INTRODUCED: September 12, 2022

AN ORDINANCE No. 2022-263

To authorize the special use of the properties known as 3215 Stuart Avenue, 3215 Rear Stuart Avenue, 311 Tilden Street, 311 Rear Tilden Street, and 306 Rear Cleveland Street for the purpose of (i) a multifamily dwelling containing up to 39 dwelling units and (ii) two single-family attached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: OCT 10 2022 AT 6 P.M.

WHEREAS, the owner of the properties known as 3215 Stuart Avenue, 3215 Rear Stuart Avenue, 311 Tilden Street, 311 Rear Tilden Street, and 306 Rear Cleveland Street, which are situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of (i) a multifamily dwelling containing up to 39 dwelling units and (ii) two single-family attached dwellings, which use, among other things, is not currently allowed by section 30-412.1 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

AYES:	9	NOES:	0	ABSTAIN:
A DODTED.	OCT 10 2022	DEJECTED.		STRICKEN:
ADOPTED:	OCT 10 2022	REJECTED:		STRICKEN:

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.

Subject to the terms and conditions set forth in this ordinance, the properties known (a) as 3215 Stuart Avenue, 3215 Rear Stuart Avenue, 311 Tilden Street, 311 Rear Tilden Street, and 306 Rear Cleveland Street and identified as Tax Parcel Nos. W000-1462/023, W000-1462/024, W000-1462/022, W000-1462/026, and W000-1462/043, respectively, in the 2022 records of the City Assessor, being more particularly shown on a survey entitled "Boundary Survey for Parcels W0001462022, W0001462023, W0001462024, W0001462026, &W0001462043 in the City of Richmond, Virginia," prepared by Nyfeler Associates, and dated December 6, 2021, 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 (i) a multifamily dwelling containing up to 39 dwelling units and (ii) two single-family attached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "St. Gertrude, 3215 Stuart Avenue, Richmond, VA 23221," prepared by fultz & singh, and dated April 28, 2022, and entitled "St. Gertrude High School, Richmond, Virginia," prepared by HG Design Studio, and dated April 29, 2022, hereinafter referred to, collectively, 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 (i) a multifamily dwelling containing up to 39 dwelling units and (ii) two single-family attached dwellings, substantially as shown on the Plans.

(b) The existing stained glass windows in Unit 23, as shown on the Plans, shall be protected during construction, and the wood trim and frame around the circular stained glass window in the existing chapel (Unit 23) shall remain in their current position, extent, and condition.

(c) The existing brick retaining wall shall be protected during construction and any damage shall be repaired with like materials. The existing brick retaining wall may be modified, substantially as shown on the Plans.

(d) Up to 51 parking spaces shall be provided on the Property for use by the multifamily dwelling and two parking spaces shall be provided for use by the single-family attached dwellings.

(e) Elevations, building materials, and site improvements pertaining to the multifamily dwelling shall be substantially as shown on the Plans, subject to the applicable regulations of the West of the Boulevard Design Overlay District, pursuant to sections 30-940 through 30-940.9 of the Code of the City of Richmond (2020), as amended. Elevations, building materials, and site improvements pertaining to the single-family attached dwellings shall meet the standards of the underlying zoning district, subject to the applicable regulations of the West of the Boulevard Design Overlay District, pursuant to sections 30-940.9 of the Code of the City of Richmond (2020), as amended.

(f) The height of the multifamily dwelling shall not exceed the height shown on the Plans, and the height of the single-family attached dwellings shall not exceed three stories.

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

(h) In addition to signs permitted in all districts, pursuant to section 30-505 of the Code of the City of Richmond (2020), as amended, the existing freestanding sign, not exceeding 45 square feet in area, may be used for the Special Use.

§ 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.

A TRUE COPY: TESTE: Andin D. Ril

City Clerk

RECEIVED By City Attorney's Office at 10:51 am, Jul 21, 2022

EDITION:1

RECEIVED By CAO Office at 11:10 am, Jul 07, 2022

2022-174



City of Richmond

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

Item Request File Number: PRE.2022.0261

O & R Request

DATE: June 27, 2022

- **TO**: The Honorable Members of City Council
- **THROUGH:** The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request) (This is no way reflects a recommendation on behalf of the Mayor.)
- **THROUGH**: J. E. Lincoln Saunders, Chief Administrative Officer
- **THROUGH**: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning
- FROM: Kevin J. Vonck, Director, Department of Planning and Development Review King / Jude
- **RE**: To authorize the special use of the properties known as 3215 Stuart Ave, 3215 Rear Stuart Ave, 311 Tilden St, 311 Rear Tilden St, and 306 Rear Cleveland Street, to authorize multi-family use of an existing building and up to two new single-family dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the properties known as 3215 Stuart Ave, 3215 Rear Stuart Ave, 311 Tilden St, 311 Rear Tilden St, and 306 Rear Cleveland Street, to authorize multi-family use of an existing building and up to two new single-family dwellings, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit which would allow for up to 39 multi-family units within a R-6 Single-Family Attached Residential District within a 68,797 square foot building which was formerly a private school use, as well as two new single-family dwellings. Multi-family uses are not permitted within the R-6 District. A Special Use Permit is therefore requested.

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 August 15, 2022, meeting.

BACKGROUND: The property is located on Stuart Avenue between Tilden Street and North Cleveland Street in the Museum District. The property was previously used as a private educational facility called St. Gertrude's High School.

Richmond 300 recommends a future land use of "Institutional" for the property. This designation is defined as "Public and quasi-public entities, such as local, state, and federal government, hospitals, universities, schools, and religions institutions." The development style is established as "Several buildings owned by an institution are often connected by an engaging character that creates a campus-like environment."

Primary Uses: Institutional, cultural, government, and open space. Secondary Uses: Retail/office/personal service and multi-family.

The proposed project is the renovation and reuse of the existing building, which includes 68,797 square feet of floor area. The application requests to allow for 39 multi-family units which is not permitted in an R-6 - Residential (Single Family Attached) zone. The project does not include any expansion of the building footprint, but additional square footage on the interior of the building will be added by creating new floors in spaces that include a ceiling height tall enough to fit multiple floors. The project will use Historic Tax Credits and is in the process of receiving the appropriate additional approvals, primarily for the portion formerly used as a chapel. The former chapel has been appropriately de-consecrated by the former religious users and the remaining religious and historic detailing will be maintained through the requirements of the historic tax credit process.

The project is located in the West of the Boulevard Design Guideline District. The portion of the architecture that falls under the guidelines has been reviewed by Staff for appropriateness.

Surrounding properties are zoned the same R-6 residential zone as the subject property and include primarily residential uses.

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: July 25, 2022

CITY COUNCIL PUBLIC HEARING DATE: September 12, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission August 15, 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: Application Form, Applicant's Report, Draft Ordinance, Plans, Survey, Map

STAFF: Ray Roakes, Associate Planner, Land Use Administration (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 <u>http://www.richmondgov.com/</u>

Application is hereby submitted for: (check one)

- \Box special use permit, new
- special use permit, plan amendment
- □ special use permit, text only amendment

Project Name/Location

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

Zoning

|--|

Existing I	Use:		
Extisting .	000		

Proposed Use

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

Existing Use:			

Is this property subject to any previous land use cases?

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If **Yes**, please list the Ordinance Number:

Applicant/Contact Person: _____

No

Company:		
Mailing Address:		
City:	State: Zip Code:	
Telephone: _()	Fax: _()	
Email:		

Property 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.)

Email: Property Owner Signature:	Sinker Lama Butey, O.S.B.	
Telephone: _()	Fax: _()
City:	State:	Zip Code:
Mailing Address:	Ctata	Ziro Co do:

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)



MARKHAM PLANNING 208 E GRACE STREET · RICHMOND, VIRGINIA 23219

March 1, 2022

Kevin Vonck, Director Department of Planning & Development Review 900 East Broad Street, Suite 511 Richmond, VA 23219

Re: Special Use Permit application at the former St Gertrude High School (3215 Stuart Ave, 3215 Rear Stuart Ave, 311 Tilden St, 311 Rear Tilden St)

Dear Mr. Vonck,

Please accept this letter as the Applicant's Report for the Special Use Permit application for the former site of St Gertrude High School. With this application, the property owner, Benedictine Sisters of VA Inc, is petitioning the City Council for a SUP to permit the rehabilitation of the former high school and chapel for multifamily use.

