## AN ORDINANCE No. 2022-095

To authorize the special use of the property known as 933 West Grace Street for the purpose of a mixed-use building containing up to 21 dwelling units and commercial space, upon certain terms and conditions.
Patron - Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: APR 112022 AT 6 P.M.

WHEREAS, the owner of the property known as 933 West Grace Street, which is situated in a B-4 Central Business District, desires to use such property for the purpose of a mixed-use building containing up to 21 dwelling units and commercial space, which use, among other things, is not currently allowed by section 30-440.3(3), concerning rear yards, 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 AYES: 9 NOES: 00 ABSTAIN:

ADOPTED: $\qquad$ REJECTED: $\qquad$ STRICKEN: $\qquad$
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:

$\S$ 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 property known as 933 West Grace Street and identified as Tax Parcel No. W000-0468/004 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing \#931 \& \#933 W. Grace Street, Richmond, Virginia, Surveyed for Switzerland Town, LLC," prepared by Baseline Land Surveying, and dated July 16, 2020, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of a mixed-use building containing up to 21 dwelling units and commercial space, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "931-933 W Grace St, Richmond VA 23220 USA," prepared by Walter Parks Architect, and dated January 21, 2022, and hereinafter referred to as "the Plans," copies of which are attached to and made a part of this ordinance.
(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as "the Owner." The conditions contained in this ordinance shall be binding on the Owner.
§ 3. Special Terms and Conditions. This special use permit is conditioned on the following special terms and conditions:
(a) The Special Use of the Property shall be as a mixed-use building containing up to 21 dwelling units and commercial space, substantially as shown on the Plans. The first floor commercial space shall contain non-residential uses permitted by the underlying zoning district in which the Property is situated.
(b) No off street parking shall be required for the Special Use.
(c) All building materials, elevations, and site improvements shall be substantially as shown on the Plans.
(d) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
(e) The height of the Special Use shall not exceed four stories, substantially as shown on the Plans.
(f) No fewer than seven bicycle parking spaces shall be provided, substantially as shown on the Plans.
§ 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) 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 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

## Item Request

File Number: PRE.2022.0023

## O \& R Request

DATE: February 14, 2022

## EDITION: 1

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


THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer Limah Sandem
THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic
 Development and Planning

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review
RE: To authorize the special use of the property known as 933 West Grace Street for the purpose of a mixed-use building, containing up to twenty-one dwelling units and commercial space, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 933 West Grace Street for the purpose of a mixed-use building, containing up to twenty-one dwelling units and commercial space, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit which would allow for a mixed use building including multi-family and commercial uses within a B-4 Central Business zoning district. While the proposed uses are currently permitted within the B-4, the use does not meet certain feature requirements within the B-4 district, including Rear yard depth requirements. A Special Use Permit is therefore 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 April 4, 2022, meeting.

BACKGROUND: The property is located in the VCU neighborhood on West Grace Street, between North Harrison and Shafer Streets. The property is currently a 4,150 sq. ft. building on a $6,379 \mathrm{sq} . \mathrm{ft}$. (. 15 acre) parcel of land. The application is for a four story, mixed use building.
The City's Richmond 300 Master Plan designates a future land use for the subject property as Destination Mixed Use. This designation is defined as a "Key gateways featuring prominent destinations, such as retail, sports venues, and large employers, as well as housing and open space."

Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space.
Secondary Uses: Institutional and government. (p. 64)
The surrounding land uses include mixed-use residential and commercial with some institutional uses to the in the vicinity, especially along Broad Street to the north. The current zoning for this property is B-4 Central Business zoning district. Adjacent properties to the east north, and west are located within the same B-4 Zone. Properties adjacent and directly to the south are zoned R-73 Multifamily Residential District. The density of the proposed development is approximately 140 units per acre.

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

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

BUDGET AMENDMENT NECESSARY: No
REVENUE TO CITY: \$2,400 application fee
DESIRED EFFECTIVE DATE: Upon adoption
REQUESTED INTRODUCTION DATE: March 14, 2022
CITY COUNCIL PUBLIC HEARING DATE: April 11, 2022
REQUESTED AGENDA: Consent
RECOMMENDED COUNCIL COMMITTEE: None
CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:

City Planning Commission April 4, 2022

AFFECTED AGENCIES: Office of Chief Administrative Officer Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None
REQUIRED CHANGES TO WORK PROGRAM(S): None
ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map
STAFF: Jonathan Brown, 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

Application is hereby submitted for: (check one)

## $\square$ special use permit, new

## $\square$ special use permit, plan amendment

$\square$ 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: $\underline{426-\mathrm{B} \text { Restaurant/Bar }}$

## 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 builiding. The building will have 21 units
Existing Use: Restaurant/bar; the current tenant unfits are not a part of the project scope.

Is this property subject to any previous land use cases?
Yes
$\square$
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


Telephone: _(804 ) 420-6615 Fax: _(__ N/A
Email: plloyd@williamsmullen.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
Telephone: (804 ) 519-8548
Email:
State: VA
Zip Code: 23227
Fax: $\square$ ) NRA

## 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)

## WILLIAMS MULLEN

Direct Dial: 804.420.6615
plloyd@williamsmullen.com
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").


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August 3, 2021
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## 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 singlestory 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 $\qquad$ 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

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Page 3
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.

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August 3, 2021
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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

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## general notes













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## GENERAL HAZARD NOTES









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## PROJECT SCOPE




## PROJECT DIRECTOR

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SEWER UTILITY MAP


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VARIABLE WIDTH ALLEY

PLAT SHOWING
\# 931 \& \# 933 W. GRACE STREET RICHMOND, VIRGINIA SURVEYED FOR SWITZERLAND TOWN, LLC


