUDE A DOOR TO MAKE THE UNIT ACCESSIBLE FROM THE EXTERIOR OF THE BUILDING CONNECTED TO A NEARBY SIDEWALK VIA PEDESTRIAN LEADWALK. SUCH ACCESS POINTS SHALL BE RECESSED INTO THE MAIN BUILDING WALL.
3. BRICK, BRICK VENEER, STONE, STONE VENEER, MASONRY, VINYL FINISHED METAL, FIBER CEMENT, AND ENGINEERED WOOD SHALL BE PERMITTED IN GENERAL AS BUILDING SIDING MATERIALS. VINYL SIDING SHALL HAVE A MINIMUM WALL THICKNESS OF 0.044 INCHES, AS EVIDENCED BY THE MANUFACTURER'S PRINTED LITERATURE. VINYL SHALL NOT BE PERMITTED ON THE FIRST AND SECOND STORIES OF THE PROPOSED 3 MAIN BUILDINGS A, B, AND C. A COMBINATION OF BRICK/BRICK VENEER OR STONE/STONE VENEER, MASONRY, METAL, OR ENGINEERED WOOD SHALL MAKE UP 50 PERCENT OR GREATER OF MATERIALS OTHER THAN GLASS USED ON THE FIRST STORY OF THE PROPOSED 3 MAIN BUILDINGS A, B, AND C. ANY EXPOSED ARCHITECTURAL CONCRETE SHALL BE FINISHED FOR ANY STRUCTURE THROUGHOUT THE PROJECT LIMITS.
4. ARCHITECTURE SHALL CONSIST OF A BASE, CENTER, AND CAP; DIFFERING MATERIALS OR MASSING SHALL BE USED TO REDUCE MONOLITHIC EXPANSES; MAIN ENTRANCES TO EACH OF THE MAIN BUILDINGS A, B, AND C, SHALL BE ARCHITECTURALLY HIGHLIGHTED.
5. A LANDSCAPED BUFFER SHALL BE MAINTAINED ALONG BOTH THE EASTERN AND WESTERN PROJECT LIMITS, SUBSTANTIALLY AS SHOWN ON THE PLANS.
6. ONE TEMPORARY LOADING SPACE SHALL BE PROVIDED WITH ROW STREET PARKING WITHIN 1000 FEET OF THE INTERSECTION OF MCDONOUGH STREET AND 22ND STREET. ONE TEMPORARY LOADING SPACE SHALL BE PROVIDED WITHIN 100FT OF THE MAIN ENTRANCE OF EACH PROPOSED BUILDING A, B, AND C; AND SHALL BE NO SMALLER THAN TEN FEET IN WIDTH AND SHALL HAVE AN UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN 14 FEET, AND MINIMUM LENGTH OF 35 FEET - AS ESTABLISHED BY CITY CODE FOR LOADING SPACES.
7. TREE SPECIES, BOTH WITHIN THE PUBLIC ROW AND WITHIN PROJECT PROPERTIES, SHALL BE CHOSEN FROM THE SPECIES LIST PROVIDED IN THE CITY OF RICHMOND URBAN DESIGN GUIDELINES (2022) AND APPROVED AT THE TIME OF PLAN REVIEW AS TO LOCATION AND SPECIES, SUBSTANTIALLY AS SHOWN ON THE PLANS.

SUP-077005-2022 2201 MCDONOUGH ST.

