AN ORDINANCE No. 2017-228

To amend Ord. No. 2016-016, adopted Feb. 22, 2016, as previously amended by Ord. No. 2016-316, adopted Jan. 9, 2017, 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 194 multifamily dwelling units, commercial uses, and accessory off-street parking, to authorize up to 154 multifamily dwelling units, additional permitted uses, and a reduction in 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: DEC 11 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2016-016, adopted February 22, 2016, as previously amended

by Ordinance No. 2016-316, adopted January 9, 2017, 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-

ADODTED, DEC 11 2017 DELECTED STDICKEN	YES:	1
ADOPTED, DEC 11 2017 DELECTED. STDICKEN	_	
ADOPTED: DEC 11 2017 REJECTED: STRICKEN:	DOPTED:	

53 Multifamily Residential District, desires to use such properties for the purpose of up to [194] 154 multifamily dwelling units, commercial uses, including offices, retail stores and shops, 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, 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] property 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] No. N000-0065/002, [respectively,] in the [2016] 2017 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 [194] 154 multifamily dwelling units, commercial uses, and accessory off-street parking, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "<u>North 1st and East Jackson [Ward]</u>, Richmond VA, <u>September 21, 2017</u>," prepared by Grimm and Parker, and dated [October 11, 2016] <u>September 21, 2017</u>, hereinafter referred to as "the Plans," copies of which are attached to and made a part of this amendatory 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 [194] <u>154</u> multifamily dwelling units and permitted principal uses on corner lots allowed in the R-63 Multifamily Urban Residential District, <u>offices, retail stores, and shops,</u> together with accessory off-street parking, substantially as shown on the Plans.

(b) A minimum of [152] 71 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.
- II. This amendatory ordinance shall be in force and effect upon adoption.

City of Richmond

Item Request File Number: PRE. 2017.446

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

RECEI	VIEID	0 & R REQUEST
NOV 07	2017	OCT 27 2017
OFFICE OF CITY	ATTORNEY <u>O & R Request</u>	Office of the Chief Administrative Officer
DATE:	October 26, 2017	EDITION:1
TO:	The Honorable Members of City Council	
THROUGH:	The Honorable Levar M. Stoney, Mayor (This is no way reflects a recommendation on behalf of the	7/17 Mayor.)7
THROUGH:	Selena Cuffee-Glenn, Chief Administrative Officer Solo	
THROUGH:	Peter L. Downey, Deputy Chief Administrative Officer for Ec	conomic Development and Planning W 10-27-1
FROM:	Mark A. Olinger, Director, Department of Planning and Devel	lopment Review
RE:	To amend Ord. No. 2016-016, adopted Feb. 22, 2016, last adopted Jan. 9, 2017, which authorized the special use of Duval Street, 701 North 1st Street, and 708, 708 A, 710, 7 732, 736 and 744 North 2nd Street for up to 194 multifi- uses, and accessory off-street parking, to authorize up to additional permitted uses, and amendments to the plans to proposed building, upon certain terms and conditions	the properties known as 105 East 712, 714, 718, 722, 724, 728, 730, amily dwelling units, commercial o 154 multifamily dwelling units.

ORD. OR RES. No.

PURPOSE: To amend Ord. No. 2016-016, adopted Feb. 22, 2016, last amended by Ord. No. 2016-316, adopted Jan. 9, 2017, 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 194 multifamily dwelling units, commercial uses, and accessory off-street parking, to authorize up to 154 multifamily dwelling units, additional permitted uses, and amendments to the plans to reduce the height and mass of the proposed building, upon certain terms and conditions.

REASON: The applicant is proposing to develop 154 multi-family dwelling units with a corner commercial, retail or office use, and accessory off-street parking. The subject properties are zoned R-53 Multi-family Residential and R-63 Multi-family Urban Residential, which permit multi-family dwellings as well as certain corner commercial uses in the R-63 district. However, the proposal does 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 and amended on Jan. 9, 2017 to allow 194 dwelling units and modify the building plans.

An amendment to the current special use permit has been requested in order to accommodate the applicant's proposal to further modify the number of dwelling units authorized to 154, add offices and retail stores and shops as permitted uses, and make substantive changes to the plans, including reducing building height and replacing an internal parking garage with an internal surface parking area.

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 December 4, 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 154 multi-family dwelling units and approximately 6,000 square feet of commercial/office 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.

The proposed amendment would require 71 parking spaces to serve the proposed residential and commercial uses of the property. Approximately 30 on-street parking spaces are available along the property's frontage. The plans show improvements to the streetscape surrounding the proposal, including pedestrian scaled lighting 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 single- 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, R-63, and B-2, with a mix of single-family and mixed-use land uses, and 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 Pulse Corridor Plan designates the property for Neighborhood Mixed-Use land use. According to the plan, these areas are "cohesive districts that provide a mix of uses, but with a larger amount of residential uses than other mixed-use districts. They are an urban, walkable environment with limited neighborhood-oriented

uses incorporated along key commercial corridors and at corner sites (p. xii).

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: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: November 13, 2017

CITY COUNCIL PUBLIC HEARING DATE: December 11, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, December 4, 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.: Amend Ord. No. 2016-016, adopted Feb. 22, 2016, last amended by Ord. No. 2016-316, adopted Jan. 9, 2017.

