INTRODUCED: March 12, 2018

AN ORDINANCE No. 2018-111

To authorize the special use of the properties known as 1208 and 1212 McDonough Street and 314, 316, 318, and 322 West 12th Street for the purpose of a mixed-use building containing up to 33 dwelling units, upon certain terms and conditions.

Patron – Mayor Stoney

Approved as to form and legality by the City Attorney

PUBLIC HEARING: APR 9 2018 AT 6 P.M.

WHEREAS, the owner of the properties known as 1208 and 1212 McDonough Street, and 314, 316, 318, and 322 West 12th Street, which are situated in a R-8 Urban Residential District, desires to use such property for the purpose of a mixed-use building containing up to 33 dwelling units, which use, among other things, is not currently allowed by section 30-413.11 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

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	APR 9 2018	REJECTED:		STRICKEN:	
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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 1208 and 1212 McDonough Street and 314, 316, 318, and 322 West 12th Street and identified as Tax Parcel Nos. S000-0088/004, S000-0088/003, S000-0088/010, S000-0088/009, and S000-0088/007, S000-0088/006, respectively, in the 2018 records of the City Assessor, being more particularly shown on a survey entitled "Survey Plat Workmap Showing Existing Improvements to Tax Parcel Block 'S-88' and Tax Parcel Block 'S-122', City of Richmond, Virginia," prepared by Shadrach & Neal, Inc., dated February 17, 2006, and last revised May 3, 2013, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of a mixed-use building containing up to 33 dwelling units, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Mixed Use Residential Development, 314-322 W. 12th Street & 1208-1212 McDonough Street, Manchester, Richmond, VA, 23224," prepared by ADO/Architecture Design Office, PLLC, dated August 30, 2017, and last revised November 21, 2017, hereinafter referred to as "the Plans," copies of which are attached to and made a part of this ordinance.
- (b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as "the Owner." The conditions contained in this ordinance shall be binding on the Owner.
- § 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

- (a) The Special Use of the Property shall be a mixed-use building containing up to 33 dwelling units and ground floor commercial space, substantially as shown on the Plans. The uses allowed within the commercial space shall be limited to office use and the permitted principal uses on corner lots in the R-63 Multifamily Urban Residential District pursuant to section 30-419.3(a) of the Code of the City of Richmond (2015), as amended.
- (b) No fewer than 33 on-site parking spaces shall be provided on the Property for the Special Use, substantially as shown on the Plans.
- (c) Signage pertaining to the Special Use shall comply with the requirements for signage in the R-63 Multifamily Residential District set forth in section 30-507.1 of the Code of the City of Richmond (2015), as amended.
- (d) All building materials, material colors, and site improvements including landscaping, shall be substantially as shown on the Plans.
- (e) All site improvements, including installation of trees and vegetation screening on the Property, shall be substantially as shown on the Plans. The vegetation screening shall follow the planting and fence/wall requirements of Buffer "A", Buffer "C", or "Buffer H" as set forth in section 30-710.13(2)(b) of the Code of the City of Richmond (2015), as amended.
 - (f) The height of the Special Use shall not exceed the height as shown on the Plans.
- (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) Prior to the issuance of any final certificate of occupancy for the Special Use, the Property shall be consolidated into one parcel, substantially as shown on the Plans, by recording the appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.

- (i) Exterior bicycle parking for no fewer than 20 bicycles shall be provided on the Property.
 - (j) Operations of the commercial space shall cease by no later than 11:00 p.m. daily.
- (k) The open space area located between the building and parking area may contain an outdoor dining area accessory to a restaurant located within the commercial space of the building, consistent with sections 30-419.3(a)(5)(c) through (e) of the Code of the City of Richmond (2015), as amended. No such outside area shall be open to patrons between the hours of 10:00 p.m. and 7:00 a.m. The occupancy of the outdoor dining area shall be limited to no more than 48 patrons. The owner shall submit a layout plan for the outdoor dining area to the Director of Planning and Development Review. The Director shall review the layout plan and, if the Director finds that the outdoor dining area as proposed in the layout plan meets the criteria set forth in section 30-1030.4 of the Code of the City of Richmond (2015), as amended, the Director shall approve the layout plan. The outdoor dining area shall not be constructed until the Director has approved the layout plan. Any outdoor dining area constructed must conform to the approved layout plan.
- § 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) The Owner shall make improvements within the right-of-way, including installation of a street tree, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.
- (f) 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, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.
- § 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.
 - § 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