Existing Site Conditions

The subject properties are located in the City's Museum District on the block bounded by Stuart Ave and Hanover Ave to the north and south, and N Cleveland St and Tilden St to the east and west. The five parcels combine for a total land area of 2.17 acres and comprise slightly more than half of the entire block. The original building on the site was constructed in 1913 as a home and chapel for the Benedictine Sisters. In 1922, the first classes were taught on the properties.

Over the years, the original building has been expanded and now contains approximately 68,797 square feet of floor area. A parking lot for the uses of the students and faculty is located behind the building in the middle of the block.

In the summer of 2020, construction began for a new site for the school located at the 50-acre Benedictive Abbey campus in Goochland County. The existing site on Stuart Ave is currently vacant.

Current Zoning

The property is currently zoned R-6 Residential (Single Family Attached), which allows for single-family detached and attached dwellings, institutional, community and worship facilities and other primary uses. However, multifamily use is not permitted.

Proposal

Should this Special Use Permit be granted, the former school would be converted for multifamily use. A total of 39 one to three-bedroom units is proposed with floor areas ranging between 767 to 3,791 square feet. In addition, two townhome units are proposed on the parcels facing Tilden Street. A total of 53 parking spaces will be provided behind the main building and townhomes in the middle of the block.

The adaptive reuse of the property will be completed with the preservation of the historic nature of the site as a priority. The developer is working with the Department of Historic Resources to develop architectural plans that maintain the original exterior appearance of the original building and chapel, and improve the institutional appearance of the more recent expansions with the additions of windows, gabled-roofs, balconies, and doors. The overall footprint of the building will remain unchanged.

Richmond 300 Master Plan

Richmond 300 designates the property for Institutional land use. These areas call for public and quasipublic entities, such as local, state, and federal government, hospitals, universities, schools, and religions institutions. The plan states that residential uses may be permitted in certain sections of the areas designated as institutional and lists multi-family as a secondary use in these areas.

Neighborhood Communication

We have held preliminary meetings, virtually and on-site, with members of the Museum District. We have also contacted surrounding property owners and held a virtual meeting to discuss this proposal.

City Charter Conditions

Rehabilitating the former St Gertrude High School for multifamily use will not only bring new residents to this neighborhood, but will also preserve an important site that has been a part of Richmond history since the early 20th Century. We trust that you will agree with us that this proposed Special Use Permit meets the City Charter criteria for the granting of SUPs as the project will not

- (i) be detrimental to the safety, health, morals and general welfare of the community involved;
- (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved;
- (iii) create hazards from fire, panic or other dangers;
- (iv) tend to be overcrowding of land and cause an undue concentration of population;
- adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or
- (vi) interfere with adequate light and air.

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

Very Truly Yours,

llux Ċ

Lory Markham

Enclosure: application form, existing survey, conceptual plans

cc: Richard Saunders, Secretary to the City Planning Commission The Honorable Andreas D. Addison, 1st District Representative



ST. GERTRUDE

3215 Stuart Avenue

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ELE: XX' - XX"

XX/XX.XX

LEVEL / ELEVATION REFERENCE

Richmond, V				
DRAWING S	YMBOL LEGEND			
XX/ XX.XX	ELEVATION CALLOUT	······	36" .30 120 10	DOOR EGRESS TAG ACTUAL DOOR WIDTH INCHES PER OCCUPANT ACTUAL OCCUPANT NUMBER OCCUPANT CAPACITY OF OPENING
xx/ xx.xx	SECTION CALLOUT		(XXX-XX)	DOOR TAG

ENLARGED PLAN / SECTION CALLOUT	· · · · · · · · · · · · · · · · · · ·	XXX-XX	ROOM TAG
DETAIL CALLOUT			DRAWING NOTE
GRIDLINE REFERENCE			REVISION NOTE

DEMOLITION NOTE

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SPECIAL USE PERMIT - REVISION 01- [04/28/2022]

VICINITY MAP SCALE: 1" = 250' LEVEL / ELEVATION REFERENCE ELE: XX' - XX" WALLTYPE INDICATION EGRESS PATH WALL RATING INDICATION -----DASH INDICATES RATING IN NUMBER OF HOURS [DENSE DASH INDICATES 30MIN WALL] CODE COMPLIANT ILLUMINATED EXIT SIGN \bigcirc - INDICATOR DIRECTION [IF APPLICABLE]