CITY OF RICHMOND, VIRGINIA



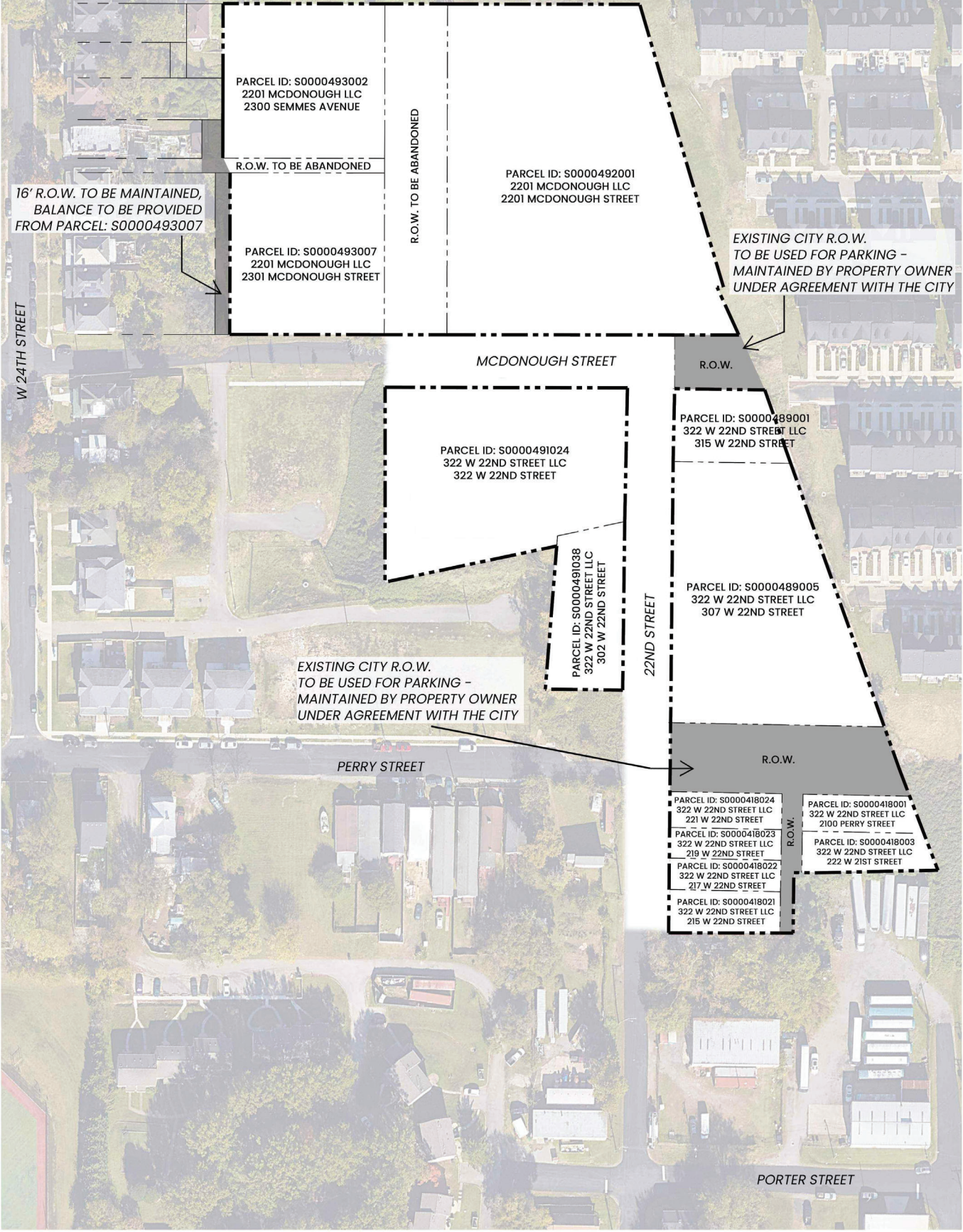
CONCEPTUAL SITE PLAN  
MAY 2024  
PAGE 1 OF 6



