INTRODUCED: February 1, 2016

### AN ORDINANCE No. 2016-016

To authorize the special use of the properties known as 105 East Duval Street, 701 North 1<sup>st</sup> Street, and 708, 708 A, 710, 712, 714, 718, 722, 724, 728, 730, 732, 736 and 744 North 2<sup>nd</sup> Street for the purpose of authorizing up to 182 multifamily dwelling units, commercial uses, and accessory off-street parking, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: FEB 22, 2016 AT 6 P.M.

WHEREAS, the owner of the properties known as 105 East Duval Street and 701 North 1<sup>st</sup> Street, which are situated in a R-63 Multifamily Urban Residential District, and 708, 708 A, 710, 712, 714, 718, 722, 724, 728, 730, 732, 736, and 744 North 2<sup>nd</sup> Street, which are situated in a R-53 Multifamily Residential District, desires to use such properties for the purpose of up to 182 multifamily dwelling units, commercial, uses, and accessory off-street parking, which proposed use, among other things, does not meet the requirements of section 30-710.1, concerning the number of parking spaces; section 30-710.3:1, concerning the aisle width for parking spaces; section 30-418.5, concerning the minimum size of a front yard; section 30-418.6,

AYES:	8	NOES:	0	ABSTAIN:	1	
ADOPTED:	FEB 22 2016	REJECTED:		STRICKEN:		

concerning minimum usable open space; sections 30-418.6:1 and 30-419.8, concerning limitations on lot coverage; and sections 30-418.4 and 30-419.5, concerning the minimum area of dwelling units, of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

#### THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the special use set forth in and subject to the

terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

## § 2. Grant of Special Use Permit.

(a) Subject to the terms and conditions set forth in this ordinance, the properties known as 105 East Duval Street, 701 North 1st Street and 708, 708 A, 710, 712, 714, 718, 722, 724, 728, 730, 732, 736 and 744 North 2<sup>nd</sup> Street and identified as Tax Parcel Nos. N000-0065/030, N000-0065/033, N000-0065/021, N000-0065/032, N000-0065/020, N000-0065/019, N000-0065/018, N000-0065/016, N000-0065/014, N000-0065/013, N000-0065/012, N000-0065/010, N000-0065/009, N000-0065/004, and N000-0065/002, respectively, in the 2015 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing 2.520 Acres of Land Lying North of East Jackson Street," prepared by Timmons Group, and dated August 17, 2015, 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 authorizing up to 182 multifamily dwelling units, commercial uses, and accessory off-street parking, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "North 1st and East Jackson, Richmond, VA," prepared by Grimm and Parker, and dated December 11, 2015, and the plan entitled "North 1st and East Jackson, Brick Paver Exhibit,"

prepared by Timmons Group, and dated January 14, 2016, 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 use of the Property shall be as up to 182 multifamily dwelling units and permitted principal uses on corner lots allowed in the R-63 Multifamily Urban Residential District, together with accessory off-street parking, substantially as shown on the Plans.
- (b) A minimum of 147 parking spaces shall be provided, substantially as shown on the Plans.
- (c) Any sale of alcoholic beverages for off-premises consumption shall be permitted in accordance with a Virginia Department of Alcoholic Beverage Control Wine and Beer Off-Premises license, provided that the sale of fortified wines with 16 percent or more in alcohol content, the sale of beer or malt beverages in containers of 48 ounces or less or in less than six-pack quantities, the sale of wine in less than 750 milliliter bottles or containers, the sale of wine cooler packages in aggregate volumes of less than 750 milliliters, and the sale of alcoholic beverages from midnight to 6:00 a.m. daily shall be prohibited.
- (d) Signs permitted on the Property shall be governed by the sign regulations applicable in the R-63 Multifamily Urban Residential District. The location and materials for all

signs shall be in accordance with a detailed final plan therefor that must be approved by the Director of Planning and Development Review prior to the issuance of any building permit.

- (e) Exterior building design, materials, and colors shall be substantially as shown on the Plans. Alternative designs, materials, and colors may be used if the Director of Planning and Development Review approves in writing prior to the issuance of any building permit.
- § 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:
- (a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.
- (b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.
- (c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.
- (d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws.
- (e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

- § 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:
- (a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.
- (b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.
- (c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.
- (d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.
- (e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

- (f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.
- § 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.
  - § 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

DEC 2 2 2015

To authorize the special use of the properties known as 105 try Dunal months 701 N. 1st St., 708, 708A, 710, 712, 714, 718, 722, 724, 728, 730, 732, 736, and 744 N. 2nd St., for the purpose of authorizing a one hundred eighty-two (182) multi-family dwelling units, commercial uses, and accessory off-street parking, upon certain terms and conditions.

O & R Request

DATE:

December 21, 2015

TO:

The Honorable Members of City Council

THROUGH:

Dwight C. Jones, Mayor

(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH:

Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH:

Peter L. Downey, Interim Deputy Chief Administrative Officer for Economic De

velopment and Planning

FROM:

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

ORD. OR RES. No.

PURPOSE: To authorize the special use of the properties known as 105 E. Duval St., 701 N. 1st St., 708, 708A, 710, 712-714, 718, 722, 724, 728, 730, 732, 736, and 744 N. 2nd St., for the purpose of authorizing one handred eighty-two (182) multi-family dwelling units, commercial uses, and accessory off-street parking, upon certain terms and conditions.