City of Richmond

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

Item Request

File Number: PRE.2018.027

RECEIVED

MAR 0 8 2018

OFFICE OF CITY ATTORNEY

O & R Request

O & R REQUEST 4-7543

Office of the Chief Administrative Officer EDITION: 1

DATE:

February 14, 2018

TO:

The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

(This is no way reflects a recommendation of

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic

Development and Planning

FROM:

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

RE:

To authorize the special use of the properties known as 1208 and 1212 McDonough Street, as well as, 314, 316, 318, and 322 West 12th Street for the purpose of a mixed-use building

containing up to thirty-three (33) dwelling units, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the properties known as 1208 and 1212 McDonough Street, as well as, 314, 316, 318, and 322 West 12th Street for the purpose of a mixed-use building containing up to thirty-three (33) dwelling units, upon certain terms and conditions.

REASON: The applicant has proposed a mixed-use building containing up to thirty-three (33) dwelling units and commercial space. This use is not permitted by the underlying zoning of the property. A Special Use Permit is therefore required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its April 2, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The proposed development is located in the Manchester neighborhood in the City's Old South Planning District. The subject properties, combined, consist of 28,285 SF, .65 acres of land and are currently unimproved. The density of the parcel if developed as proposed would be approximately 51 units per acre.

The City of Richmond's Downtown Plan designates a future land use category for the subject property as Downtown General Urban Area. The General Urban Area is characterized by medium-density, mixed-use development, distributed along medium-sized bocks. Old Manchester is an example of the general urban condition in Richmond. This district is characterized by single family homes, sideyard houses, rowhouses, and small multifamily buildings, such as duplexes, triplexes, and quads. These buildings have variable setbacks and landscaping, and a limited mix of commercial and civic uses. (City of Richmond, Downtown Master Plan, 2009, p.3.23)

The subject property and adjacent properties to the south and west are located in the R-8 Urban Residential Zoning District. Properties to the north and east are located in the R-63 Multifamily Urban Residential District and B-6 Mixed-Use Business District.

A mix of commercial, office, vacant, public-open space, single-, two- and multifamily land uses are present in the vicinity.

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

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

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$2,400 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: March 12, 2018

CITY COUNCIL PUBLIC HEARING DATE: April 9, 2018

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, April 2, 2018

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

STAFF: Jonathan Brown, Senior Planner

Land Use Administration (Room 511) 646 5734

PDR O&R No. 18-03



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

http://www.ichmujichios.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 Property Adress: 1208 MCDONOUGH STREET	Data	8125/17
Tay Man #. REFER TO APPLICANT'S REPORT CO. \$2.400	Date:	
Tax Map #: REFER TO APPLICANT'S REPORT Fee: \$2,400 Total area of affected site in acres: .65		
(See page 6 for fee schedule, please make check payable to the "City of Ric	hmond")	
Zoning Current Zoning: 1-8		
Existing Use: VACANT		
Proposed Use (Please include a detailed description of the proposed use in the required appliance) MIXED-USE COMMERCIAL AND RESIDENTIAL Existing Use: VACANT		
Is this property subject to any previous land use cases? Yes No If Yes, please list the Ordinance Number: UNKN	awn	
Applicant/Contact Person: BEN ADAMSON Company: MANCHESTER PARTNERS 5, LLC		
Mailing Address: PU BUX 7217		
City: NICHWICHD Sta	te: VA Zip C	Code: 23221
Telephone (804) 814-0209 Fax		
Email: BKADAMSON@MAC.COM		
Property Owner: MANCHESTER PARTNERS 5, LLC If Business Entity, name and title of authorized signee: BEN A	DAMSON - MANA	AGER
(The person or persons executing or attesting the execution of this Application she has or have been duly authorized and empowered to so execute or attest.)	on behalf of the Comp	
Mailing Address: PO BOX 7217 City: RICHMOND Sta	ite: VA Zip C	code: 23221
Telephone: (804)814-6269 Fax Email: BKADAMSON@MAC.COM	(: <u>(</u>)	
Property Owner Signature:		<u> </u>
The names addresses telephone numbers and signatures of all owners of the	property are required.	Diago attack additional

