INTRODUCED: December 14, 2020

#### AN ORDINANCE No. 2020-264

To authorize the special use of the property known as 111 Spring Street for the purpose of a parking deck, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JAN 11 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 111 Spring Street, which is situated in a RO-3 Residential-Office District and an M-1 Light Industrial District, desires to use such property for the purpose of a parking deck, which use, among other things, is not currently allowed by sections 30-428.1(6)(a), concerning permitted principal uses, 30-428.6(2)(a), concerning side and rear yards, 30-630.1(a), concerning required yards on lots having more than one street frontage, 30-630.3, concerning front yards adjacent to R and RO districts, and 30-730.2(2), concerning bicycle parking requirements, of the Code of the City of Richmond (2015), as amended; and

AYES:	9	NOES:	0	ABSTAIN:	
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ADOPTED:	FEB 8 2021	<b>REJECTED</b> :		STRICKEN:	

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the 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 property known as 111 Spring Street and identified as Tax Parcel No. W000-0094/001 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled "Existing Conditions," shown on sheet C201 of the plans entitled "Special Use Permit, Virginia Housing Development Authority, Parking Deck, City of Richmond, Virginia," prepared by Hourigan, dated April 14, 2020, and last revised October 14, 2020, 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 parking deck, substantially as shown on the plans entitled "Special Use Permit, Virginia Housing Development Authority, Parking Deck, City of Richmond, Virginia," prepared by Hourigan, dated April 14, 2020, and last revised October 14, 2020, 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 as a parking deck containing up to 286 parking spaces, substantially as shown on the Plans.

(b) The height of the Special Use shall not exceed the height shown on the Plans.

(c) All building materials, elevations, and landscaping shall be substantially as shown on the Plans.

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

§ 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 new concrete sidewalk along South 2<sup>nd</sup> Street, a new brick sidewalk and entrance along Spring Street, five street trees along South 2<sup>nd</sup> Street, and four street trees along Spring Street, 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 on 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.

A TRUE COPY: TESTE: Combin D. Rif

**City Clerk** 

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Эу	Barbara	Fore	at	3:04	pm,	Nov	20,	2020	

By Barbara Fore at 2:00 pm, Dec 04, 2020

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# City of Richmond

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

# Item Request File Number: PRE.2020.390

## O & R Request

DATE: November 13, 2020 The Honorable Members of City Council TO: THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request) (This is no way reflects a recommendation on behalf of the Mayor.) THROUGH: Lenora G Reid, Acting Chief Administrative Officer lan THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning Mark A. Olinger, Director, Department of Planning and Development Review FROM: To authorize the special use of the property known as 111 Spring Street, for the purpose of RE: permitting a parking deck, upon certain terms and conditions. ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 111 Spring Street, for the purpose of permitting a parking deck, upon certain terms and conditions.

REASON: The applicant is requesting a special use permit to authorize the use of a parking deck within an RO-3 Residential Office and an M-1 Light Industrial Zone. Parking decks are allowed within these zones. However, the application does not meet certain feature, nor the site layout, requirements within the RO-3 and M-1 zones. 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 January 4, 2021 meeting.

BACKGROUND: The subject property consists of a 56,131 SF or 1.3 acre parcel of land. The property is located in the Gambles Hill neighborhood within the City's Downtown Planning District along 2nd Street between the Spring and 1st Streets.

The City of Richmond's current Downtown Plan designates the subject property as Downtown Civic Area which "...refers to both buildings and open spaces. Civic Buildings are public sites dedicated for publicly used buildings dedicated to culture, government, and public gatherings. Civic Spaces are outdoor areas dedicated for public use. The Virginia State Capitol and its grounds is an example of a Civic Area in Downtown." River vistas from the overlook adjacent to the Virginia War Memorial Statue should be considered so that development will not adversely impact the perspective towards the James River from the