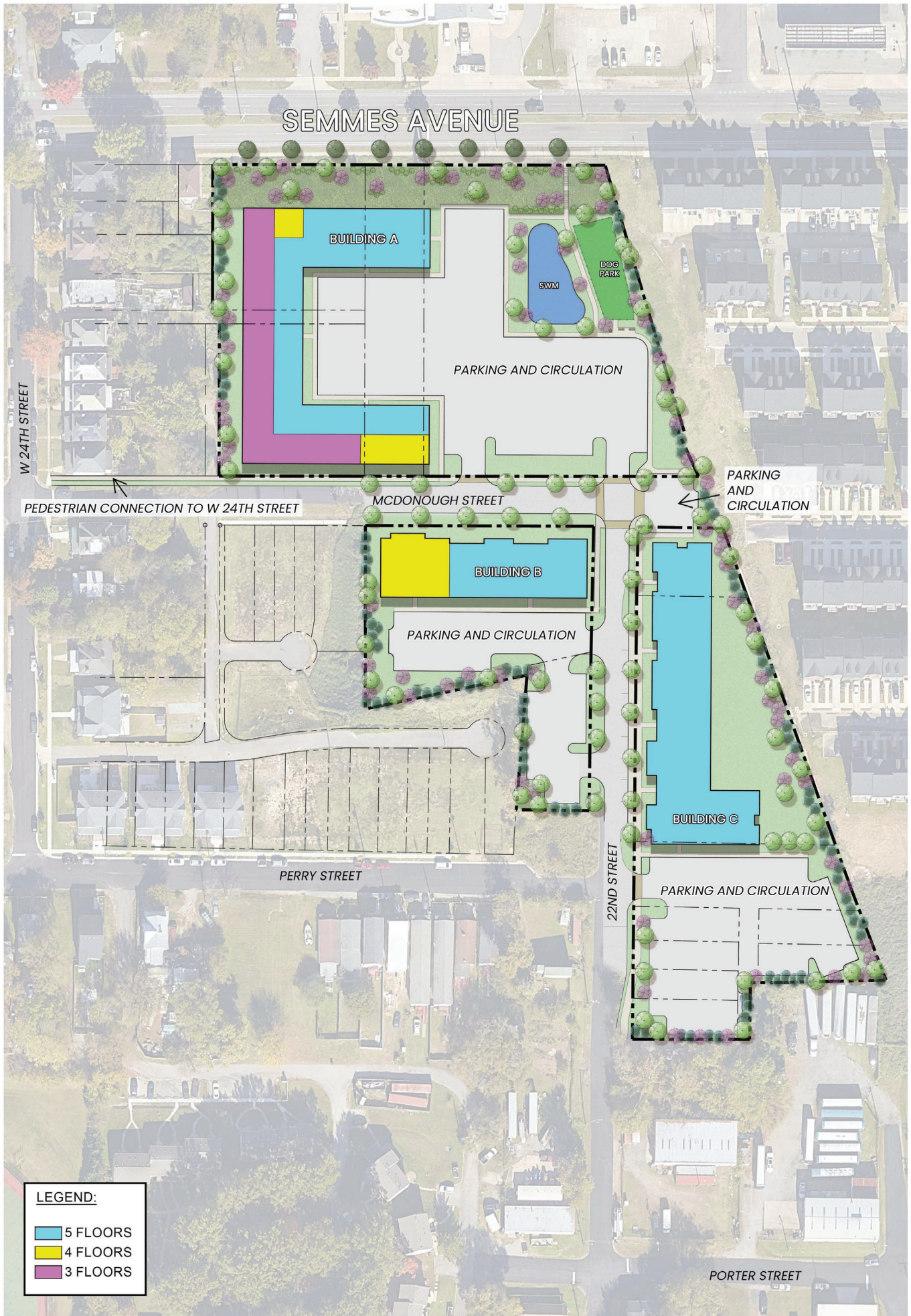
Kimley»Horn



# SEMME'S AVENUE







**LEGEND:**

<span style="color: cyan;">■</span>	5 FLOORS
<span style="color: yellow;">■</span>	4 FLOORS
<span style="color: purple;">■</span>	3 FLOORS

SUP-077005-2022 2201 MCDONOUGH ST.

CITY OF RICHMOND, VIRGINIA

SCALE: 1" = 40'