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)

Applicant's report for the Proposed Special Use of the property at 314-322 w. 12th Street and 1208-1212 McDonough Street, Parcel IDs: S0000088003-S0000088010, in the Historic Manchester Neighborhood

August 31, 2017

[refer also to attached Special Use application and project drawings]

As a general summary, this special use request pertains to six (6) existing contiguous parcels that are proposed to be combined, the combined area of which totals .68 acres. Zoning on the existing parcels is R-8. It is noted, however, that R-63 zoning exists immediately across McDonough Street and, therefore, the special use proposal is based on R-63 zoning requirements altered as those requirements pertain to corner commercial activity due to the site's immediate context.

1. The proposed special use will not be detrimental to the safety, health, morals and general welfare of the community involved

The project has been conceived to maintain the scale, materiality, and disposition of the surrounding neighborhood and in doing so is considered to be contributing to the urban residential context. A significant number of structures have been demolished within the historic neighborhood and it is felt that this project, along with numerous other infill development projects already complete or underway, enforce the solidity and desirability of the neighborhood as a viable residential address in very close proximity to Richmond's city center. Proposed commercial and residential spaces open to and view their part of both 12th and McDonough Streets and the corner which will provide enhanced security and contribute to the sense of community in this area of the Manchester neighborhood. Additionally, considerations for refuse areas and collection will be screened from public view and handled in a way that does not diminish use and enjoyment of the public realm.

2. The proposed special use will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved

The project is part of a larger planned development on the block it occupies. Vehicular access to and parking for all planned residential spaces in a ratio of, at a minimum, 1 parking space per residence are being provided for off-street via existing curb-cuts to existing mid-block alleys. The minimal amount of non-resident vehicular activity associated with guests and commercial activity are deemed to be a positive attribute toward creating a sense of vitality on the streets around the project.

3. The proposed special use will not create hazards from fire, panic or other dangers

The project is being designed to meet current building code and zoning requirements. The structure will be fully sprinkler-protected and is planned with building code required egress and occupant safety considerations that meet and exceed those required for the proposed density. The structure's position on it's site allows for fire department access on all sides. Therefore, no extraordinary threat from fire, panic or other dangers are foreseen to accompany development of the site at the density proposed.

Applicant's report for the Proposed Special Use of the property at 314-322 w. 12th Street and 1208-1212 McDonough Street, Parcel IDs: S0000088003-S0000088010, in the Historic Manchester Neighborhood

4. The proposed special use will not tend to cause overcrowding of land and an undue concentration of population

It is felt that, while density exceeding current zoning is proposed, the scale and character of the structure along with the type of residential spaces being designed is appropriate for the urban residential neighborhood in which it is being placed. In contrast to overcrowding, the number of residents and commercial activity being proposed are considered to add to the vitality, active character, and sense of community in the neighborhood.

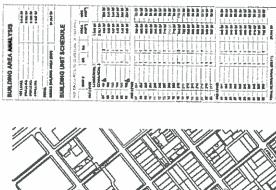
5. The proposed special use will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements

Referring to descriptions outlined above, it is believed the project as conceived does not adversely affect or interfere with the character, public amenity and public operation of its site or surrounding neighborhood in any way. In contrast, it is believed the project by nature of planned spaces, size and location, contributes to the public realm, sponsors pedestrian activity, and provides much needed amenity within this section of the Manchester neighborhood.

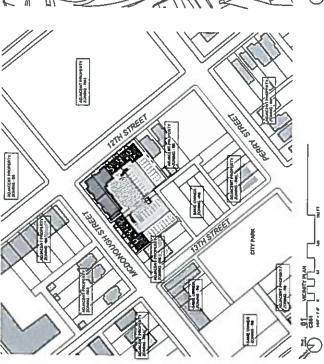
6. The proposed special use will not interfere with adequate light and air

The proposed building's mass was developed to be comparable to the existing apartment building directly across McDonough Street, which is 4 stories with a roof deck, and to anchor this prominent corner with scale, massing and materials that appropriately reflect it's position as a gateway between much larger office structures to the north and the residential neighborhood to the south and east. This corner massing steps down to mirror the existing context which diminishes in scale from the larger multi-family building at 12th Street, described above, to single family dwellings closer to 13th Street and also along 12th Street as it approaches Perry Street. For that reason, it is believed that the proposed density is being met with no interference to natural light for either the planned structure's occupants, neighboring residents, or pedestrians in the public right-of-way. Additionally, as described above, the project includes appropriately scaled open areas and landscaping that contribute to the quality of air and health of the urban environment.