REASON: The applicant is proposing to develop 182 multi-family dwelling units with a corner commercial use and accessory off-street parking. The subject properties are zoned R-53 Multifamily Residential and R-63 Multi-family Urban Residential, which do permit multi-family dwellings as well as corner commercial uses in the R-63 district. However, the proposed uses do not meet all the site requirements of the zoning ordinance.

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 February 16, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is primarily vacant. The lone existing structure is the Franciscan convent building at the corner of North 1st Street and East Duval Street. The convent will be incorporated into the development of the property. The total land area for the development is 2.52 acres and is located in the Jackson Ward neighborhood on the block bounded by North 1st St., East Jackson St., North Second St., and East Duval St.

The proposal is to develop up to 182 multi-family dwelling units and 6,000 square feet of commercial space at the corner of North 1st and East Jackson Street. This project is part of a joint partnership between the Richmond Housing and Redevelopment Authority (RRHA) and the Community Preservation and Development Corporation (CPDC). As part of the project, 72 of the dwelling units would serve as replacement housing for RRHA's Fay Towers senior development in the Gilpin neighborhood. The remaining units would be a mix of 1 to 3-bedroom units, with all dwelling units wrapping around two outdoor, centrally located plazas.

The Richmond-Petersburg Turnpike I-95/I64 is located to the north. The properties to the west are zoned R-63 and are occupied by one-, two-, and multi-family dwellings. The properties to the east are vacant and zoned R-53, and the properties to the south are zoned R-53 and R-63 with a mix of single-, two-, and multi-family dwellings as well as some vacant lots.

The Richmond Downtown Plan recommends General Urban and Urban Center Areas for the subject property. The Plan states, "Historic Jackson Ward is also an example of the general urban condition in Richmond. The district represents the historic pattern of settlement in Downtown Richmond, with a connected network of blocks and streets and buildings shaping the public space. A mix of buildings types exist in the neighborhood, ranging from single-family homes to rowhouses to mixed-use, main street buildings (p. 3.24)." "The Urban Center Area is characterized by higher density, mixed-use development, typically arranged on a fine-grained street network, with wide sidewalks, regular tree planting, and minimal setbacks. The apartment buildings along The Boulevard are an example of a residential urban center condition in Richmond, with a dense urban fabric of three to five story buildings, and limited retail at key intersections (p. 3.25)." The Urban Center Area designation is applied to the eastern half of the subject property, running along North 2<sup>nd</sup> Street.

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

**COST TO CITY:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$2,400 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** January 25, 2016

CITY COUNCIL PUBLIC HEARING DATE: February 22, 2016

**REQUESTED AGENDA: Consent** 

**RECOMMENDED COUNCIL COMMITTEE: None** 

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, February 22, 2016

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

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

STAFF:

Willy Thompson, Senior Planner

Land Use Administration (Room 511)

646-5734

PDR O&R No. 15-44



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
<a href="http://www.richmondgov.com/">http://www.richmondgov.com/</a>

Application is hereby submitted for: (check one)	ECEIVED
<ul> <li>         □ special use permit, new           □ special use permit, plan amendment           □ special use permit, text only amendment           □ special use permit           □ special use            □ special use            □ special use</li></ul>	NOV 1 6 2015
Project Name/Location	ID USE ADMINISTRATION
Project Name: North 1st and East Jackson	Date:November 10, 2015
Property Address:See attached	Tax Map #:See attached
Fee: \$2,400.00 Total area of affected site in (See page 3 for fee schedule, please make check payable)	acres:2.5 acres ble to the " <b>City of Richmond</b> ")
<b>Zoning</b> Current Zoning: R-53 and R-63	Proposed Use (Please include a detailed description of the
Existing Use: vacant Is this property subject to any previous land use cases?	proposed use in the required applicant's report)  182 dwelling units and up to 6,000 square
Yes No ☐ If Yes, ☐ please list the Ordinance Number:	feet of non-residential use
Company: Community Preservation and Deve  Mailing Address: 8403 Colesville Road, Suite 1150	
City: Silver Spring	
Telephone: _(301)960-9783	Fax: _( <u>202</u> ) <u>895-8805</u>
Email:mengel@cpdc.org	_
Property Owner: Richmond Redevelopment and	Housing Authority
f Business Entity, name and title of authorized signee: _	
The person or persons executing or attesting the execution of this Appoeen duly authorized and empowered to so execute or attest.)	lication on behalf of the Company certifies that he or she has or have
Mailing Address: P.O. Box 26887	
City: Richmond  Felephone: ( 804 ) 780-4193	State: VA Zip Code: 23261
manufacture out	Fax: _()
Property Owner Signature:	ua exall
The names, addresses, telephone numbers and signatures of all owner leeded. If a legal representative signs for a property owner, please attained to the accepted.	s of the property are required. Please attach additional sheets as ach an executed power of attorney. Faxed or photocopied signatures
IOTE: Please attach the required plans, checklist, and a check for nits)	the application fee (see Filing Procedures for special use per-