MASSING PLAN  
MAY 2024

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**Kimley»Horn**

SECTION 1



SECTION 2

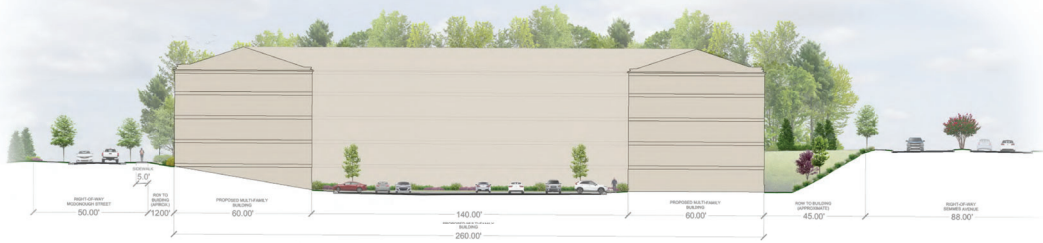


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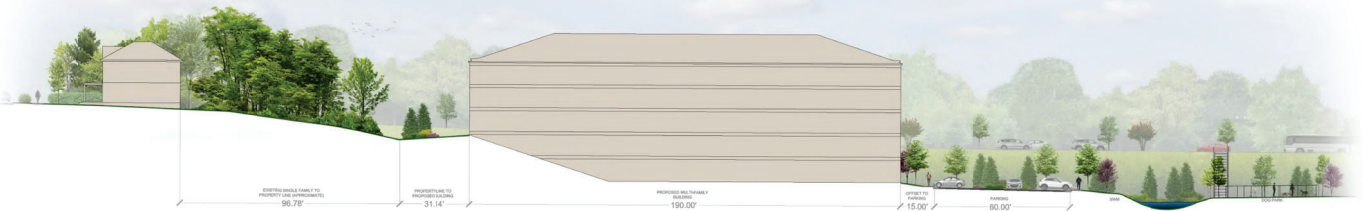




SECTION 1



SECTION 2



SECTION KEY

SUP-077005-2022 2201 MCDONOUGH ST.

CITY OF RICHMOND, VIRGINIA

SCALE: 1" = 20'



230C SEMMES SECTIONS

MAY 2024

PAGE 5 OF 6



Kimley»Horn





SUP-077005-2022 2201 MCDONOUGH ST.

CITY OF RICHMOND, VIRGINIA

SCALE: 1" = 40'

0' 40' 80'

CONCEPTUAL LANDSCAPE PLAN  
MAY 2024

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Kimley»Horn





# City of Richmond Department of Planning & Development Review

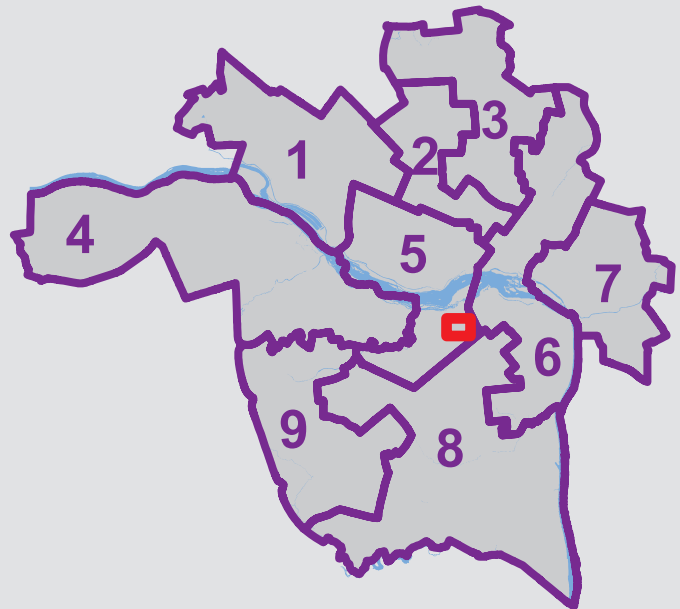
## Special Use Permit

**LOCATION:** 2201 McDonough Street

**APPLICANT:** Williams Mullen, Law Firm  
Representative of the Property Owner

**COUNCIL DISTRICT:** 5

**PROPOSAL:** To authorize the special use of the properties known as 2300 Semmes Ave, 2201 McDonough St, 2301 McDonough St, 215 W 22nd St, 217 W 22nd St, 219 W 22nd St, 221 W 22nd St, 301 W 22nd St, 307 W 22nd St, 315 W 22nd St, 322 W 22nd St, 2100 Perry St, and 222 W 21st St for the purpose of up to 3 multifamily buildings containing an aggregate of up to 266 dwelling units, upon certain terms and conditions..



*For questions, please contact Ray Roakes  
at 804-646-5467 or raymond.roakes@rva.gov*