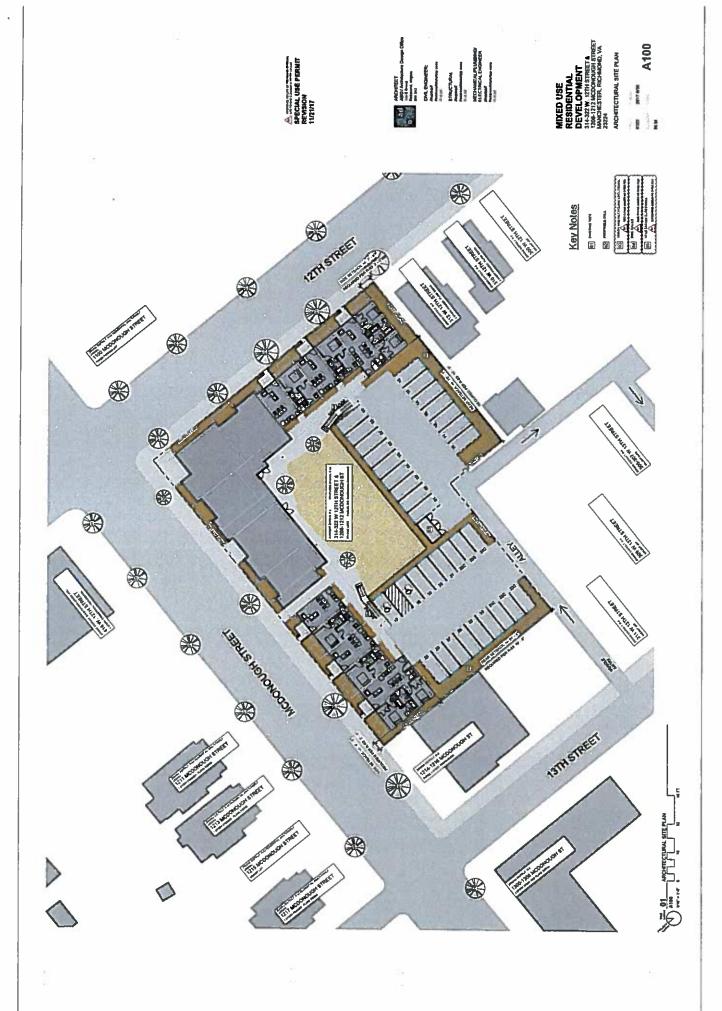


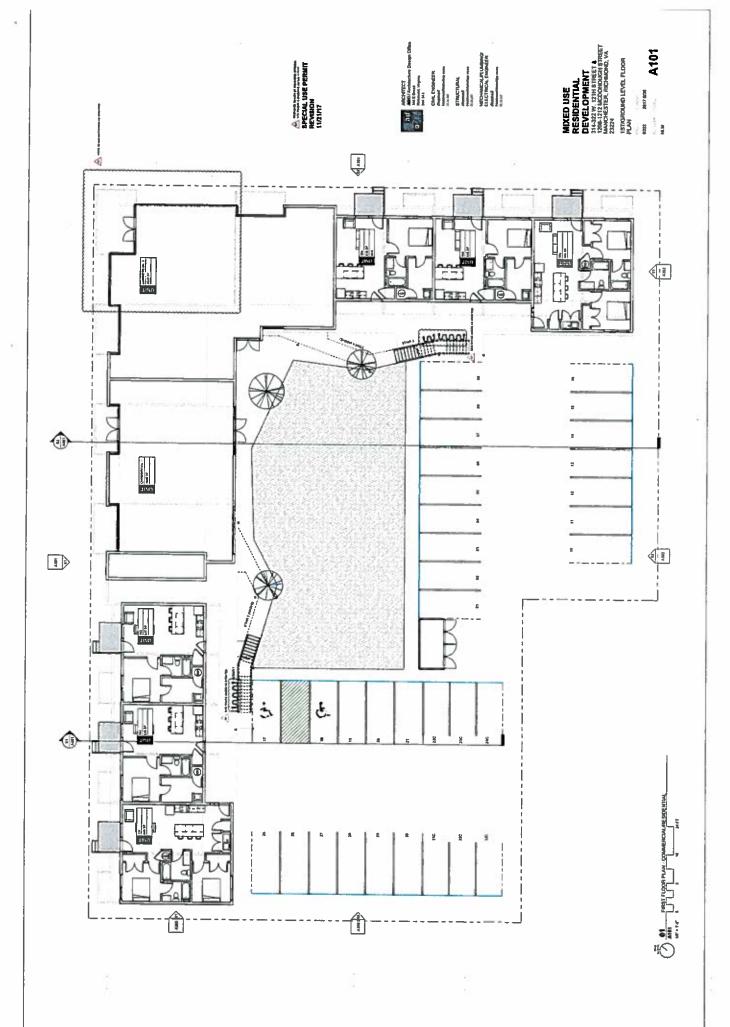