PARCEL ID. N0000065030 105 E. DUVAL STREET

PARCEL ID. N0000065033 701 N. 1ST STREET

PARCEL ID. N0000065021 708 N. 2ND STREET

PARCEL ID. N0000065032 708A N. 2ND STREET

PARCEL ID. N0000065020 710 N. 2ND STREET

PARCEL ID. N0000065019 712 N. 2ND STREET

PARCEL ID. N0000065018 714 N. 2ND STREET

PARCEL ID. N0000065016 718 N. 2ND STREET

PARCEL ID. N0000065014 722 N. 2ND STREET

PARCEL ID. N0000065013 724 N. 2ND STREET

PARCEL ID. N0000065012 728 N. 2ND STREET

PARCEL ID. N0000065010 730 N. 2ND STREET

PARCEL ID. N0000065009 732 N. 2ND STREET

PARCEL ID. N0000065004 736 N. 2ND STREET

PARCEL ID. N0000065002 744 N 2ND STREET

# Applicant's Report

The Richmond Housing and Redevelopment Authority (RRHA) and its development partner, the Community Preservation and Development Corporation (CPDC) are applying for a Special Use Permit for the development of a vacant 2.52 acre site is the Jackson Ward neighborhood bound by North 1<sup>st</sup> Street, East Jackson Street, North Second Street and East Duval Street and is zoned both R-63 and R-53 multifamily. The site is currently vacant except for the former Franciscan convent, which was abandoned in 1993. The site has historical significance as it used to house the St. Joseph's Catholic Church, one of the first African-American Catholic churches in the South.

The proposed redevelopment of the site consists of the rehabilitation of the former convent and preservation of the historic bell garden as an accessible public space and the new construction of 182 dwelling units and 6000 square feet of commercial space in a three and four story building. 72 of the units will serve as replacement housing for the RRHA's Fay Towers senior development in the Gilpin neighborhood. These units will be located on the corner of East Duval and North 2nd and will be 1 Bedroom senior-restricted units. The remaining 110 units will be a mix of 1 to 3 bedroom units. The dwelling units wrap the 147 structured parking spaces, with 138 spaces dedicated for residents and 9 for the commercial space.

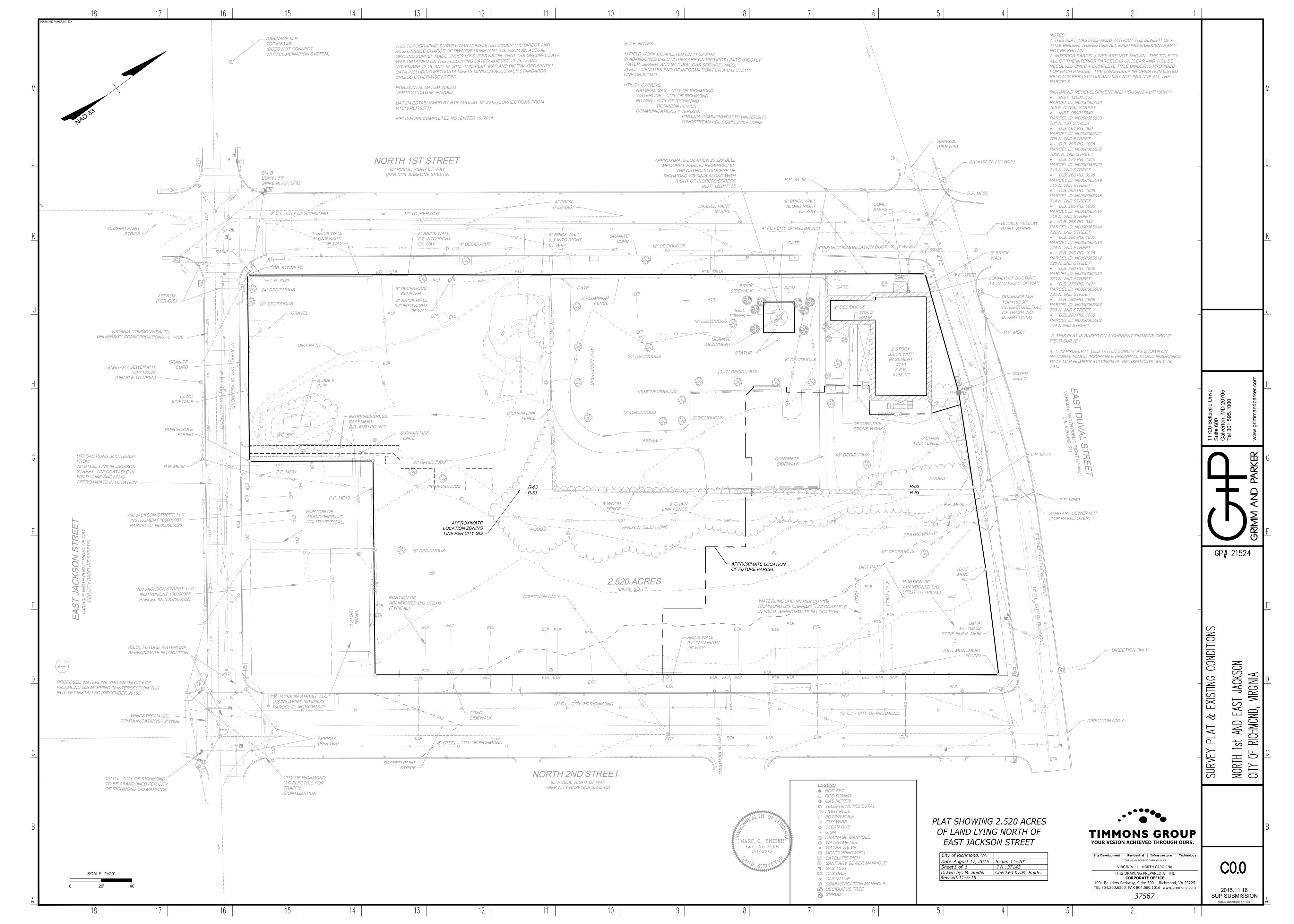
Two outdoor green plazas will be built on the top level of the structure parking and will be accessible through the building. The building incorporates numerous pedestrian-friendly components with direct access to the street, variation in the façade, landscaping surrounding the building and the installation of new street trees. In addition, the project will include the bell memorial garden adjacent to the former convent building. The memorial garden includes the steeple bell from the St. Joseph's church, which was the first Catholic Church for people of color in the segregated South. The church closed in 1969 and was subsequently demolished. The memorial bell garden is subject to an access easement to the bell, with open space extending between the existing convent building and the new construction with a glass curtain wall behind to screen the parking deck. The commercial space is located on the corner of North 1st and East Jackson Street to complement existing retail in the other side of North 1st Street and provide a strong urban feel to the building. The commercial uses permitted on a corner lot in the R-63 district pursuant to Section 114-419.3 of the Zoning Ordinance are the proposed uses to be permitted within the commercial space.