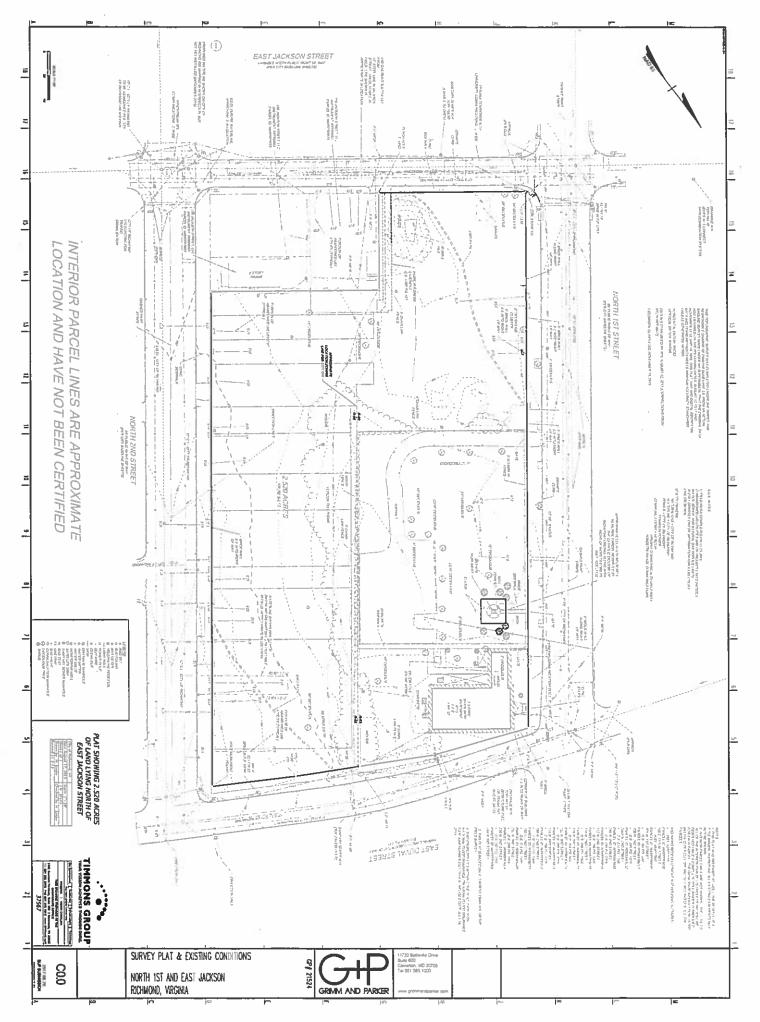
REQUIRED CHANGES TO WORK PROGRAM(S): None

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

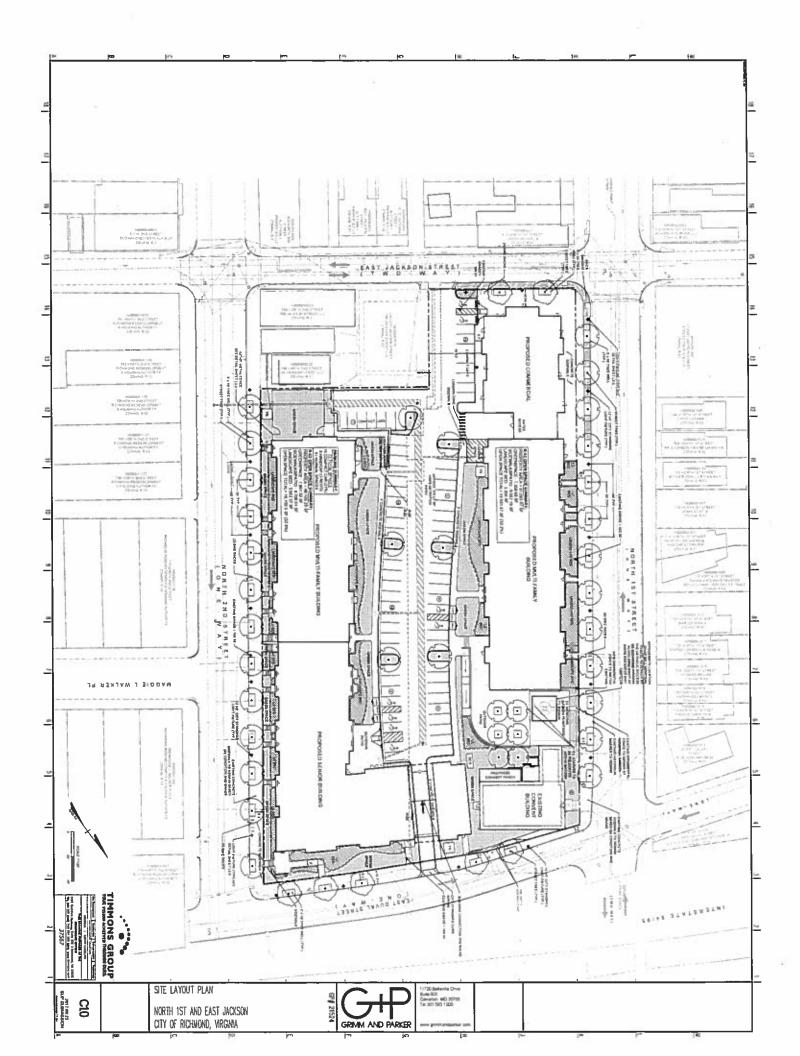
STAFF: Jonathan Brown, Senior Planner Land Use Administration (Room 511) 646-5734