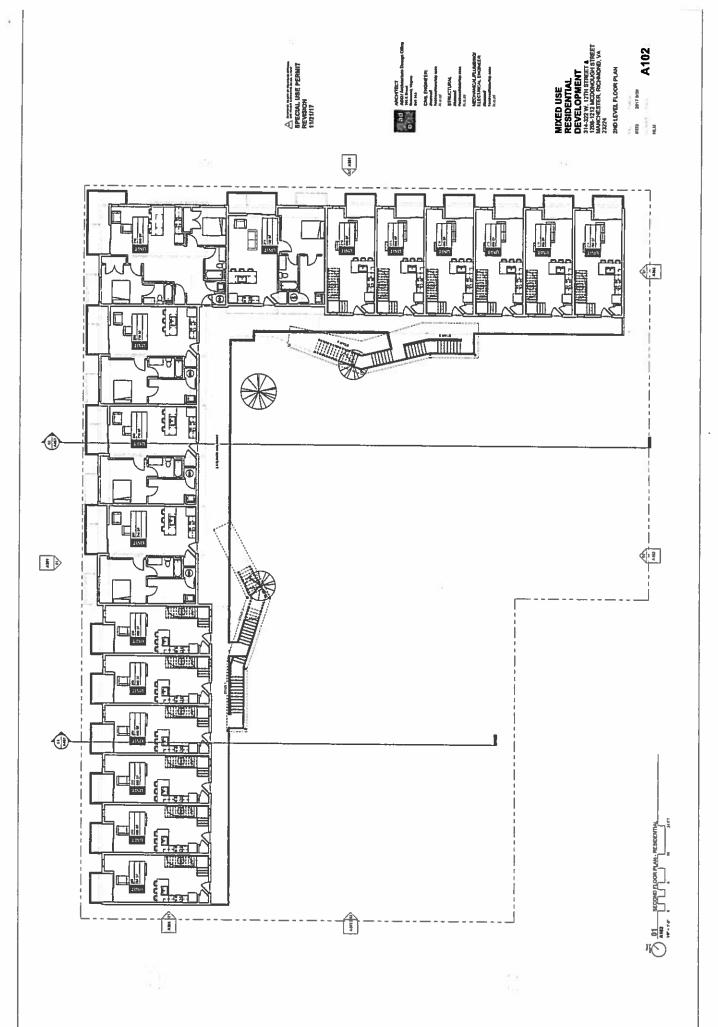


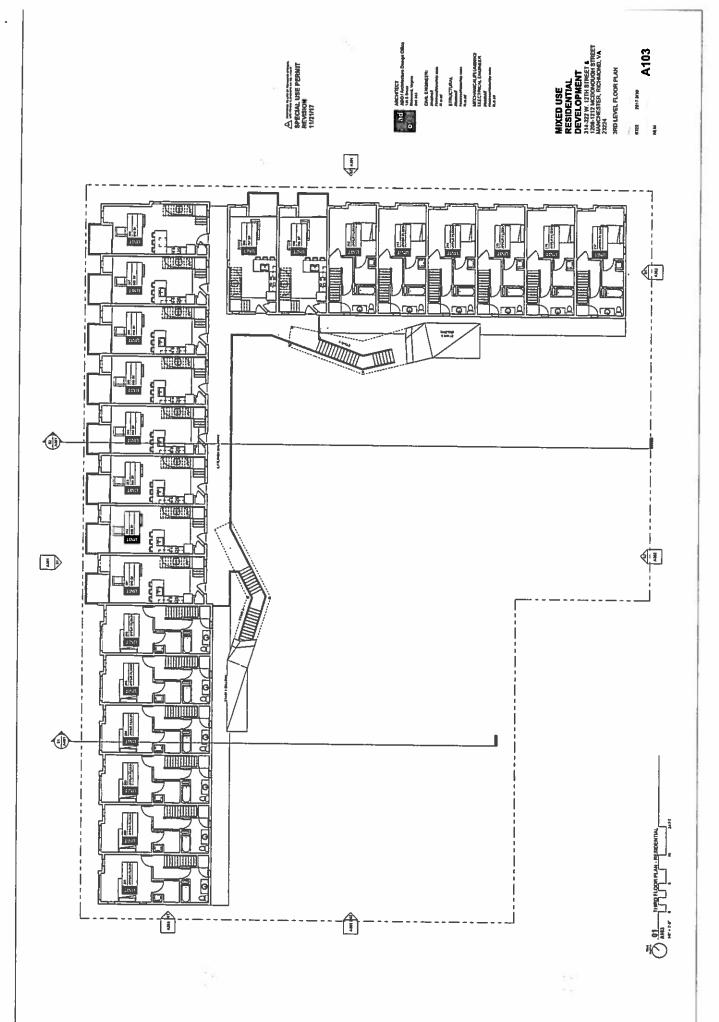