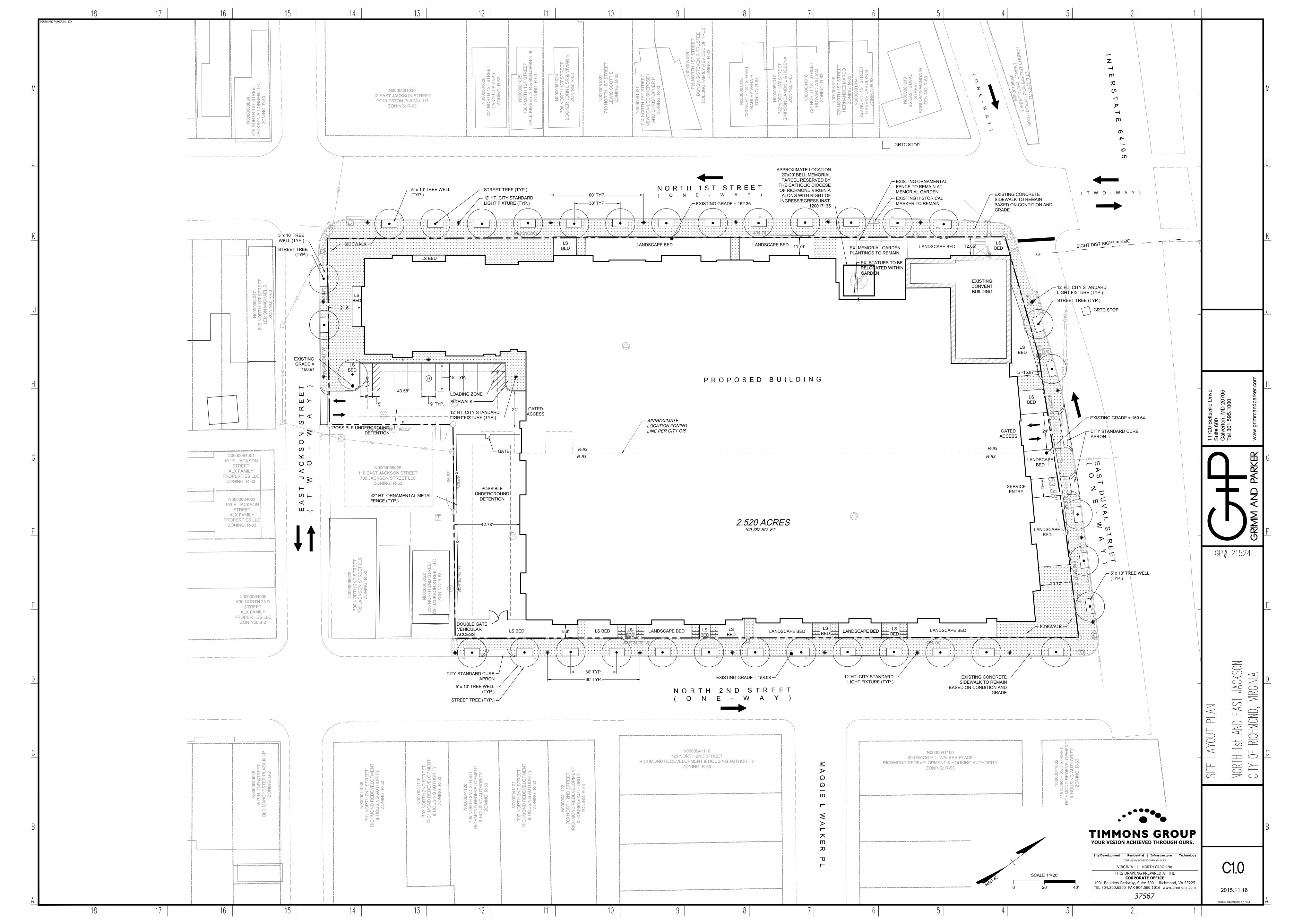
The building is designed to be compatible in materials and scale to the existing architecture and urban fabric of Historic Jackson Ward and enhance the pedestrian realm with reduced building setbacks, front stoops and direct access to the sidewalk where feasible to create a sense of scale similar to the neighborhood. The building will be 3 stories along North 1st and steps up to 4 stories towards the center of the lot. The building massing is broken up into three distinct sections to create the appearance of separate buildings along the street face of North 1<sup>st</sup> Street. The materials of brick and cementious siding are complementary to the neighborhood and emphasize durability and quality. The building wraps the existing historic bell garden and