OWNER

SNP PROPERTIES 23 WEST BROAD STREET RICHMOND, VA 23220

DEVELOPER

MARKHAM PLANNING 208 EAST GRACE STREET RICHMOND, VA 23219

ARCHITECT

FULTZ & SINGH ARCHITECTS 1212 WESTOVER HILLS BLVD RICHMOND, VA 23225

DHR CONSULTANT

SADLER & WHITEHEAD, LLC 726 W 33rd ST, RICHMOND, VA 23225

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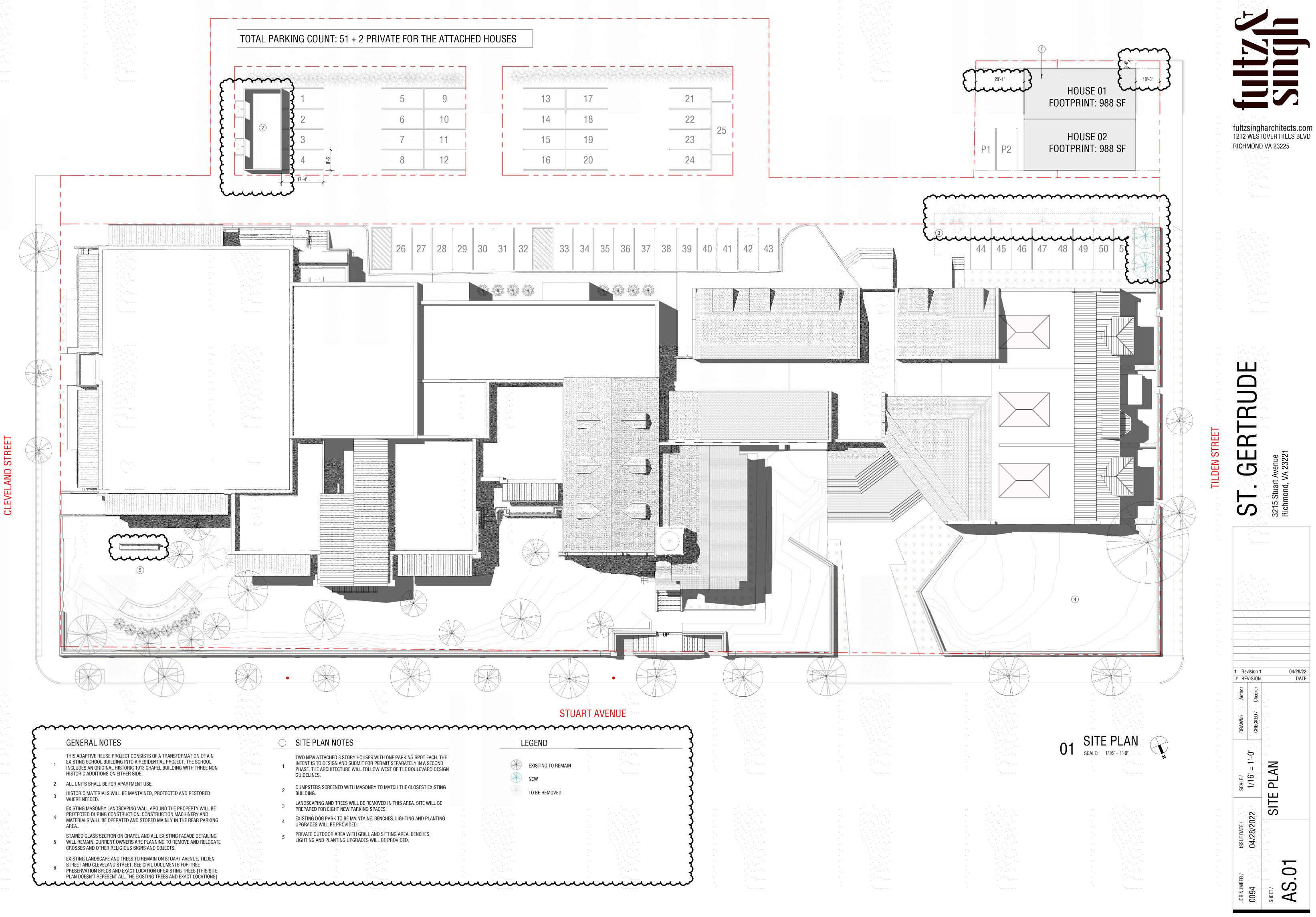
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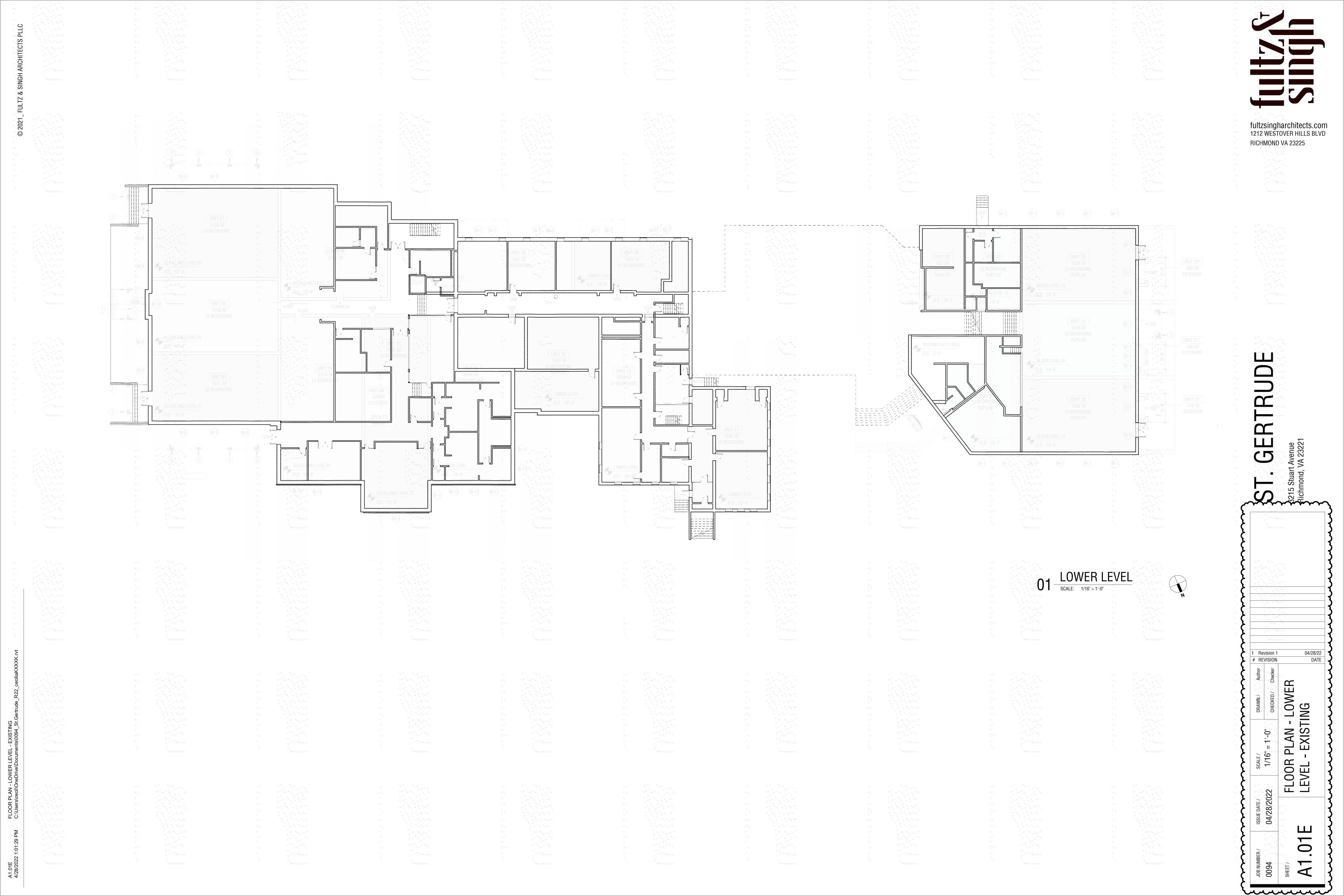
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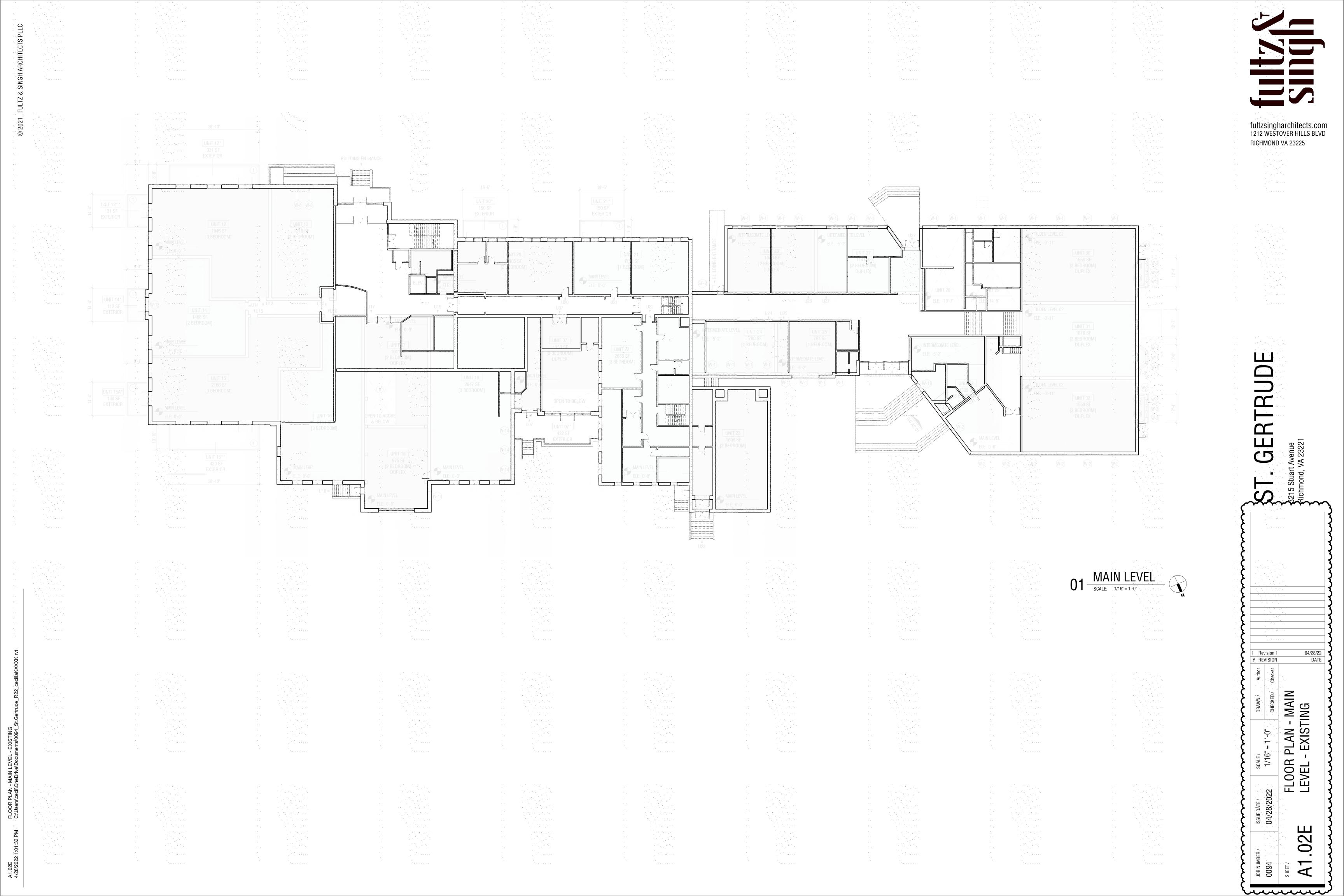
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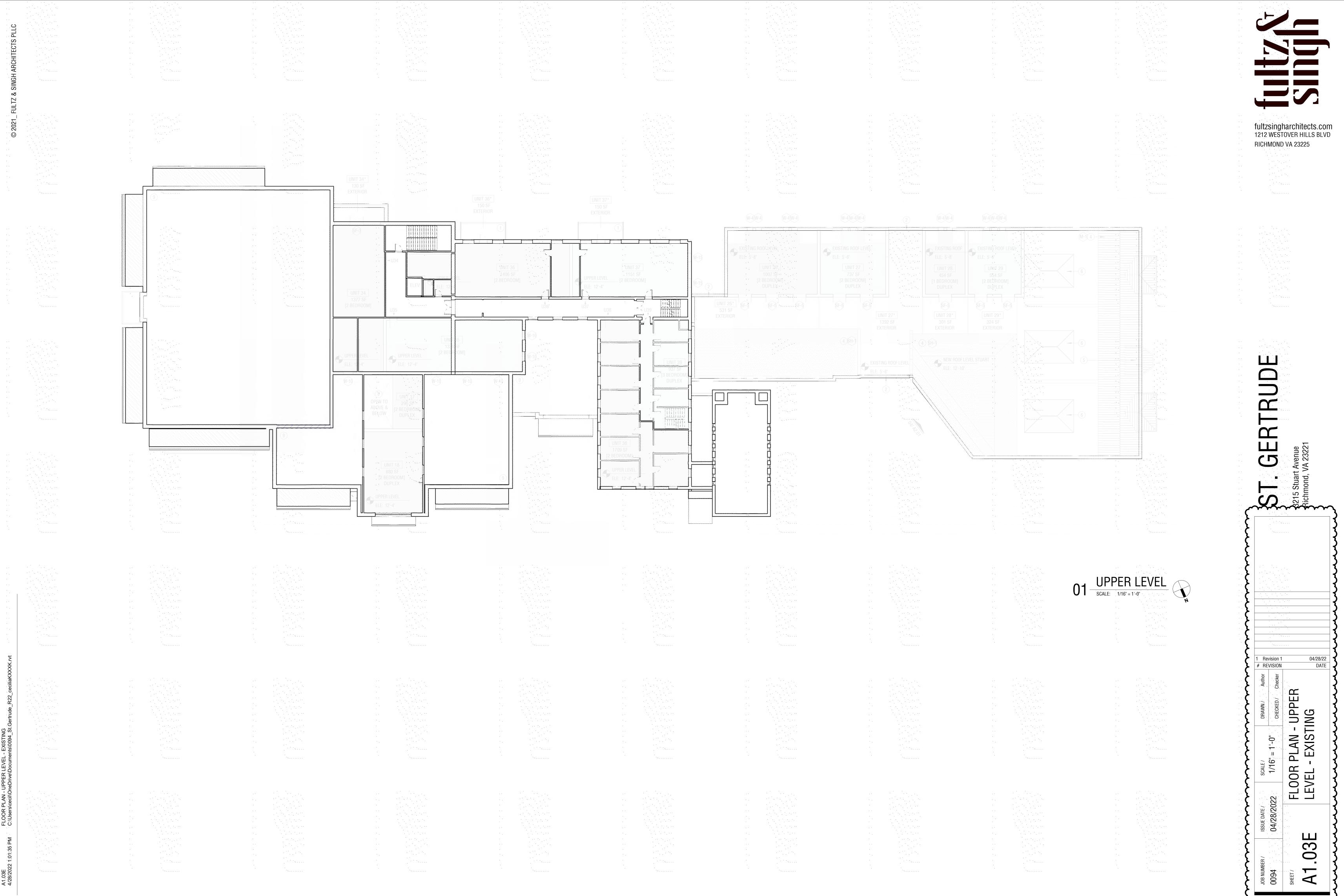