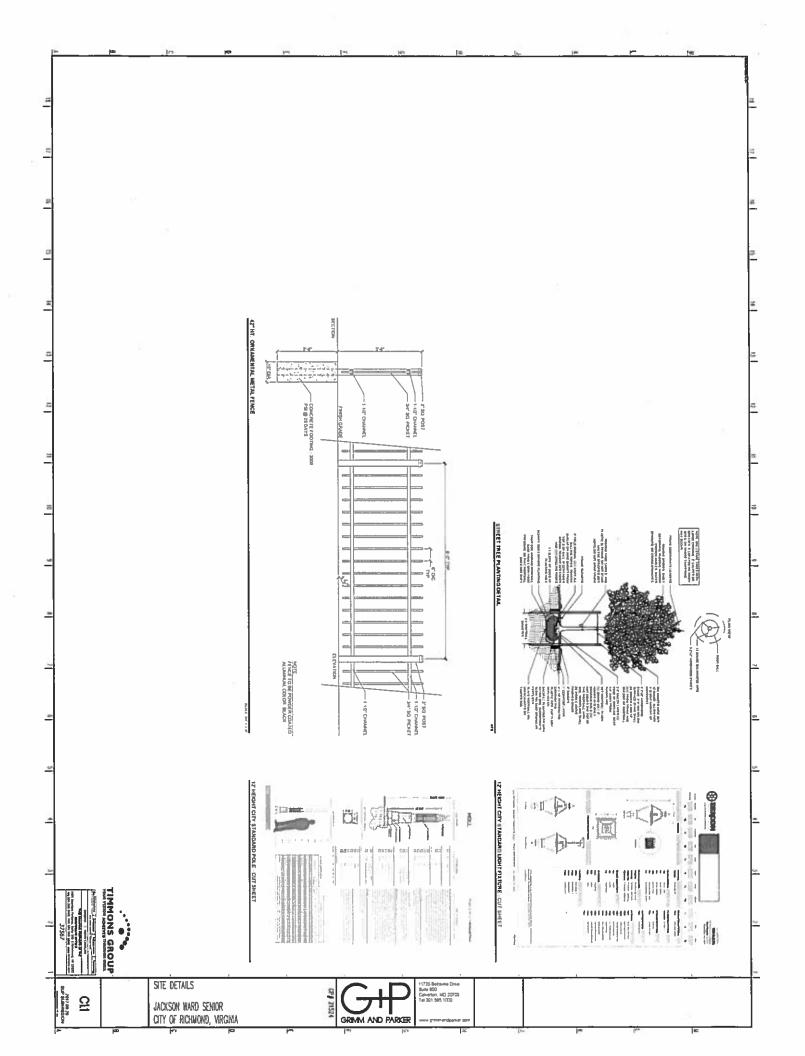
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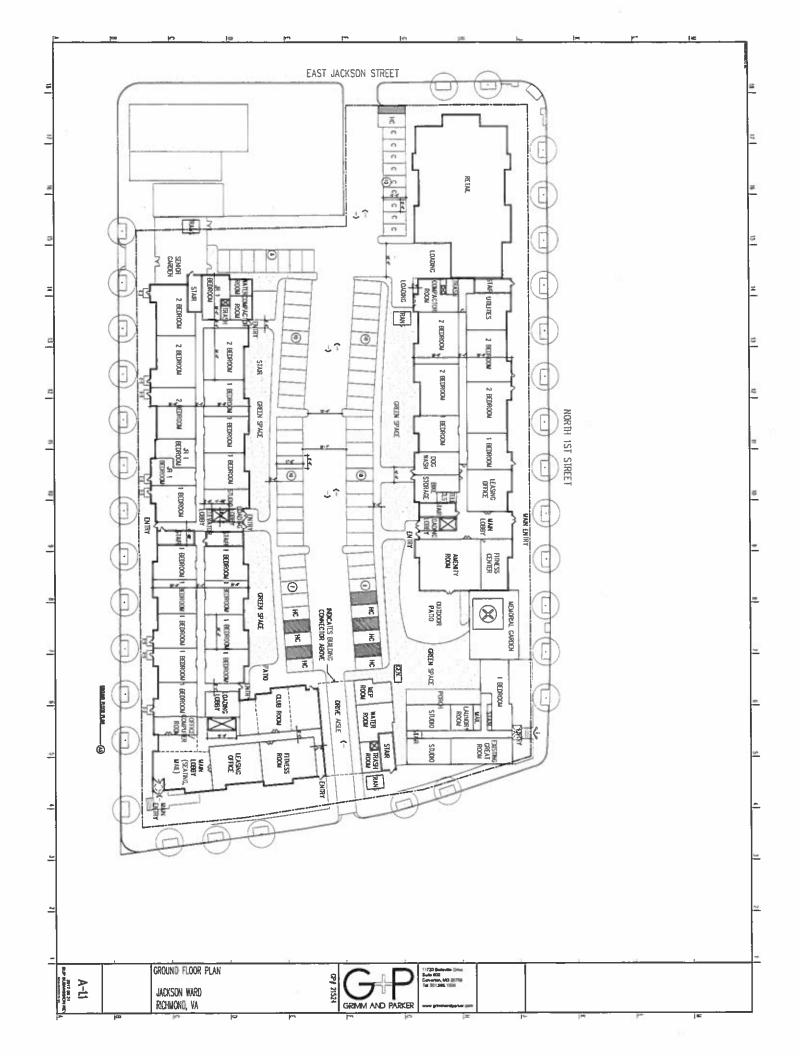
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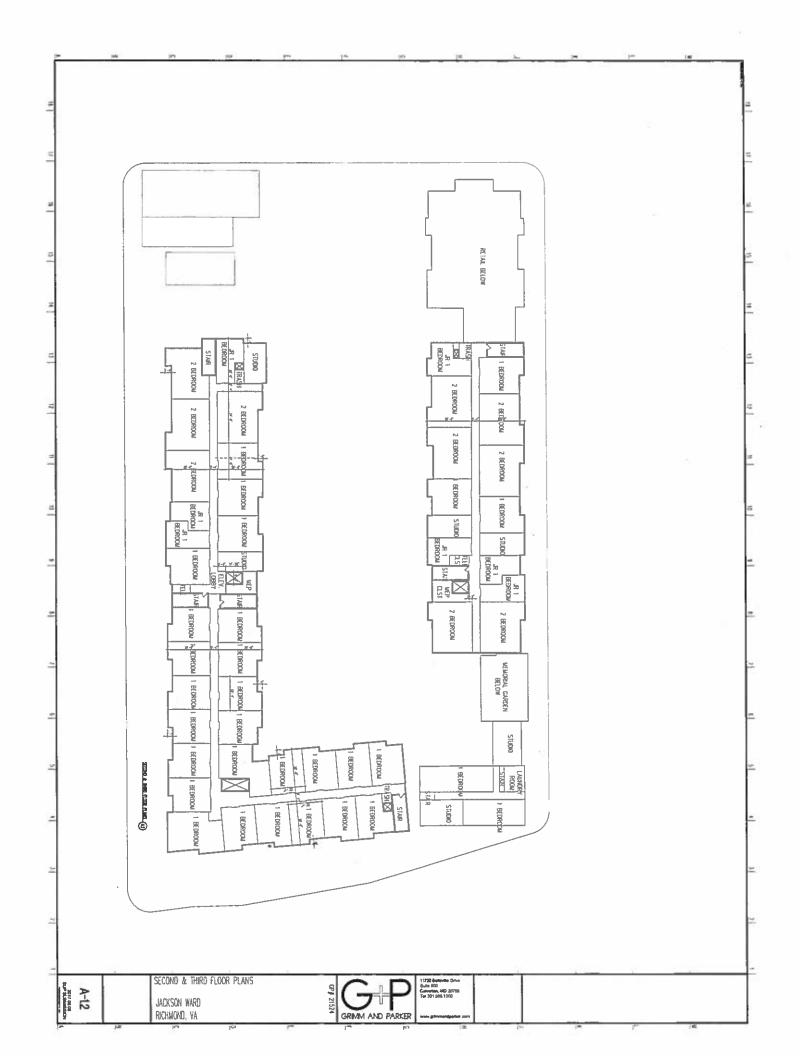