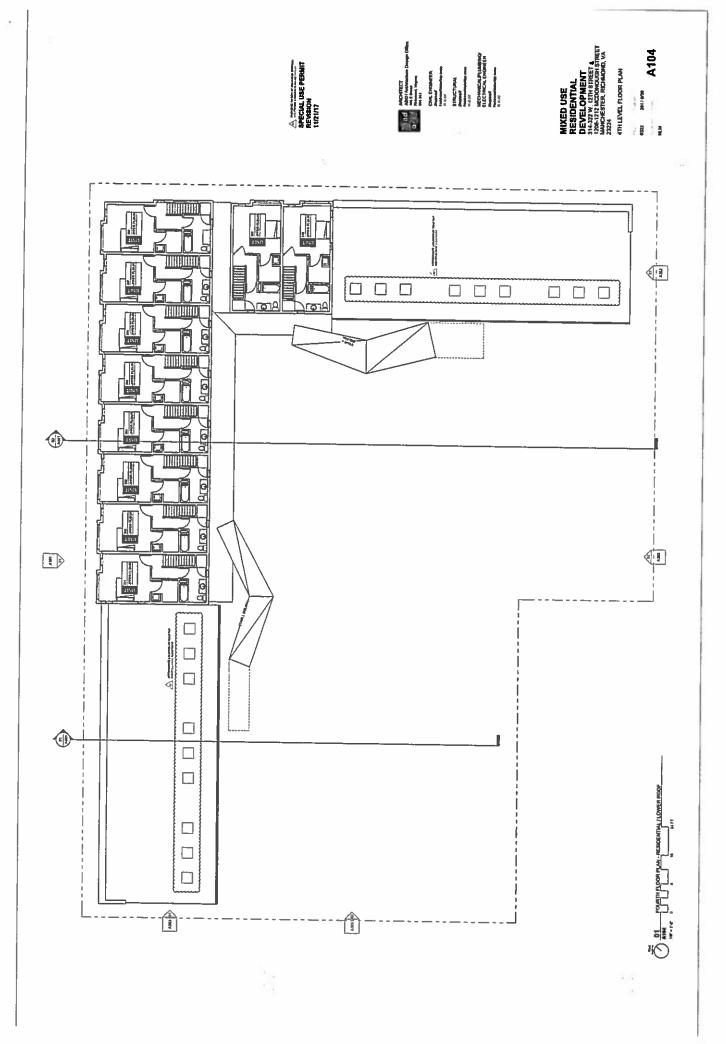