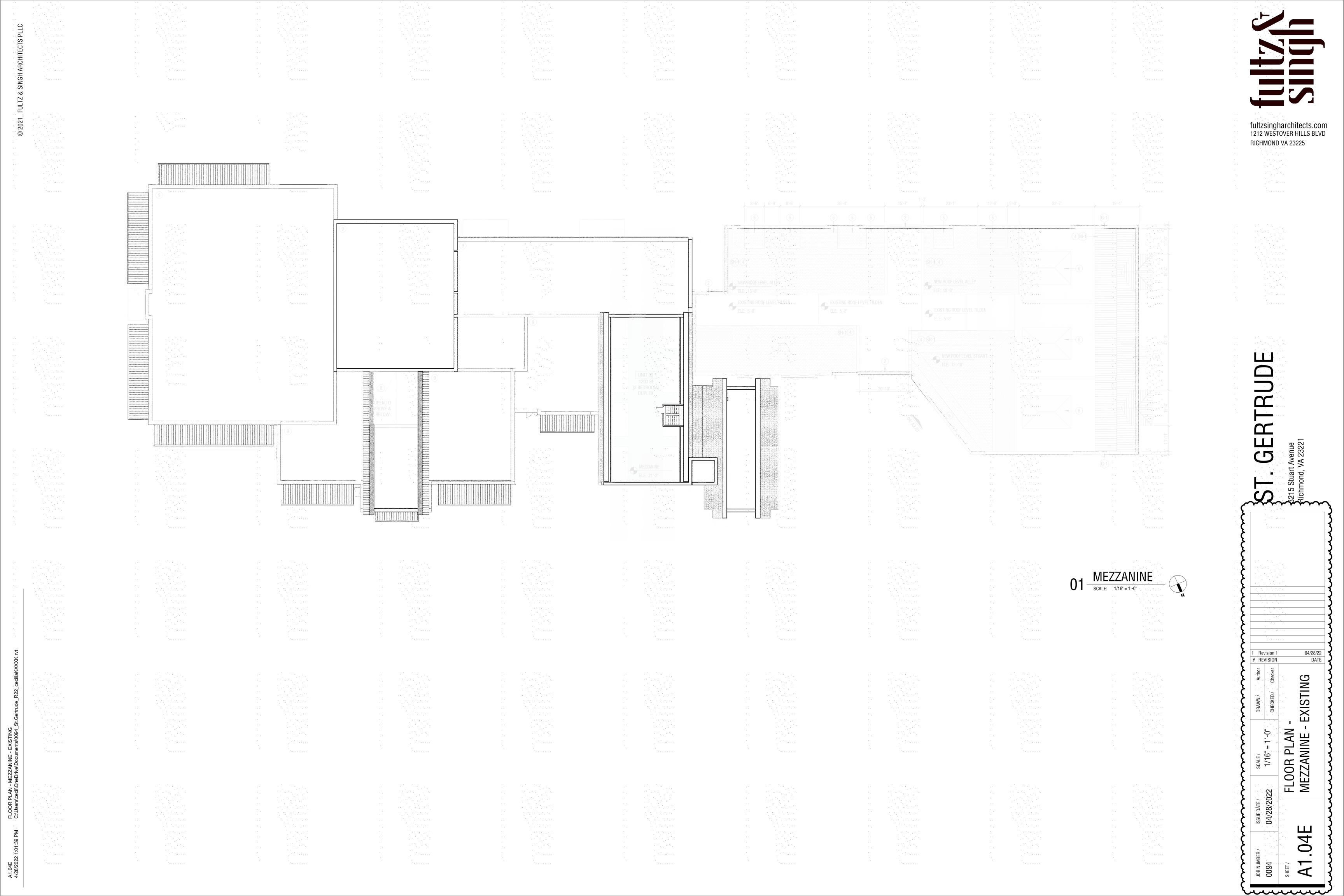


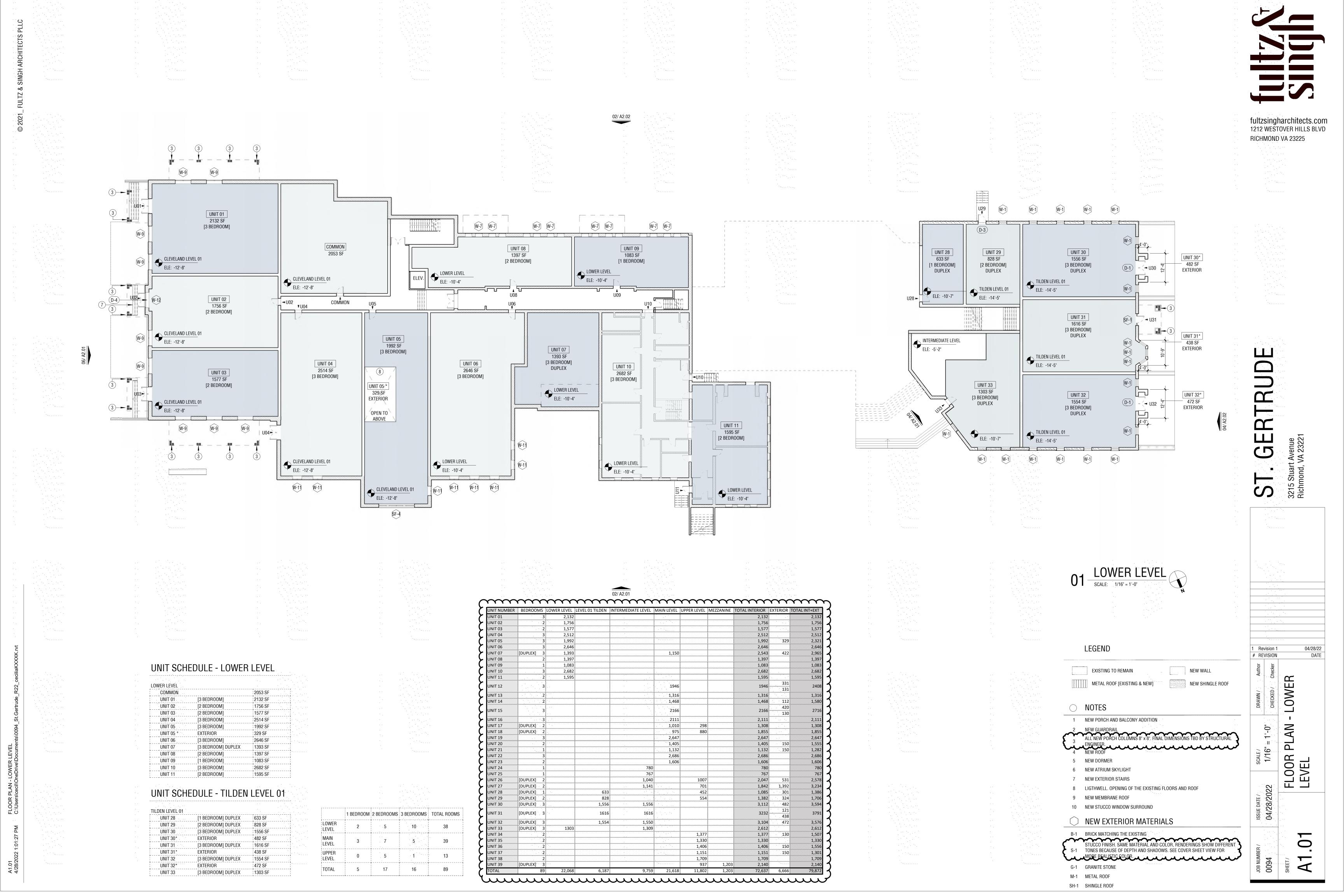
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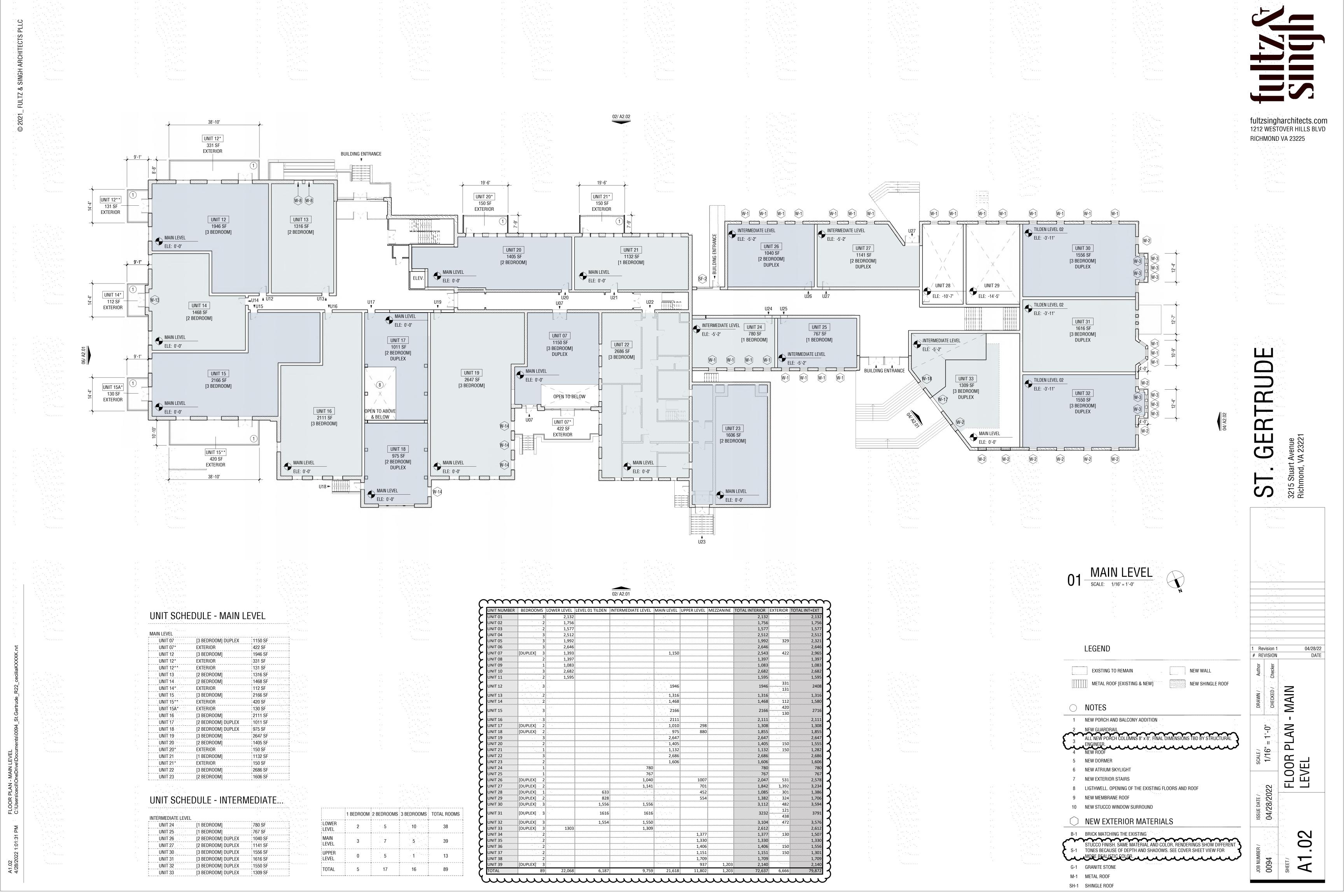