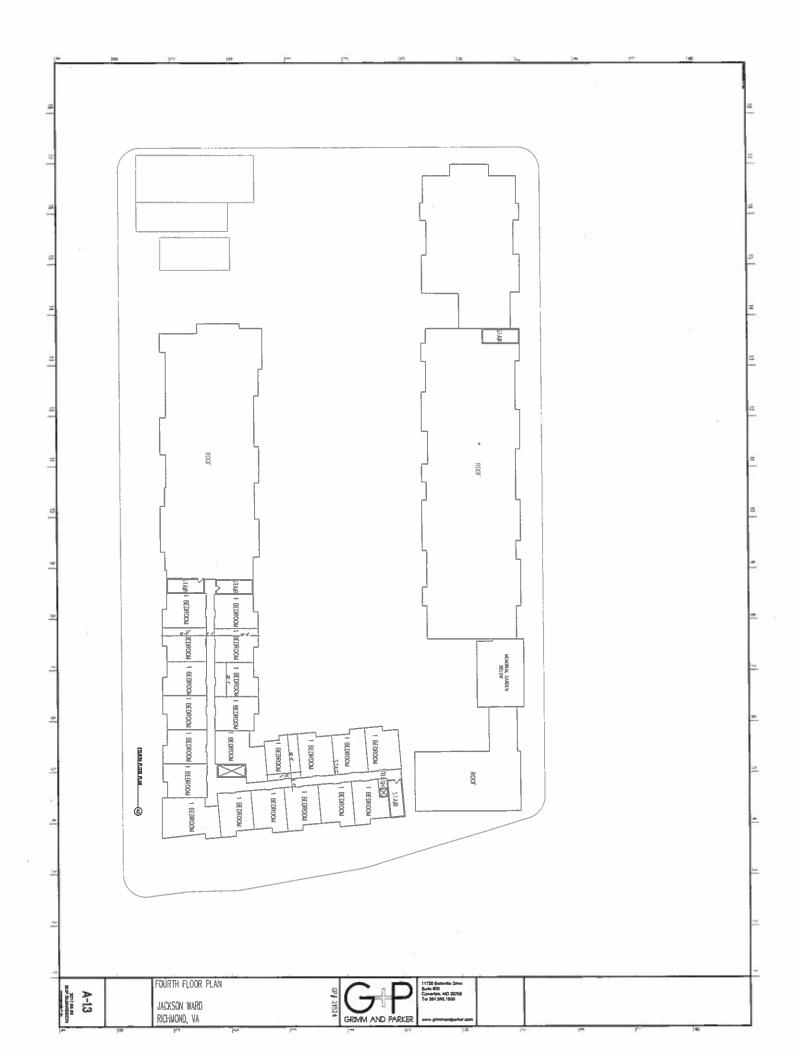
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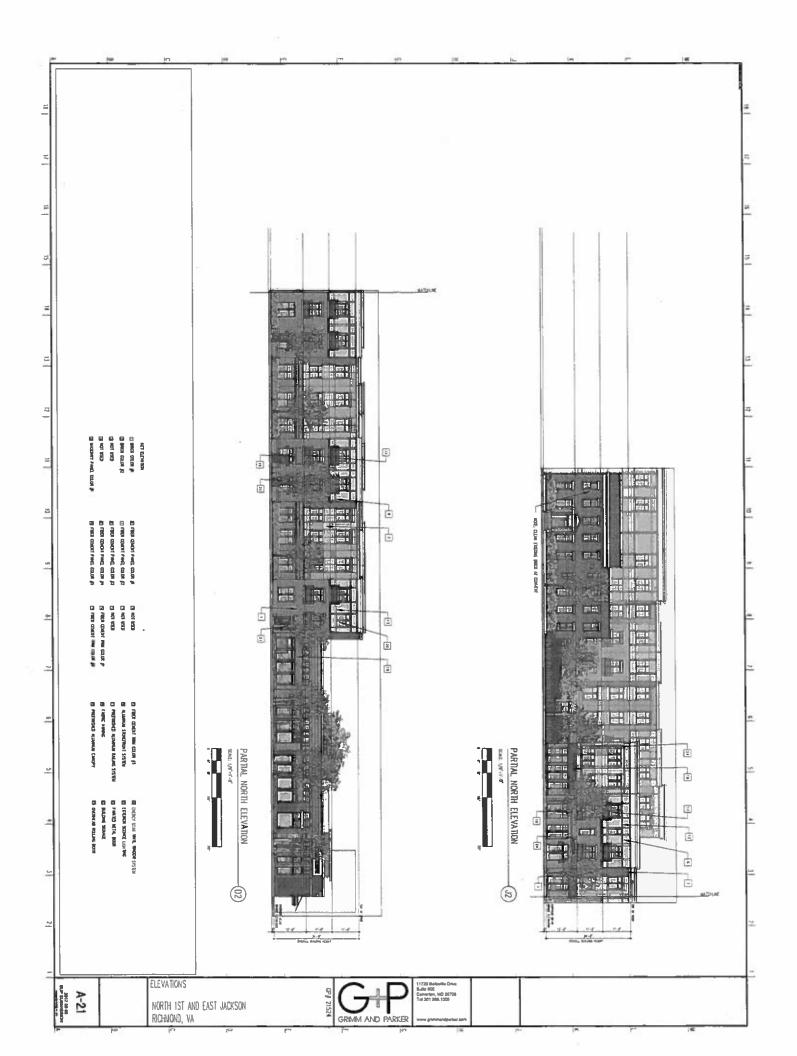