City of Richmond

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southwest corner of the Pattern Storage Building on the Tredegar site to the Lee Bridge. It is essential that trees are planted along all primary Downtown streets in order to create walkable districts. Trees should be native species that are drought and pollution-tolerant and that provide a sufficient shade canopy that is high enough to leave the pedestrian and vehicle realm clear. They should not have fruit or seeds that will drop and litter or stain the sidewalk. Trees should be selected based on their life-span and size, so that they do not outgrow their surroundings. Trees should be planted at the back of curb on the sidewalk in order to provide shade for pedestrians and a sense of enclosure for drivers. Adjacent properties are the same M-I and RO-3 zones. (Richmond Downtown Plan, p. 3.31)

The final version of the Richmond 300 Master Plan designates the subject property as Downtown Mixed-Use which recommends a development style of "Higher density pedestrian and transit-oriented development encouraged on vacant or underutilized sites. Historic buildings are adapted for new uses. Future development should be urban in form and may be of larger scale than existing context. Plazas and setbacks create an engaging street life. Many buildings are vertically mixed-use. New developments continue or introduce a gridded street pattern to increase connectivity. Ground floor uses engage with and enliven the street. Monolithic walls are discouraged, while windows, doors, storefronts, and other features that allow transparency and interaction between building and street are encouraged. Active commercial ground floor uses required on street-oriented commercial frontages. (Draft Richmond 300 Master Plan, p. 66)

The zoning of the subject property R-O3, Residential Office and M-1, Light Industrial, which does permit parking structures as a principal use.

Nearby properties are located in the same Districts to the south and East. A mix of institutional and office 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:** December 14, 2020

CITY COUNCIL PUBLIC HEARING DATE: January 11, 2021

**REQUESTED AGENDA:** Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission January 4, 2021

AFFECTED AGENCIES: Office of Chief Administrative Officer Law Department (for review of draft ordinance)

#### RELATIONSHIP TO EXISTING ORD. OR RES.: None

### REQUIRED CHANGES TO WORK PROGRAM(S): None

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

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

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.richmooddov.com/

🖾 special use permit, new	٩p	plication	is hereby	submitted	for (check one)
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special use permit, plan amendment

🔲 special use permit, text only amendment

#### Project Name/Location

Property Address: 111 Spring St		Date: 04/14/20
Tax Map #: W0000094001 Fe	ee: #2400	
Total area of affected site in acres	1.289	

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

#### Zoning

Current Zoning: M1/RO-3

Existing Use: Vacant

#### **Proposed Use**

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

Existing Use: Vacant

Is this property subject to any previous land use cases?



If Yes, please list the Ordinance Number:

#### Applicant/Contact Person: Daniel Hayes

Company: Draper Aden Associates	
Mailing Address: 1030 Wilmer Ave, #100	
City: Richmond	State: VA Zip Code: 23227
Telephone: (804 ) 237-1857	Fax: (804 ) 264-8773
Email: dhayes@daa.com	

#### Property Owner: Virginia Housing Development Authority (VHDA)

If Business Entity, name and title of authorized signee: Janet Wiglesworth

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 601 S Belvedere St	
City: Richmond	State: VA Zip Code: 23220
Telephone: (804) 982-1112	Fax: (804 ) 343-8414
Email: Janet.Wiglesworth@vhda.com	al)
Property Owner Signature:	worth

The names, addresses, telephone numbers and signatures of all ewners 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)



1030 Wilmer Ave, Suite 100 Richmond, Virginia 23228 (804) 264-2228 • Fax: (804) 264-8773 www.daa.com

April 16, 2020

#### APPLICATION FOR A SPECIAL USE PERMIT FOR THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA)

#### APPLICANT'S REPORT

The Virginia Housing Development Authority (VHDA) is located at 601 South Belvedere. VHDA was created in 1972 by the General Assembly to help Virginians attain quality, affordable housing. They carry out this mission by working in public-private partnerships with local governments, community service organizations, lenders, realtors, developers and many others, providing mortgages for first-time homebuyers, as well as financing for apartment communities and neighborhood revitalization efforts. The VHDA Headquarters (HQ1) was constructed and occupied in the late 1980's. VHDA intends to consolidate operations and develop a second Headquarters Building (HQ2) adjacent to HQ1. Concurrent with the design and construction of HQ2 is the construction of a 282-space 4-level parking garage on the lot across First Street (111 Spring St.).

