AN ORDINANCE No. 2016-316

To amend Ord. No. 2016-016, adopted Feb. 22, 2016, which authorized the special use of 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 2nd Street for up to 182 multifamily dwelling units, commercial uses, and accessory off-street parking, to authorize up to 194 multifamily dwelling units and amendments to the plans to reduce the height and mass of the proposed building, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JAN 9 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2016-016, adopted February 22, 2016, be and is hereby amended and reordained as follows:

WHEREAS, the owner of the properties known as 105 East Duval Street and 701 North 1st 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 2nd Street, which are situated in a R-53 Multifamily Residential District, desires to use such properties for the purpose of up to [182] <u>194</u> multifamily dwelling units, commercial[,] uses, and accessory off-street parking, which

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	JAN 9 2017	REJECTED :		STRICKEN:	
				· -	

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, 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 2nd 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] 2016 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 [482] 194 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

<u>Ward</u>, Richmond VA," prepared by Grimm and Parker, and dated [December 11, 2015] <u>October 11, 2016</u>, [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] <u>194</u> 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] <u>152</u> 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 sixpack 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.

II. This amendatory ordinance shall be in force and effect upon adoption.



City of Richmond

Intracity Correspondence

Pre Introduction to Council: PRE. 2016-332

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

4-5939

O & R REQUEST

NOV 182016

File Number: PRE. 2016-332

To amend Ord. No. 2016-016, adopted February 22, 2016, which authorized the special use of City of Richmond 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 2nd Street for up to 182 multi-family dwelling units, commercial uses, and accessory off-street parking, to authorize 194 multi-family dwelling units and amendments to the plans to reduce the height and mass of the proposed building, upon certain terms and conditions.

O & R Request

The strength
EID)
RNEY
IIVL I

ORD. OR RES. No.

PURPOSE: To amend Ord. No. 2016-016, adopted February 22, 2016, which authorized the special use of 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 2nd Street for up to 182 multi-family dwelling units, commercial uses, and accessory off-street parking, to authorize 194 multi-family dwelling units and amendments to the plans to reduce the height and mass of the proposed building, upon certain terms and conditions.

The applicant is proposing to develop 194 multi-family dwelling units with a corner **REASON:** commercial and use accessory off-street parking. The subject properties are zoned **R-53** and R-63 Multi-family Urban Residential, which do permit multi-family Multi-family Residential

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. A special use permit authorizing 182 dwelling units was approved for the site on February 22, 2016. However, the applicant wishes to increase the number of dwelling units authorized to 194 and make substantive changes to the plans, including reducing the height and the size and types of dwelling units. Therefore, the applicant has requested an amendment to the previously authorized special use permit.

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 January 3, 2017, 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 Street, East Jackson Street, North Second Street, and East Duval Street.

The proposal is to develop up to 194 multi-family dwelling units and approximately 6,000 square feet of commercial space at the corner of North 1st and East Jackson Streets. 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 studio, 1- and 2-bedroom units ranging in size from 450 square feet to 1,063 square feet. The interior dwelling units would wrap around two outdoor, centrally located plazas.

The proposed amendment would require 152 parking spaces to serve the proposed residential and commercial uses of the property. These parking spaces would be located within a parking deck (139 spaces) located on the ground floor of the proposed building and within a surface parking area (13 spaces) located off of the alley from Jackson Street. The plans show extensive improvements to the streetscape surrounding the proposal, including pedestrian scaled lighting, brick sidewalks and street trees.

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 2nd Street.

FISCAL IMPACT / COST: The Department 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: \$1,800.00 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: December 12, 2016

CITY COUNCIL PUBLIC HEARING DATE: January 9, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, January 3, 2017

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 ORD. OR RES.: None.

REQUIRED CHANGES TO WORK PROGRAM(S): None.

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

STAFF: Lory Markham, Principal Planner Land Use Administration (Room 511) 804-646-6309

PDR O&R No. 16-35

RICHMOND	n for SPECIAL USE PERMIT Department of Planning and Development Review Land Use Administration Division 900 E. Broad Street, Room 511 Richmond, Virginia 23219 (804) 648-6304 http://www.richmondoov.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	
Project Name:	Date:
105 East Duval Street, 701 North 1st Street, and 708 Property Address: 714, 718, 722, 724, 728, 730, 732, 736 and 744 North	, 708 A, 710, 712, 1 2nd Street Tax Map #: <u>See attached</u>
Fee: Total area of affected site in (See page 3 for fee schedule, please make check payab	acres: 2.520 acres
Zoning Current Zoning: R-53 and R-63	Proposed Use (Please include a detailed description of the proposed use in the required applicant's report)
Existing Use: <u>vacant</u> Is this property subject to any previous land use cases? Yes No If Yes, please list the Ordinance Number: 2016-016	Multifamilly dwellings up to 194 units in a mixed use project
Applicant/Contact Person: Matt Engel Company: Community Preservation and Development Corporation Mailing Address: 8403 Colesville Road, Suite 1150	
City:	State: MD Zip Code: 20910
Telephone: (301) 960-9783	Fax: ()
Email:mengel@cpdc.org	/ W//
Property Owner: Richmond Redevelopment and Housing A	uthority
If Business Entity, name and title of authorized signee:	
-	plication on behalf of the Company certifies that he or she has or have
Mailing Address: P.O. BOX 26887	State: VA Zip Code: 23261
	Fax: _()
i elephone:	
Email: Property Owner Signature:	anali
The names addresses telephone numbers and signatures of all own	ers of the property are required. Please attach additional sheets as ttach an executed power of attorney. Faxed or photocopied signatures
NOTE: Please attach the required plans, checklist, and a check for mits)	or the application fee (see Filing Procedures for special use per-

private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or (vi) interfere with adequate light and air.



