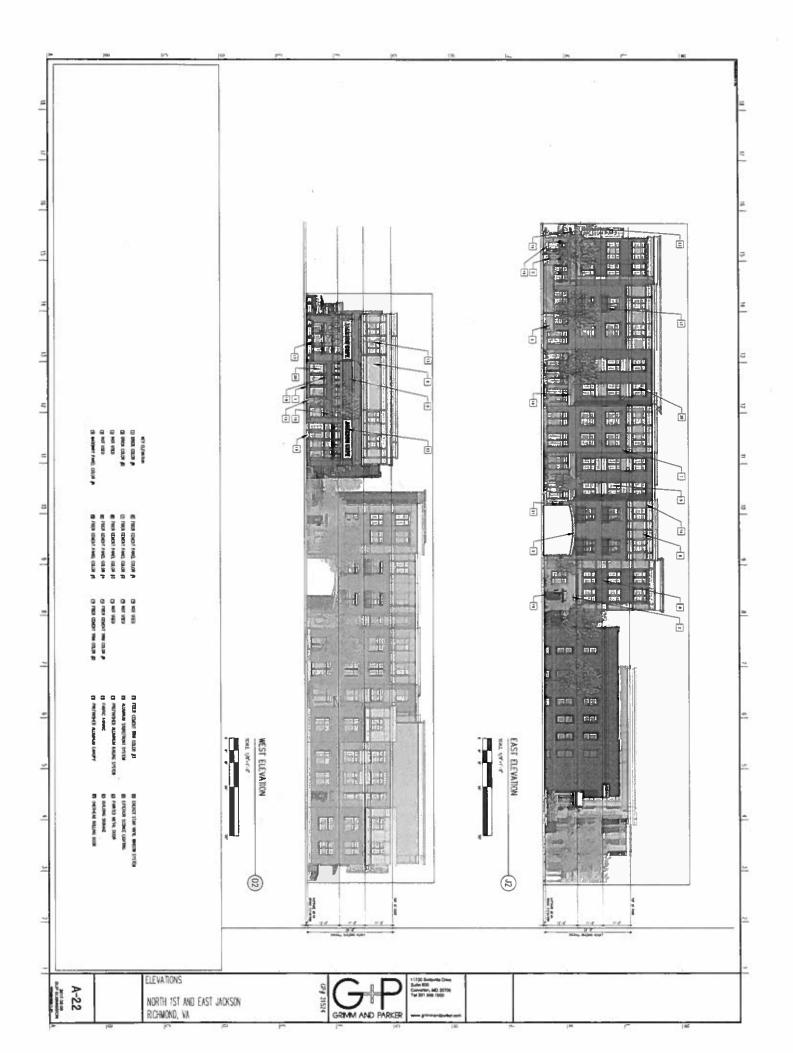


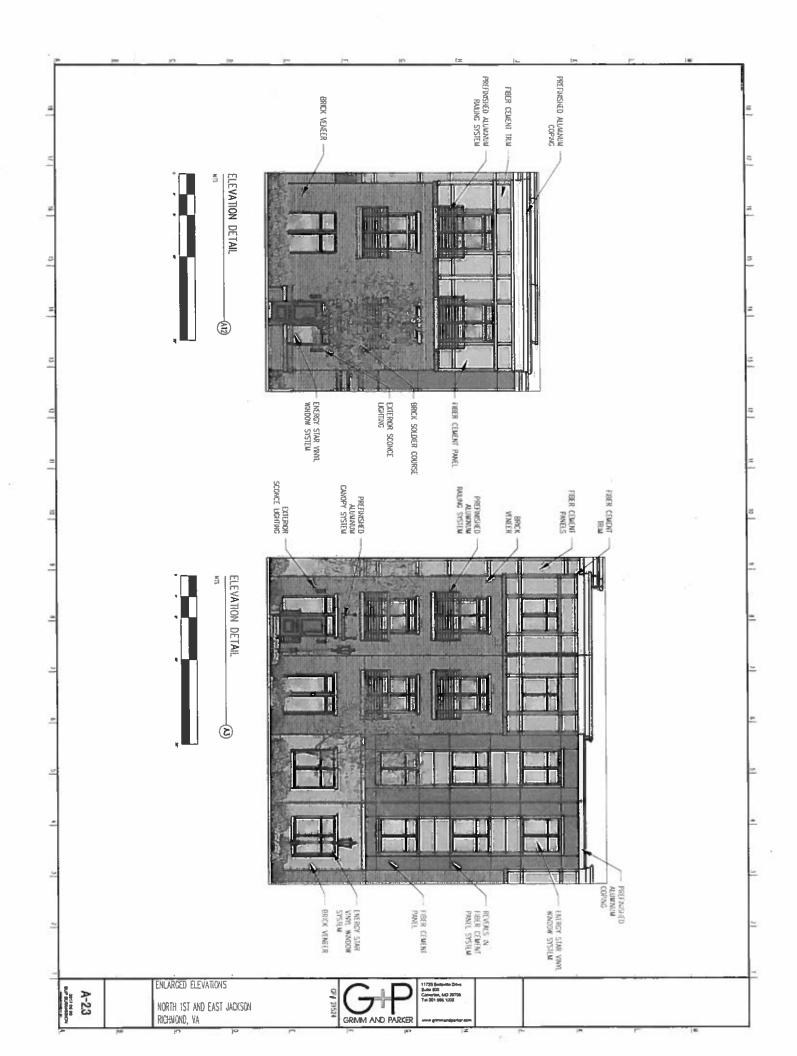


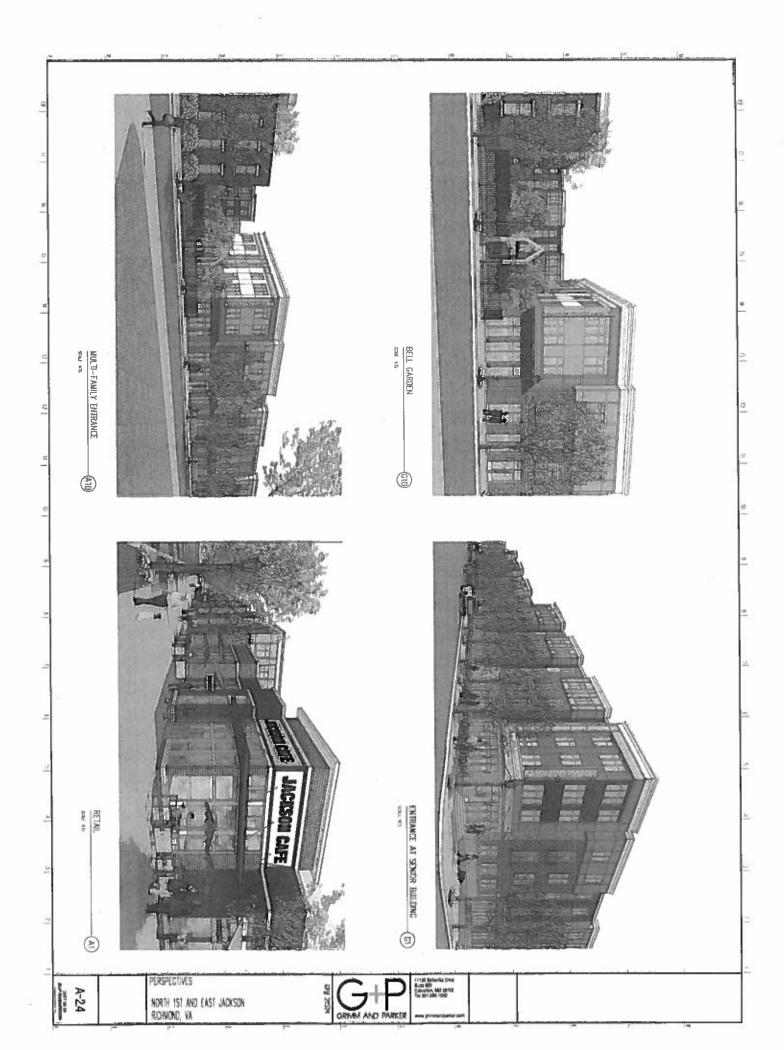


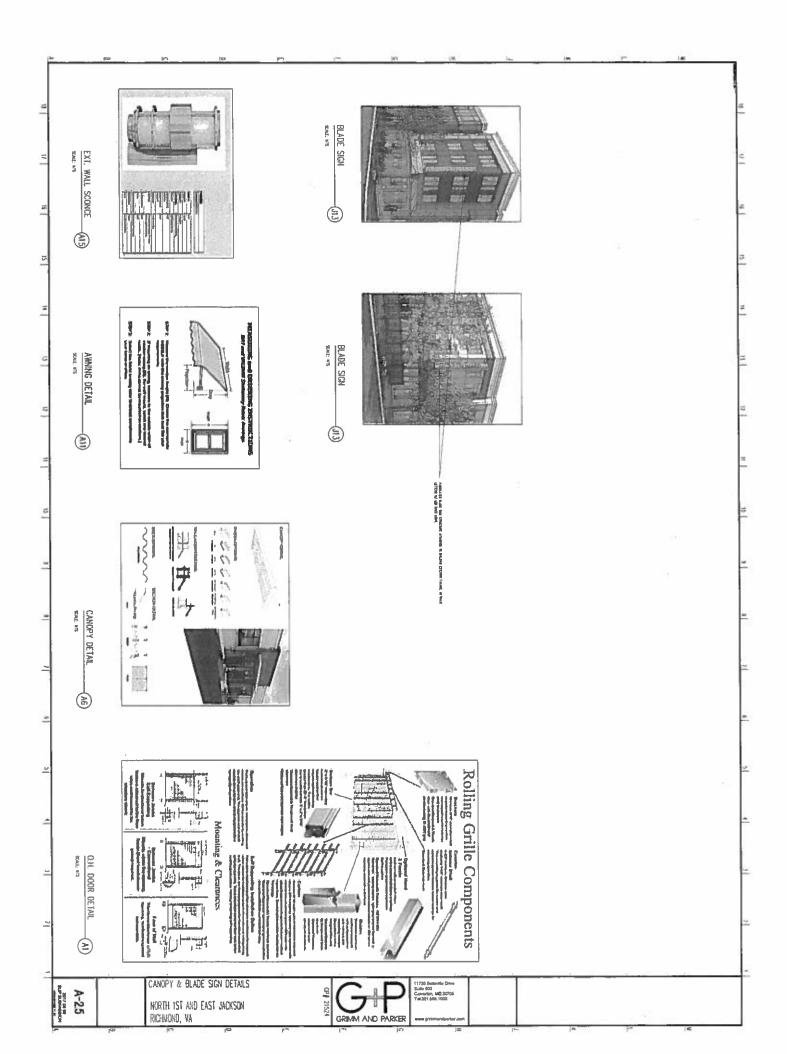


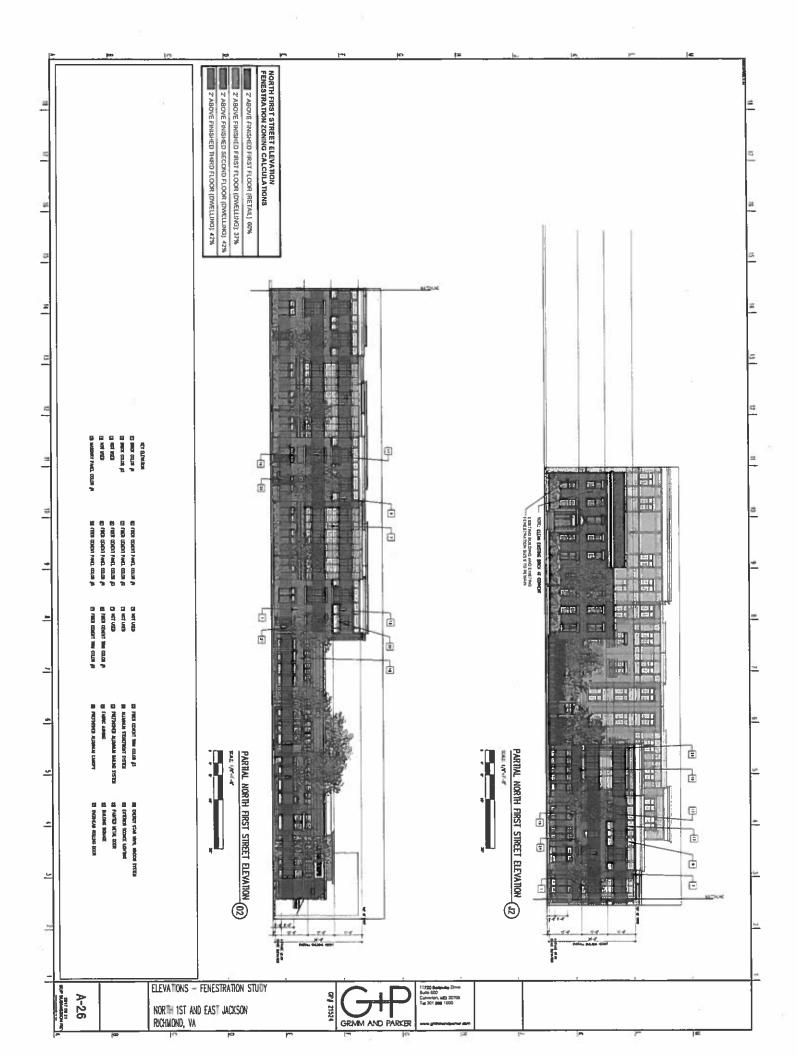


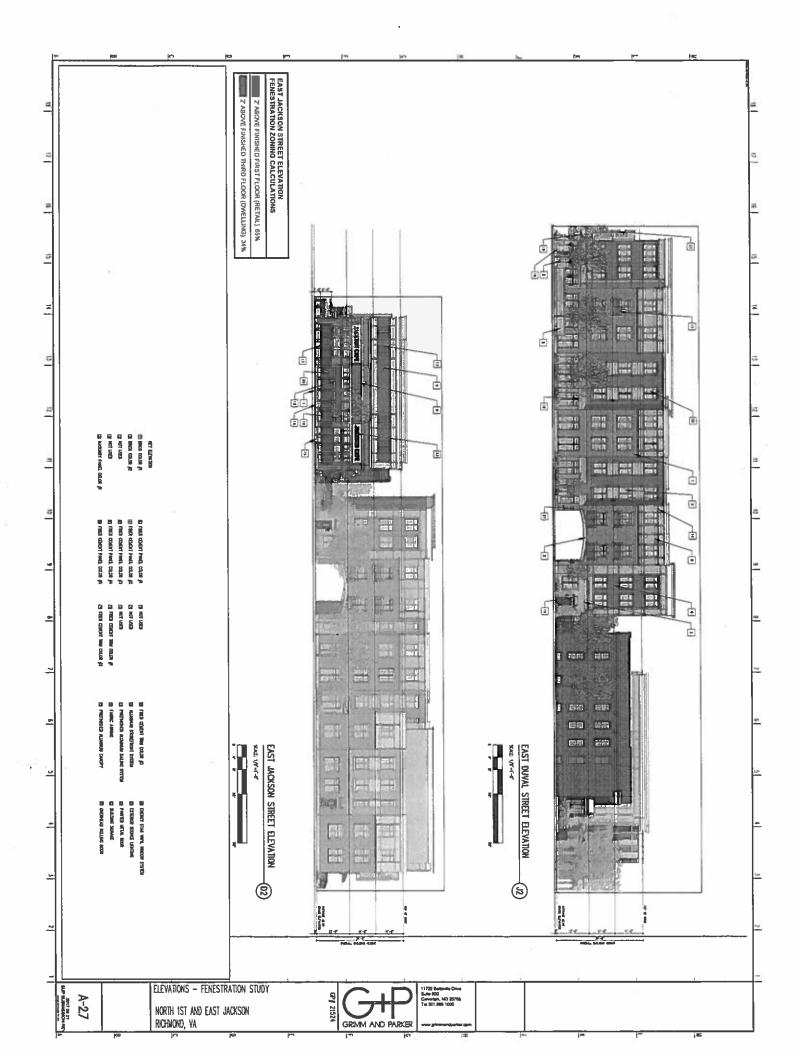


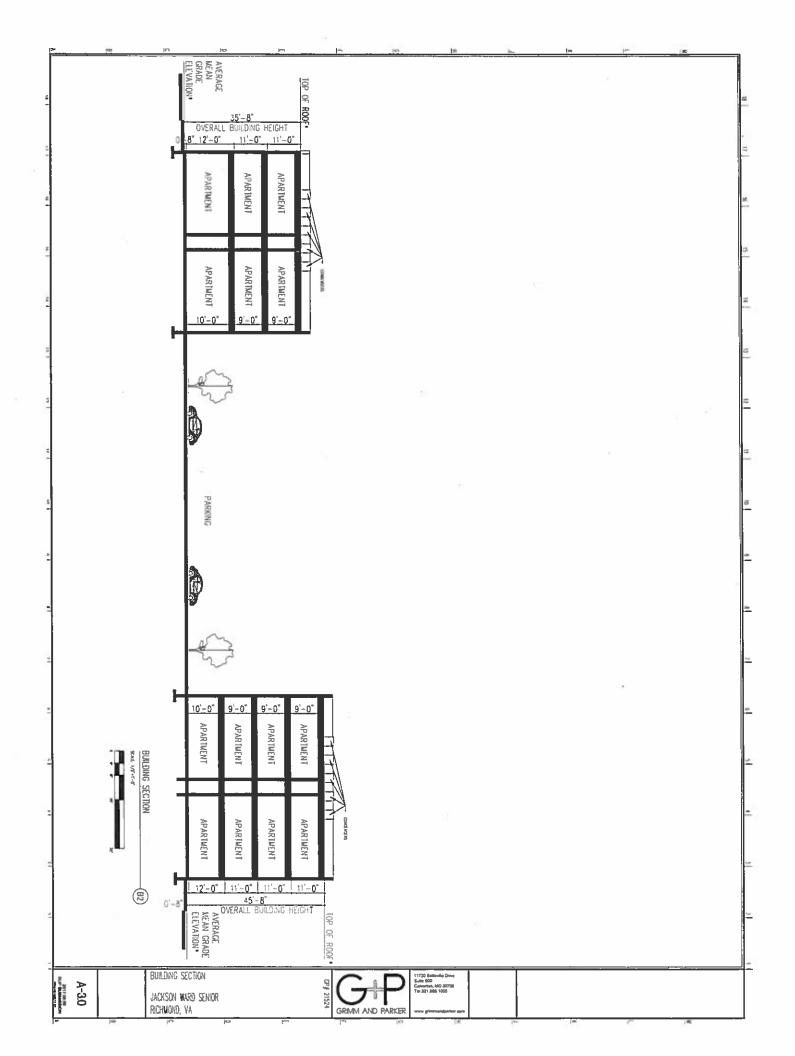


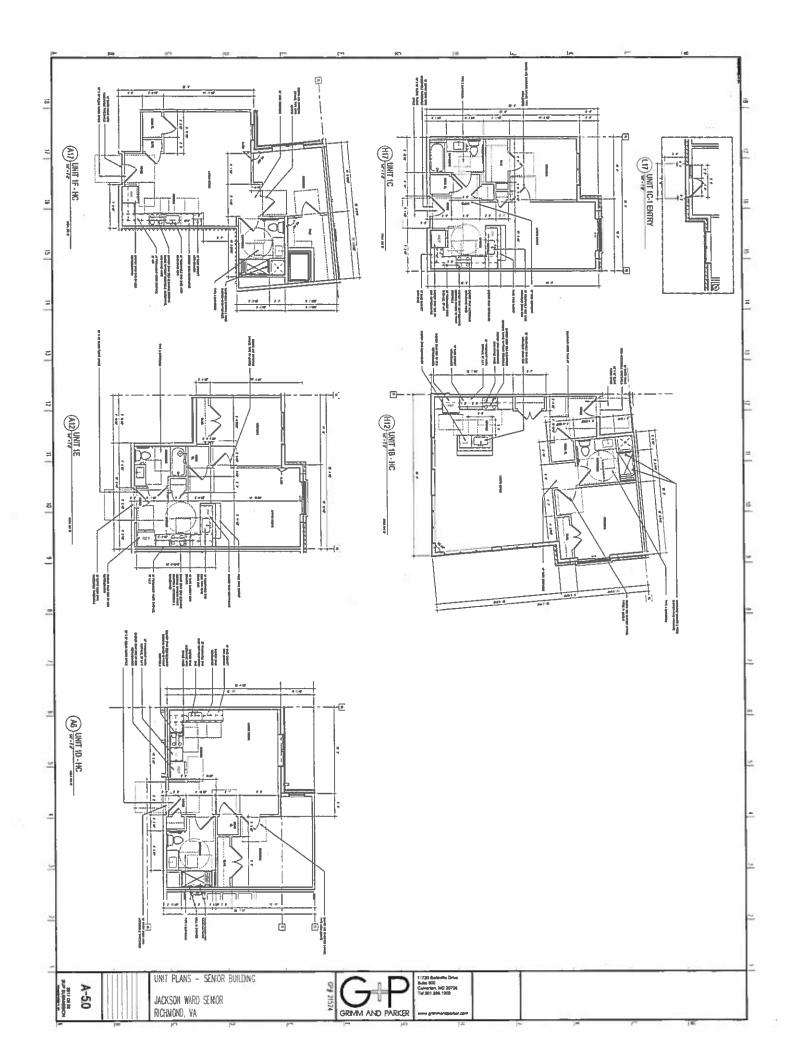


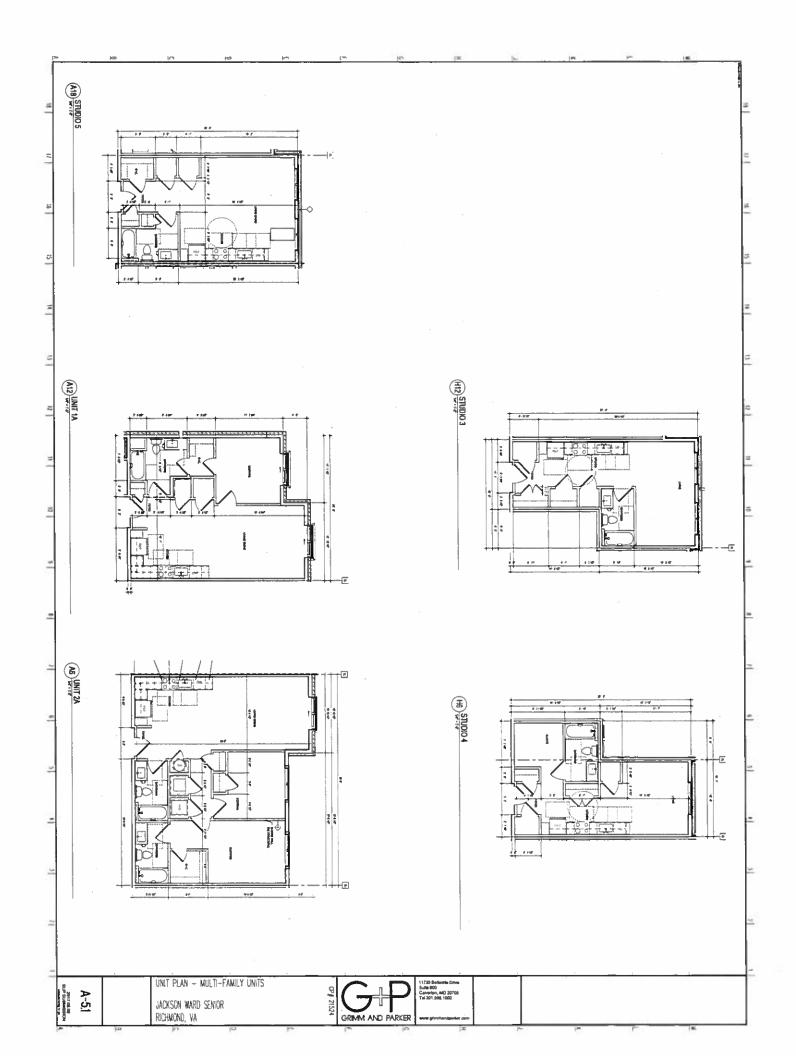












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SUP Application Last Revised September 12, 2016 CITY OF RICHMOND

PARCEL ID. N0000065030 105 E. DUVAL STREET

PARCEL ID. N0000065033 701 N. IST 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 Amendment to Ordinance 2016-316

The Richmond Housing and Redevelopment Authority (RRHA) and its development partner, the Community Preservation and Development Corporation (CPDC) are applying for an amendment to Ordinance 2016-016 (the "Ordinance") 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 (the "Property") which has been amended previously. The Applicant did not receive a grant from the Commonwealth of Virginia and therefore, has made revisions to the plans to balance the project costs while ensuring the high quality materials and design