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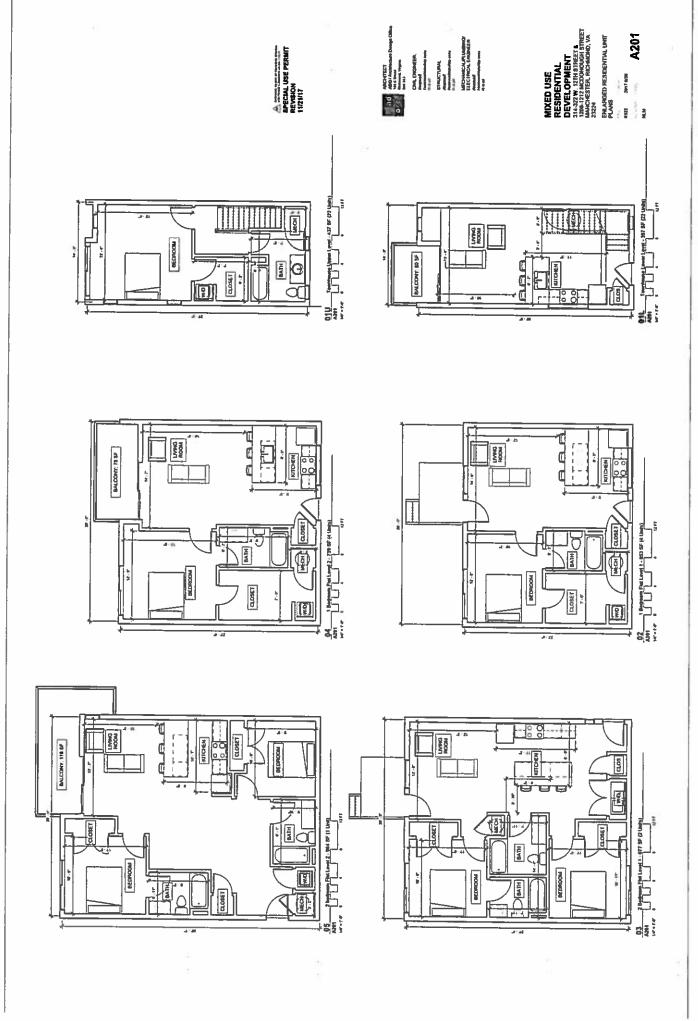