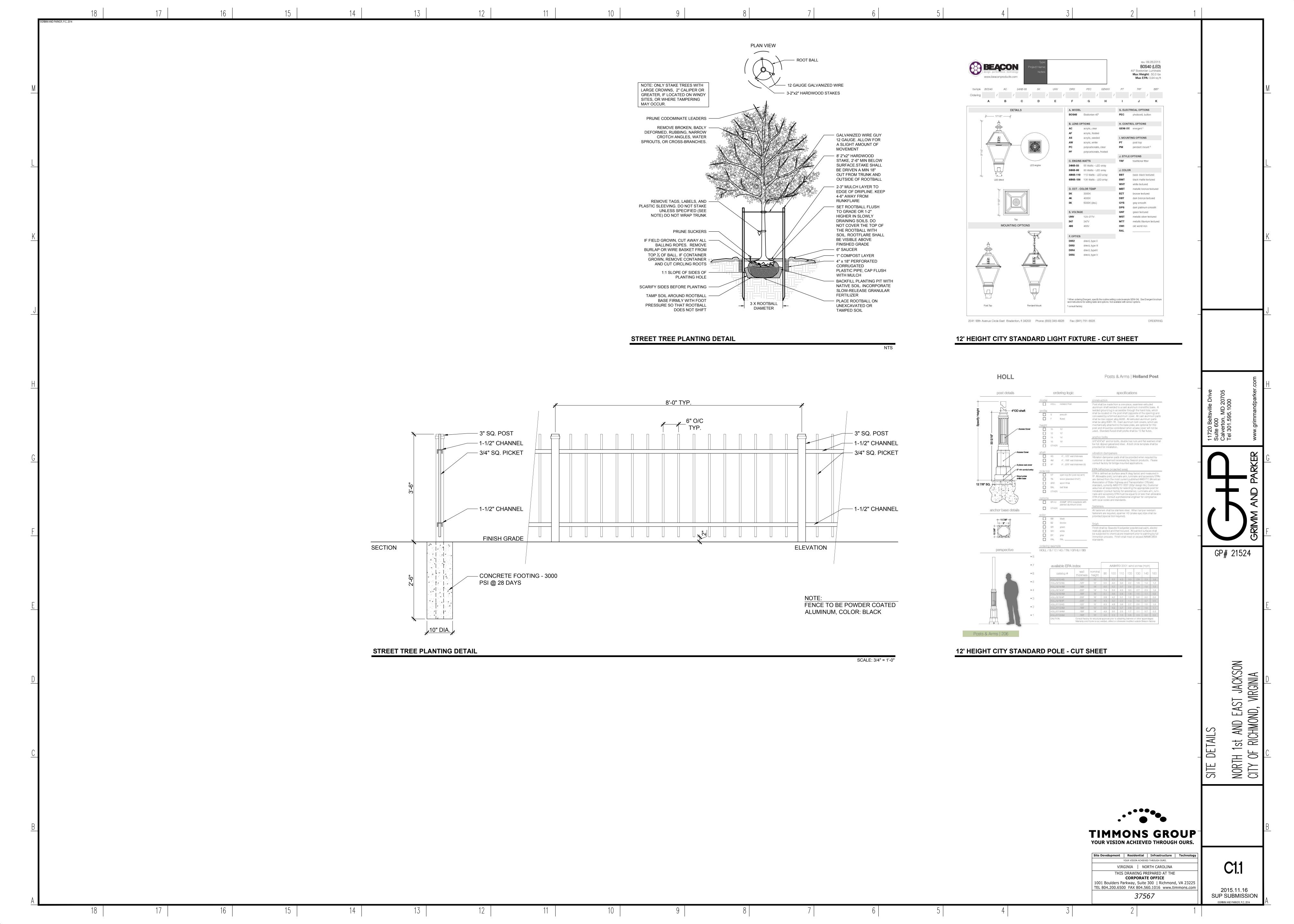
maintains green space with a glass curtain wall will divide the historic convent and the new development.