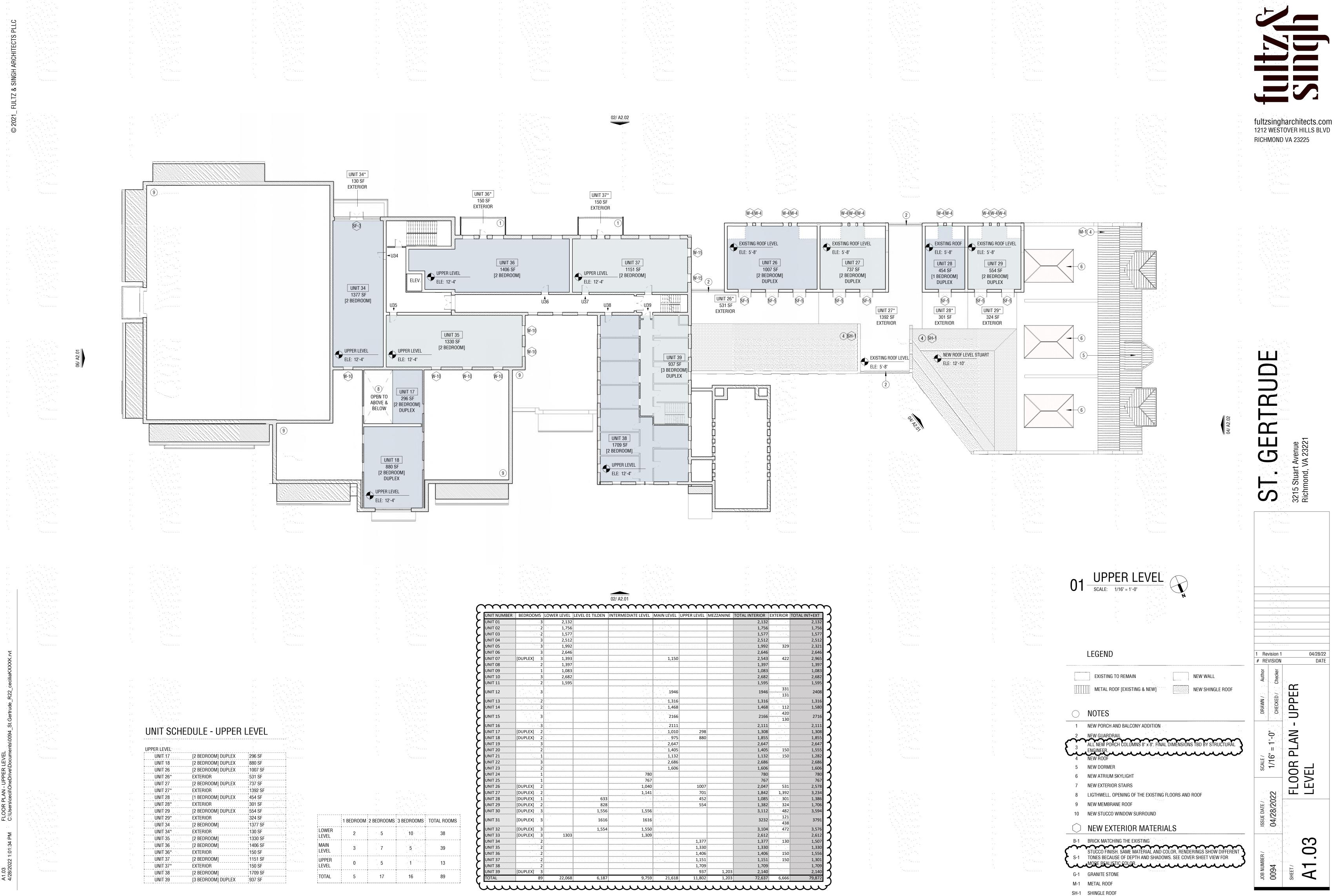


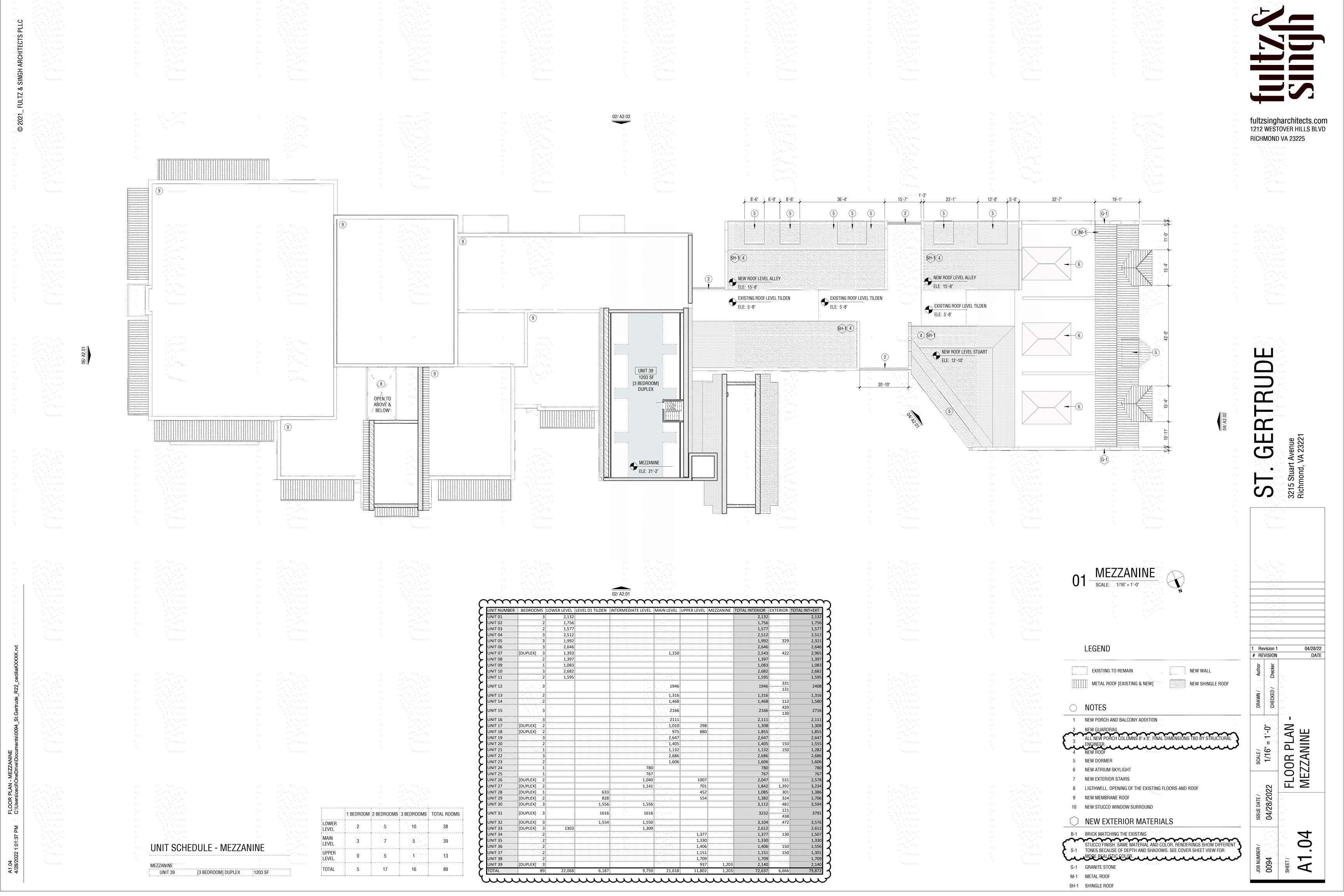


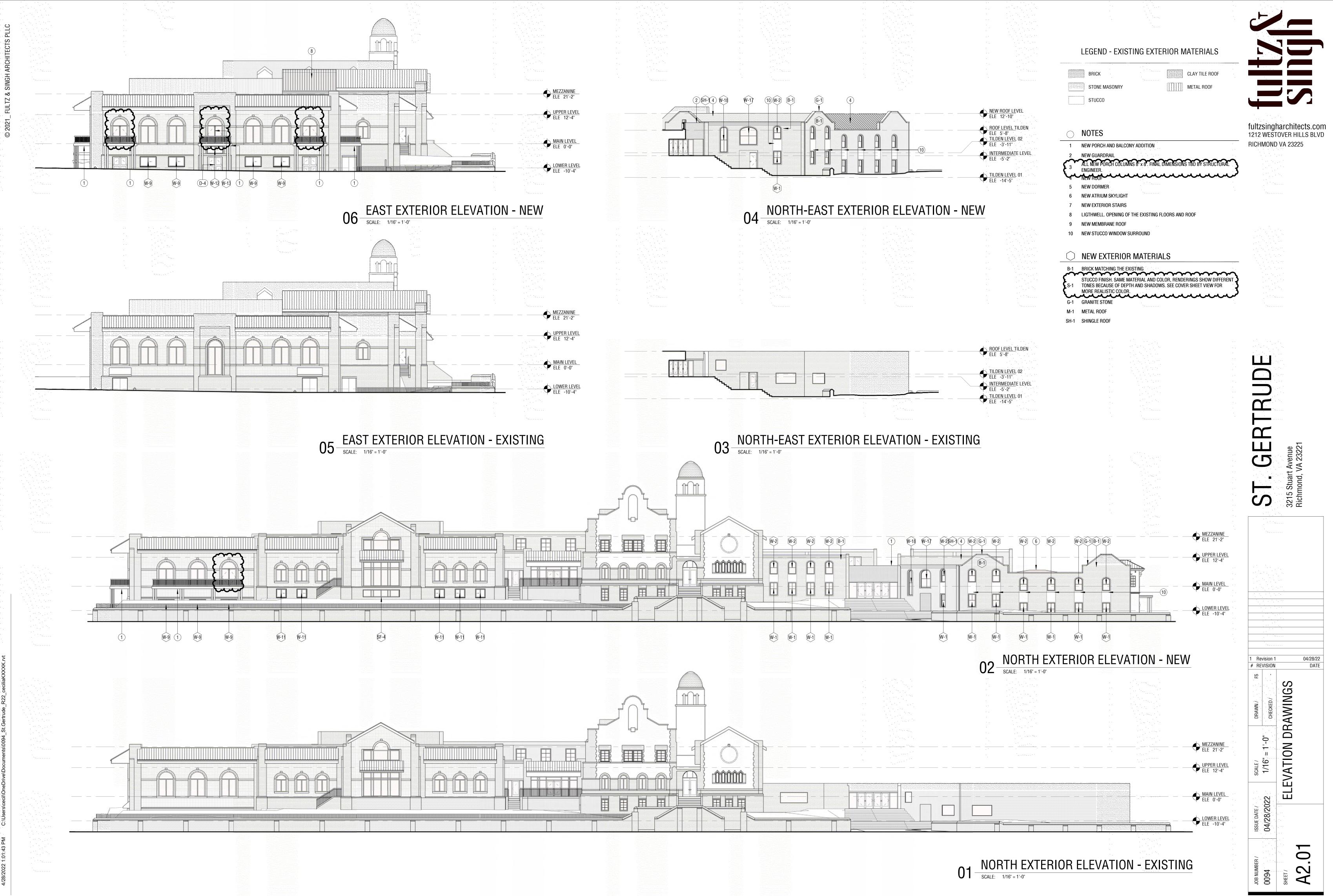