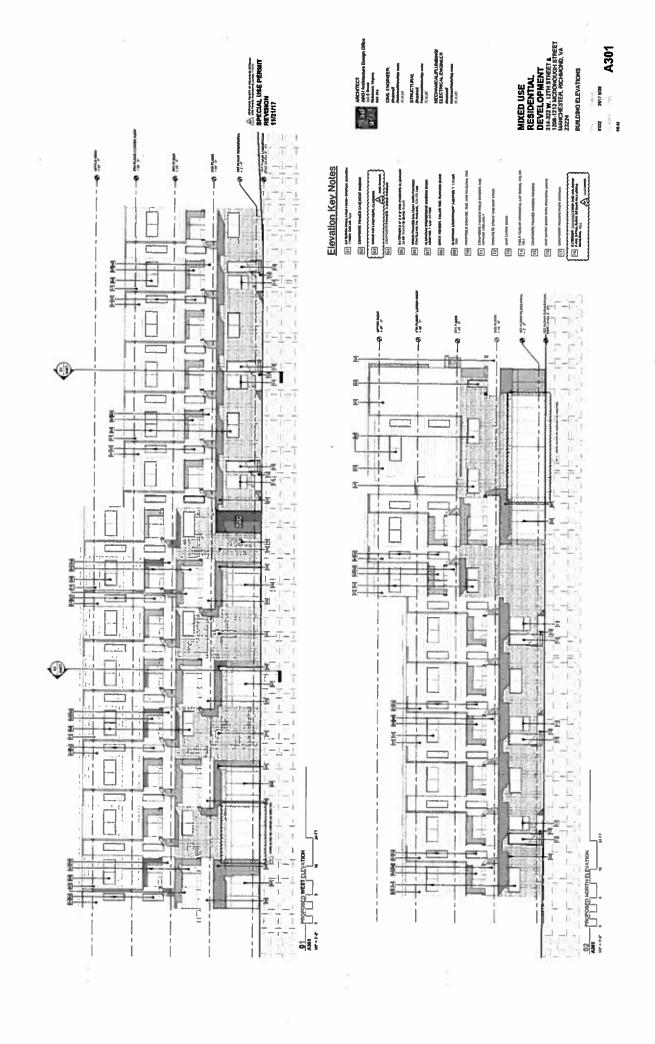


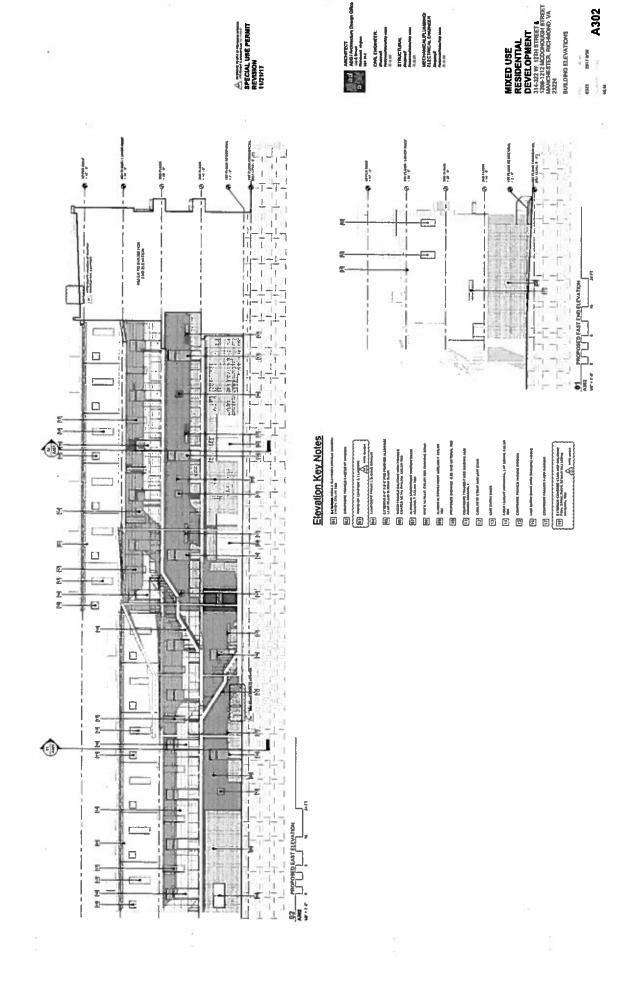


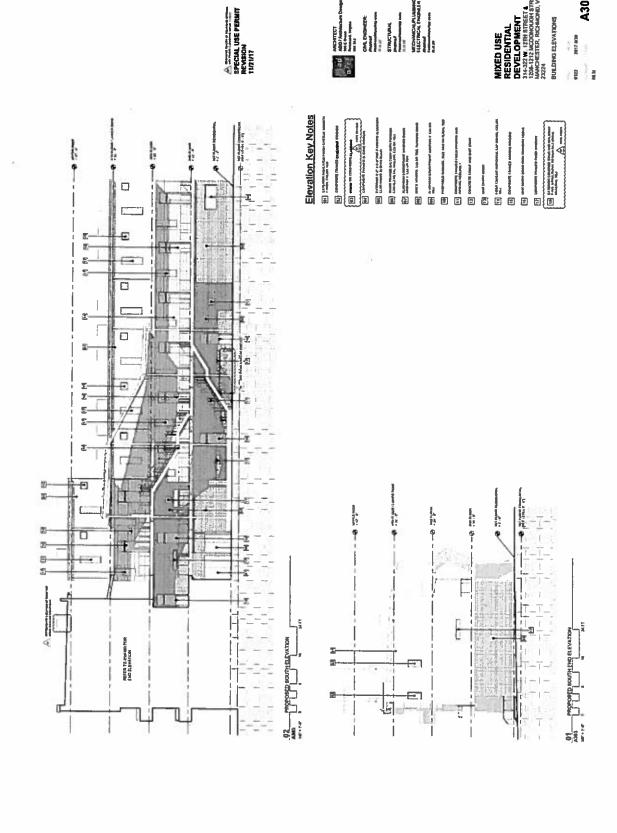












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