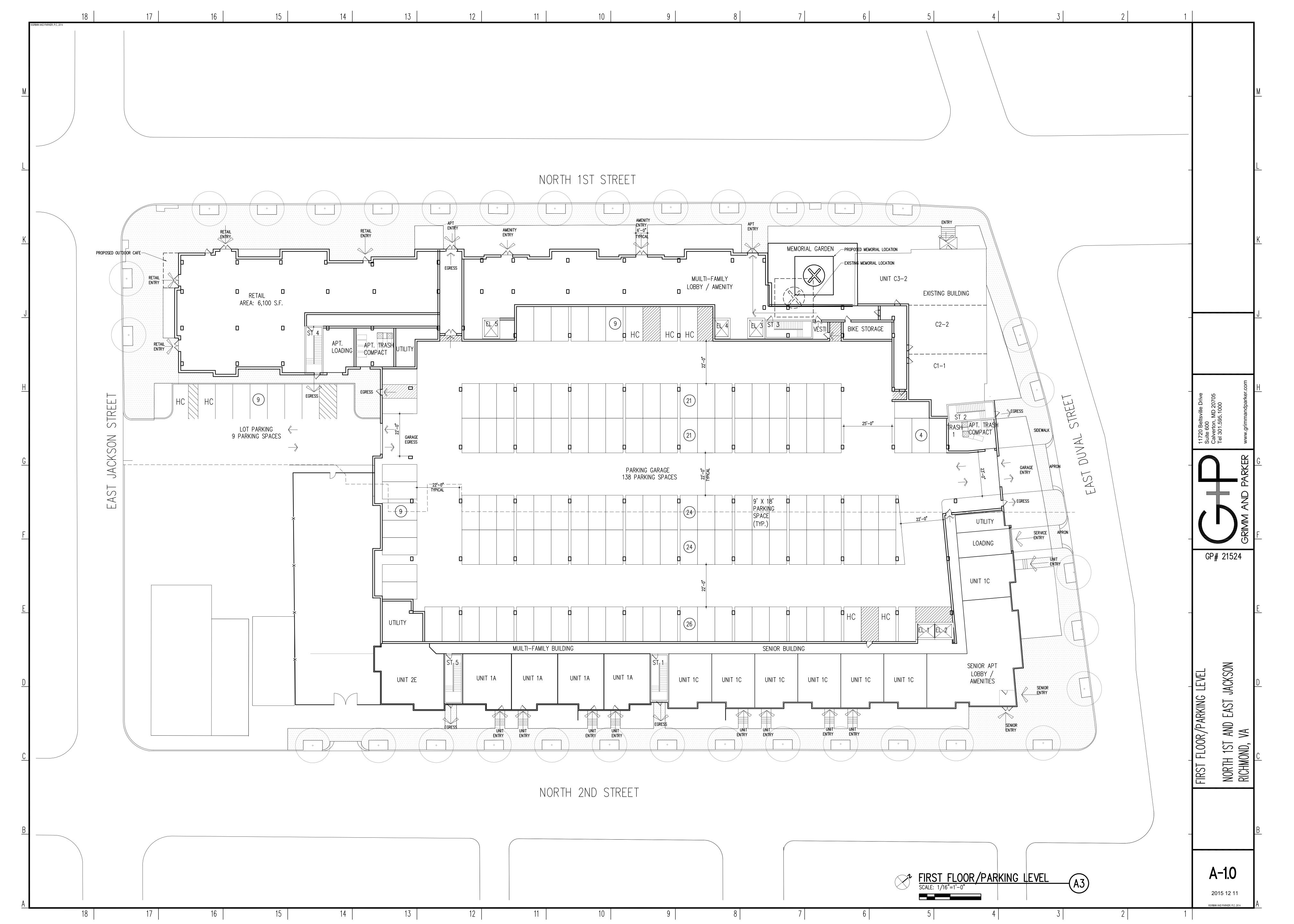
The proposed use is appropriate for the Property and it meets the criteria set forth in the Charter of the City of Richmond that the use will not (i) be detrimental to the safety, health, morals and general welfare of the community involved; (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved; (iii) create hazards from fire, panic or other dangers; (iv) tend to 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.



