remain consistent to the original plans attached to the Special Use Permit. In addition, through the Section 106 historic review, the Applicant increased the space between the former convent building and the new construction. This revision has created a larger bell garden open space along the frontage of N. 1st Street.

The design revisions remove the structured parking that was wrapped by the building and utilizes a surface parking lot, which remains wrapped by the building. The removal of the parking deck reduced the parking count on-site to 71 spaces with 30 spaces on the street surrounding the project. There remains sufficient parking on-site and the Property is well situated for alternative modes of transportation for the residents, guests, tenants and customers of the commercial spaces. The Property is located within blocks of the GRTC Pulse stops for the Arts District and the 3rd/5th Street Stations.

Based on the ongoing communications with the Historic Jackson Ward Association, the number of units was also decreased to maintain a consistent level of off-street parking. Therefore, the dwelling unit count has also been reduced to 154. The dwellings continue to include 72 units designated for replacement housing for RRHA's Faye Towers. The remaining 82 units will consist of studios to 2 bedroom units. These units will be a mix of affordable and market rate units as with the original proposal. The building exterior remains consistent with the original design, with the fourth floor removed from the majority of the building. The commercial space remains at approximately 6,000 square feet. The Applicant presented the revisions to the Historic Jackson Ward Association and received the enclosed letter of support for the project.

The development remains an opportunity for a significant infill development in Jackson Ward for a mixed-use, mixed-income building. It includes the rehabilitation of the former Franciscan convent, as well as incorporates the memorial bell garden with surrounding green space. The proposed revisions allow for a change in the plans attached to the ordinance and an increase in units as the project has developed. These revisions continue to require the high quality building features, amenities and materials as in the original Ordinance and provides additional residential units in an appropriate area near transit and employment centers. The development is consistent with the Downtown Plan designation as General Urban and Urban Center and is an appropriate infill development opportunity. The proposed revisions as with the original Ordinance meet the requirements set forth in the City Charter 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 the 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.

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City of Richmond Department of Planning & Development Review

LOCATION: 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

APPLICANT: Community Preservation and Development Corporation

COUNCIL DISTRICT: 2

PROPOSAL: To amend Ord. No. 2016-016, adopted Feb. 22, 2016, last amended by Ord. No. 2016-316, adopted Jan. 9, 2017, 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 194 multifamily dwelling units, commercial uses, and accessory off-street parking, to authorize up to 154 multifamily dwelling units, additional permitted uses, and amendments to the plans to reduce the height and mass of the proposed building, upon certain terms and conditions.

For questions, please contact Matthew Ebinger at 646-6308 or Matthew Ebinger@richmondgov.com

Special Use Permit Amendment