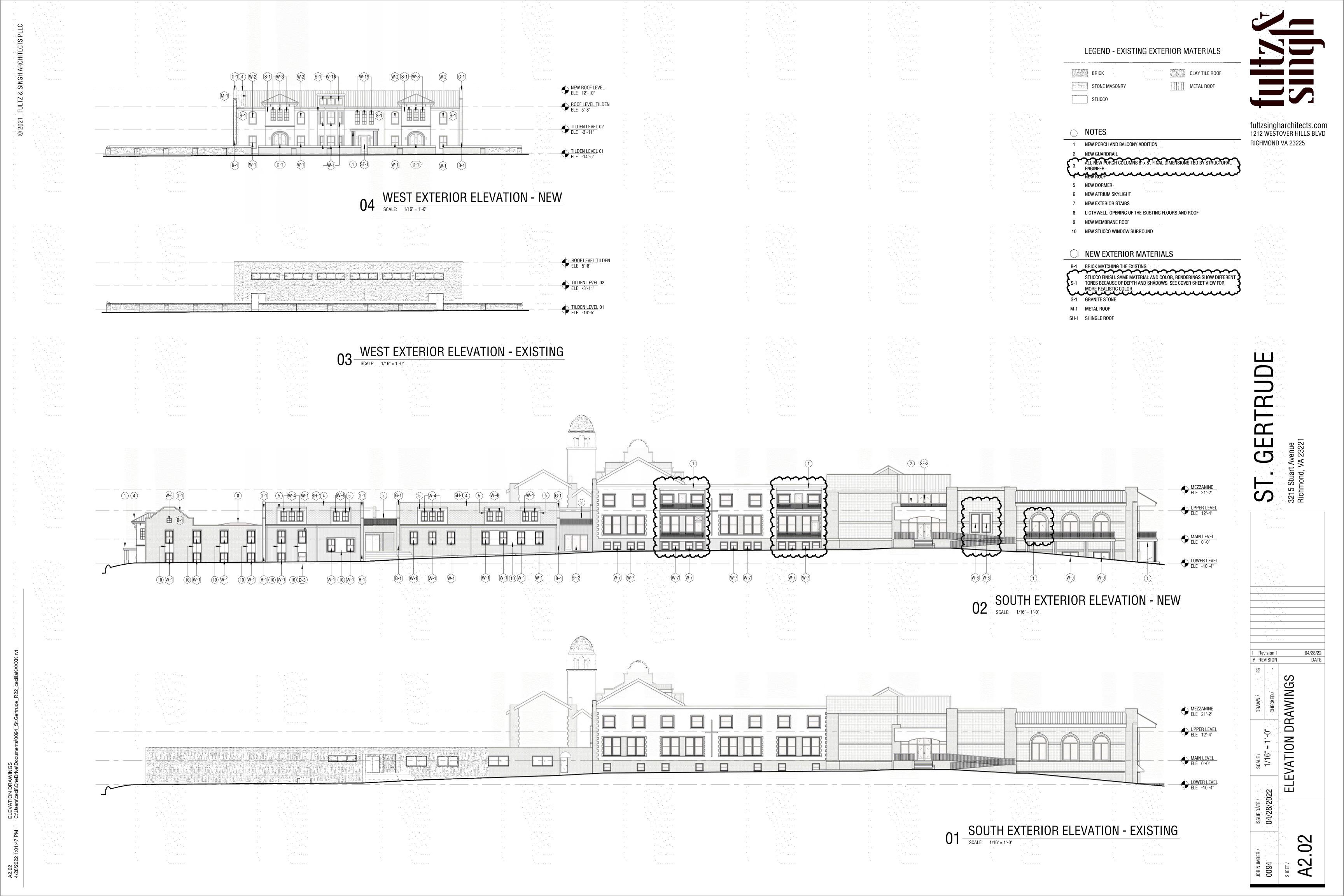








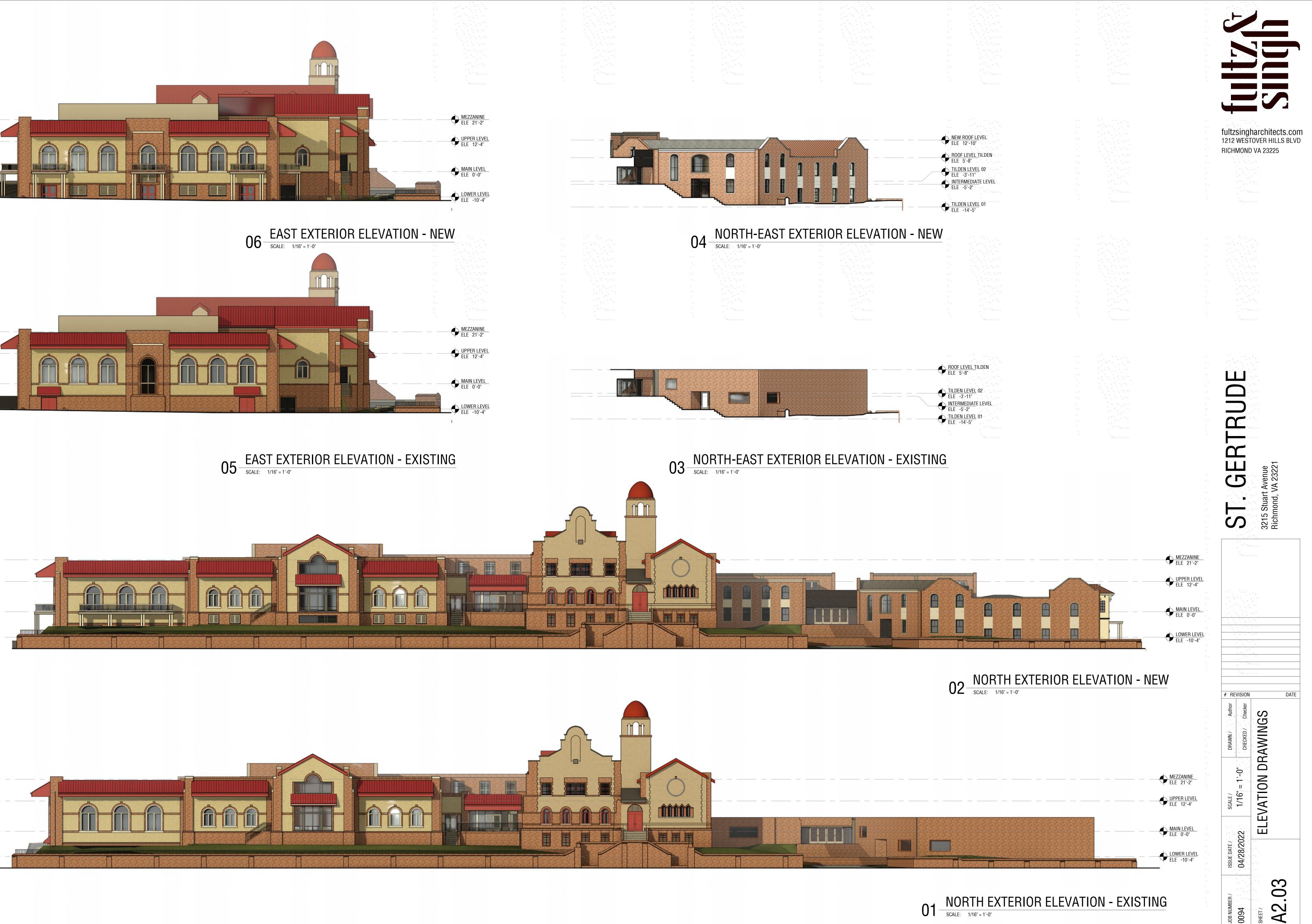
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