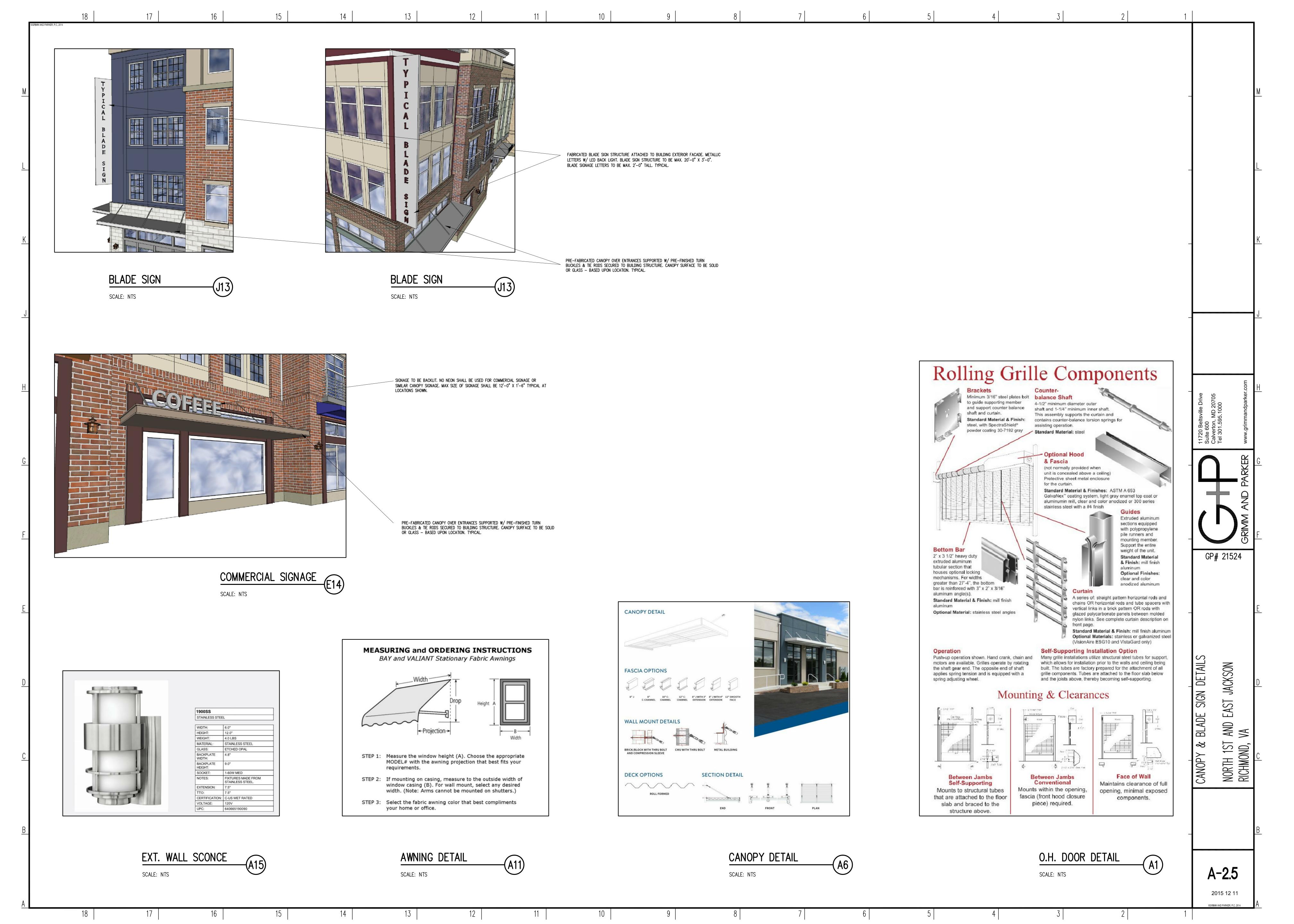


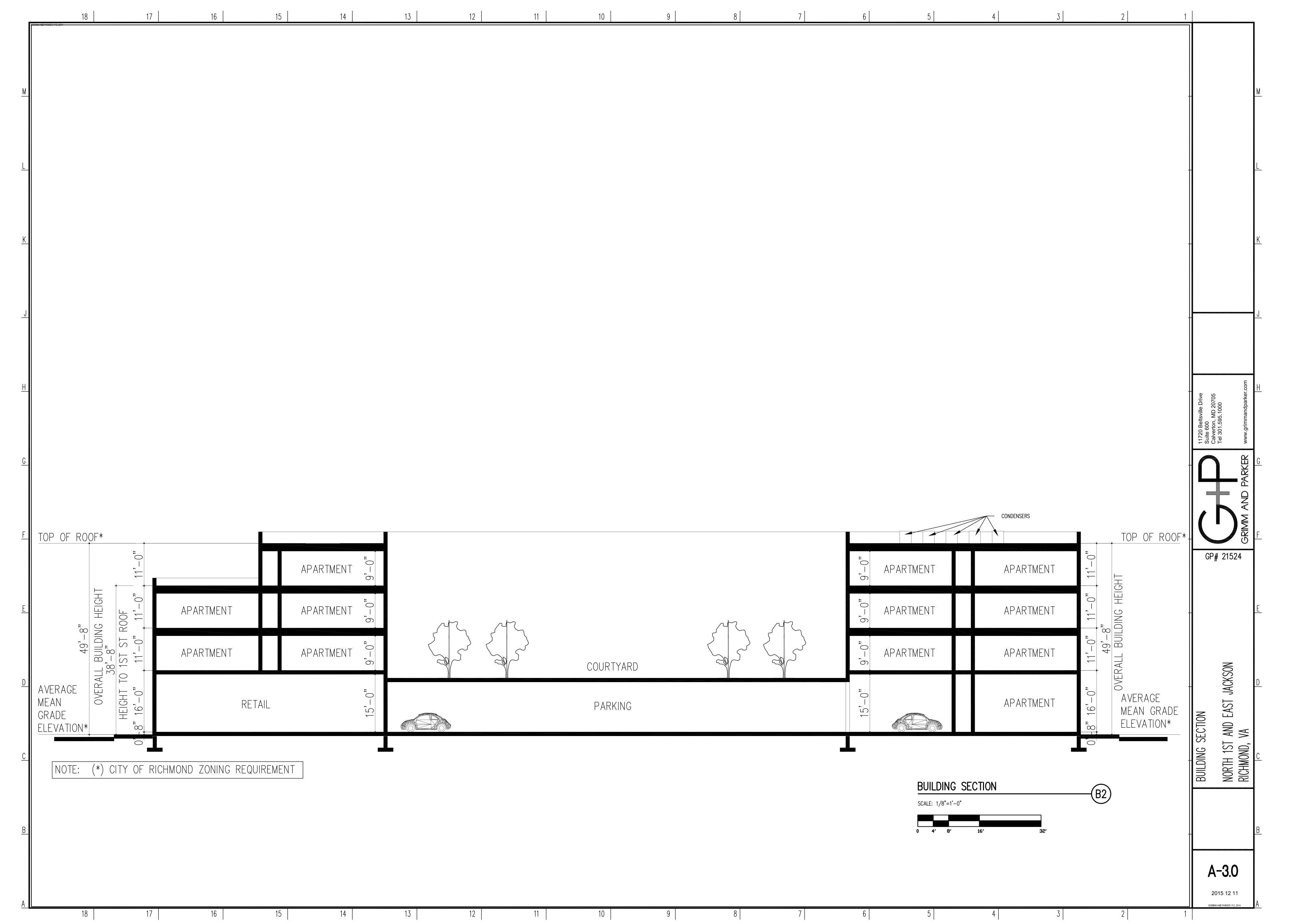


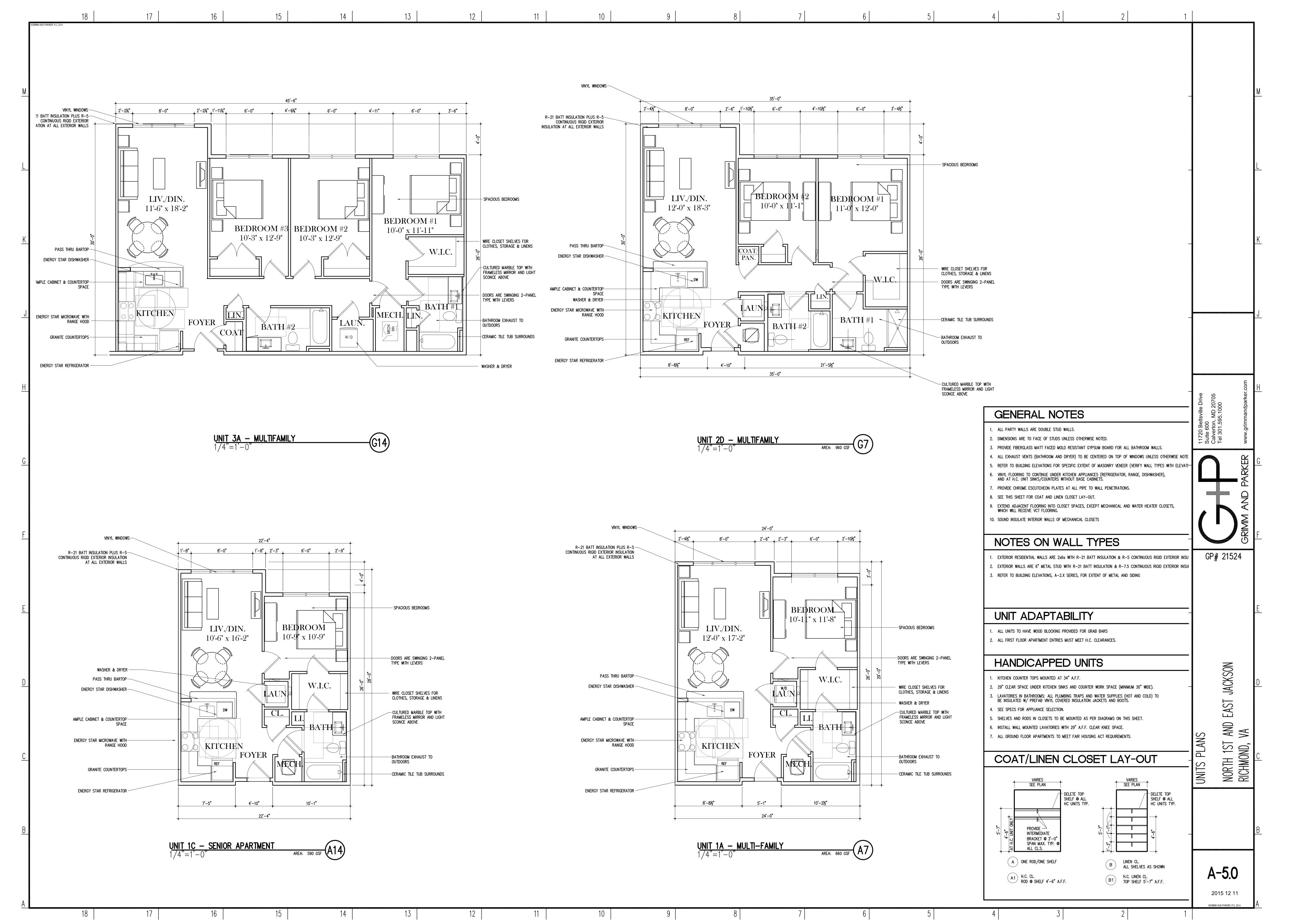