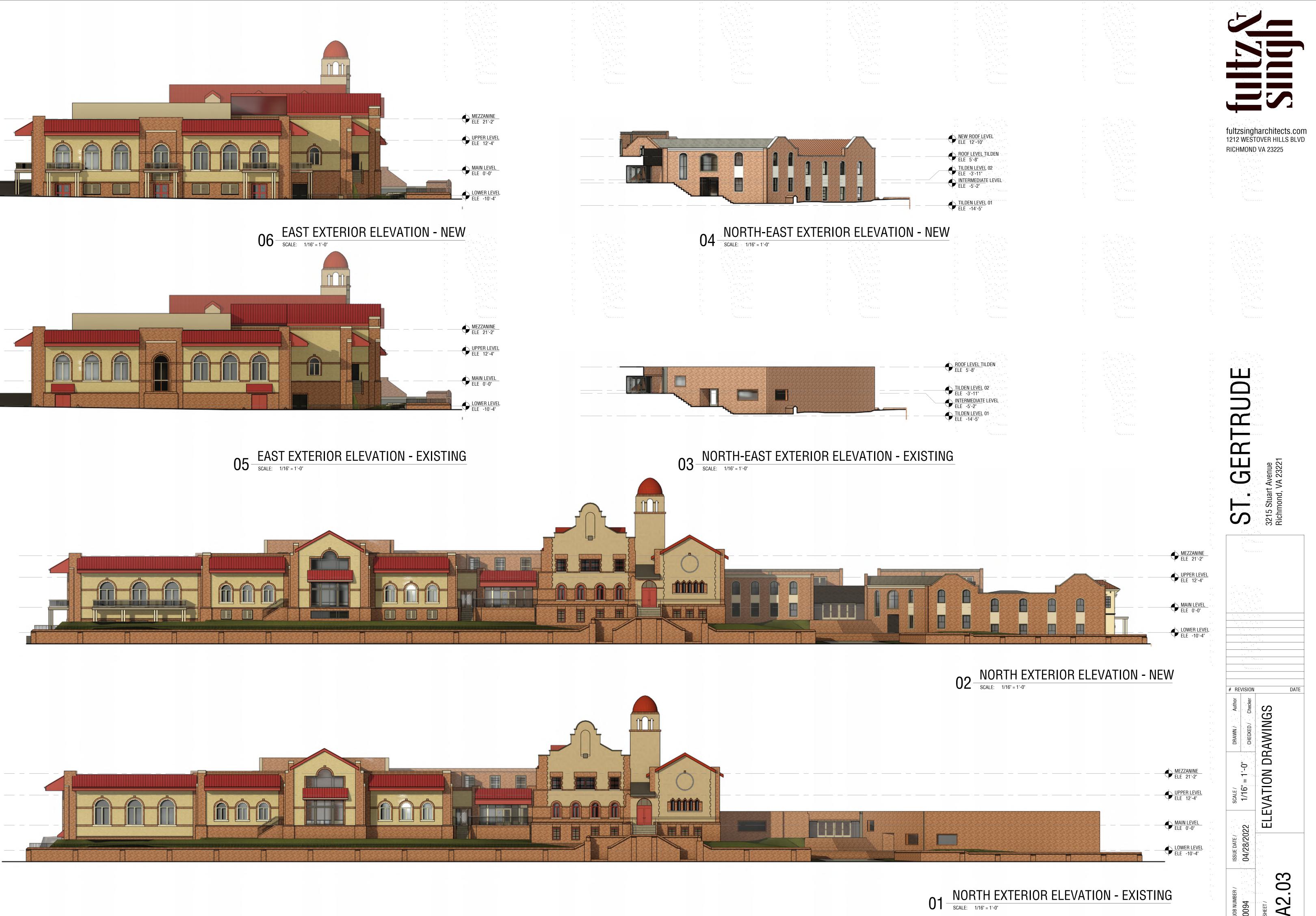


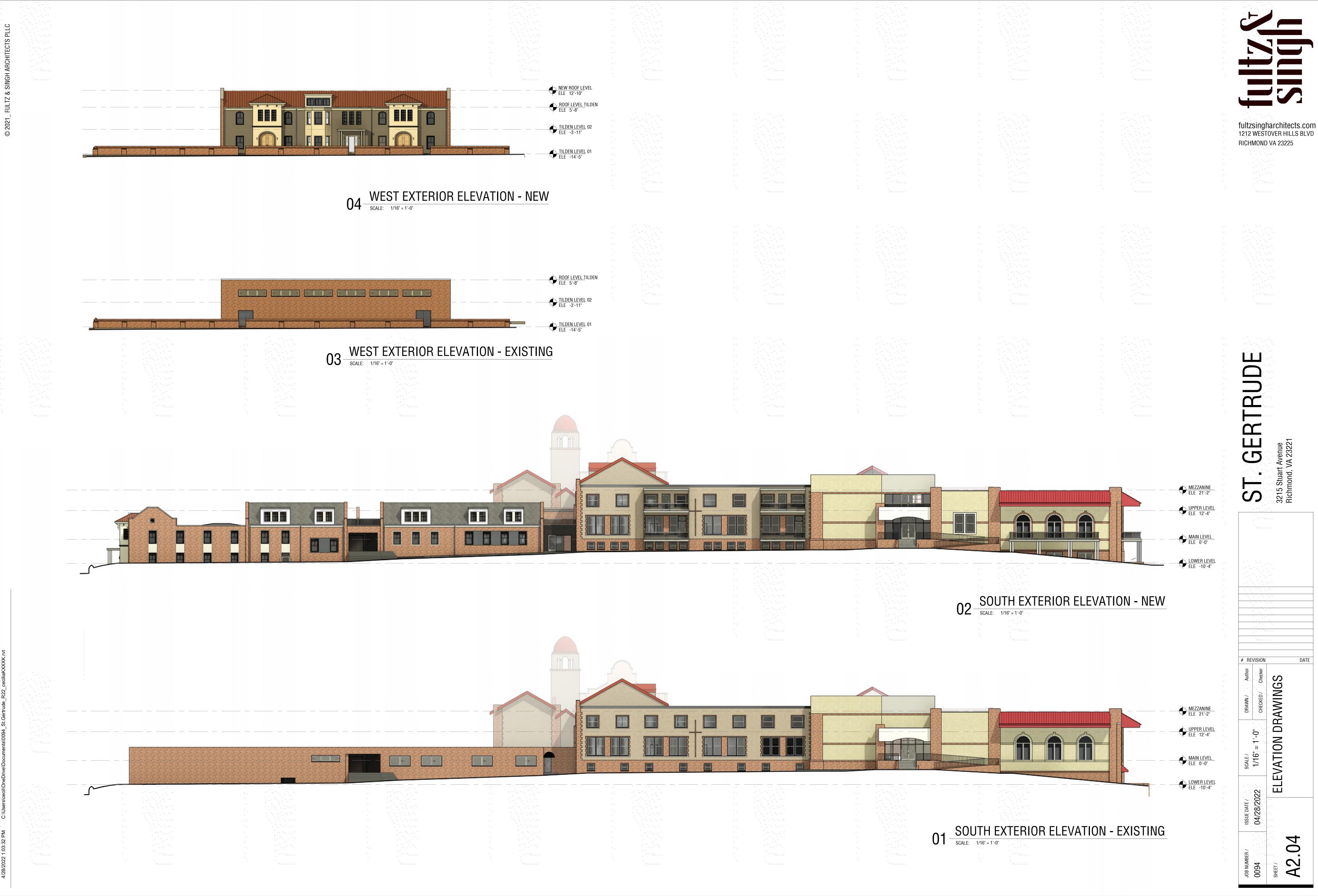












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