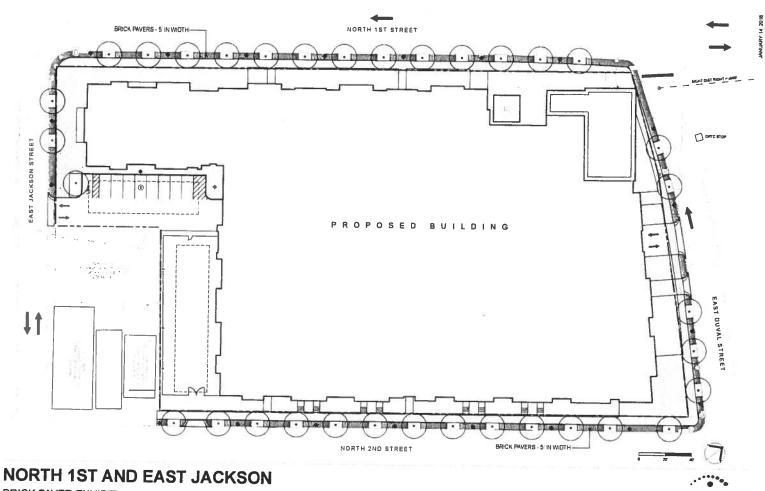












**BRICK PAVER EXHIBIT** 

TIMMONS GROUP