This application for the Special Use Permit for proposed improvements to parcel W0000094001, 111 Spring • Street, is to:

- Request a waiver of the yard regulation requirement in the district RO-3 portion of the property;
- Request an easement of the vertical encroachment of the proposed walkway over First Street;
- Request for a waiver of Section 30-428.1.6.a.

#### Waiver of vard regulation requirement:

The subject lot is currently split zoned, with RO-3 (Residential-Office) over the southern portion, and M-1 (Light Industrial) over the northern portion. The proposed parking deck is bisected by the zoning boundary.

Yard regulations in district RO-3 require a 15-foot front yard setback and 10-foot side and rear yard setback (Section 30-428.6), while the yard regulation in District M-1 allows for a zero-foot setback (Sec 30-452.2). We request exception and consideration of the M-1 zoning for the entire parcel, allowing a zero-foot setback similar recently constructed adjacent parking garage at the Virginia War Memorial. Utilizing a zero-foot setback will provide a consistent appearance along the eastern side of First Street and allow for an expanded parking deck footprint while minimizing the overall deck height, preserving the viewshed towards downtown and the James River.

#### Aerial Encroachment Easement:

A key component to the overall project is a proposed elevated pedestrian walkway over First Street, connecting the Parking Deck to the VHDA HQ2 building. The proposed elevated pedestrian walkway encroaches on the vertical right of way of First Street, spanning First Street at a minimum height of 13.8 feet

clear. The addition of this walkway allows for the following:

- Pedestrian traffic from the parking deck to VHDA HQ1 and HQ2 is directed off First Street, allowing for an unencumbered passage of vehicles.
- The elevated walkway provides an accessible route from the parking deck to HQ1 and HQ2, allowing for accessible visitor parking in the parking deck.
- The elevated walkway simplifies wayfinding between the deck and the VHDA building.

#### Waiver of Section 30-428.1.6.a

Section 30-428.1.6.a of the Richmond Zoning Ordinance states the following:

No portion of the ground floor of such structure located along a principal or priority street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal priority street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage having less than five feet of its height above the grade level of the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade. Upper stories of such structure may be used for parking or related circulation of vehicles subject to the fenestration requirements set forth in Section 30-428.10.

The project requests a waiver of this requirement based on the context of 2<sup>nd</sup> Street and Spring Street, as the adjacent parcels do not contain uses that would promote the pedestrian or commercial-oriented corridor presumed to be present in this section. There are currently no publicly accessible commercial or retail properties along this frontage, and as such, it would be difficult to attract a commercial or retail tenant to the required non-parking frontage of the proposed parking deck. It is therefore requested that this section be waived, to permit vehicular parking in this portion of the structure.

Other such permitted uses would increase vehicular and pedestrian traffic utilizing the parking garage and property as a destination.

In accordance with the City of Richmond Special Use Permit the following amendment will not:

- Be detrimental to the safety, health, morals and general welfare of the community involved:
  - The construction of the parking deck and elevated walkway as proposed will provide a positive impact to the community, providing additional parking within walking distance of City amenities. In addition, the facilities are an expansion of the existing facility, will be monitored by VHDA safety/security staff, and will continue to provide access for lunches by the adjacent community;
- Tend to create congestion in the streets, roads, alleys, and other public ways and places in the area involved:
  - The proposed SUP will reduce congestion along public rights of way, reducing pedestrian traffic on First Street, and standardizing/simplifying vehicular flows and turning movements;
- Create hazards from fire, panic or other damages:
  - The proposed SUP will provide adequate access for fire protection, using exterior fire hydrants, fire department connections, and through providing adequate fire access;
- Tend to cause overcrowding of land and an undue concentration of population:
  - The proposed parking deck provides necessary parking for the VHDA HQ1 and the proposed HQ2, and will not overcrowd the existing site;
- Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences, and improvements:
  - The proposed SUP in its existing location does not interfere with schools, parks, and playgrounds. The SUP does not result in additional demands for domestic/fire water and does not increase the discharge into the existing sewer system, nor does it negatively impact transportation or other

public requirements, conveniences and improvements;

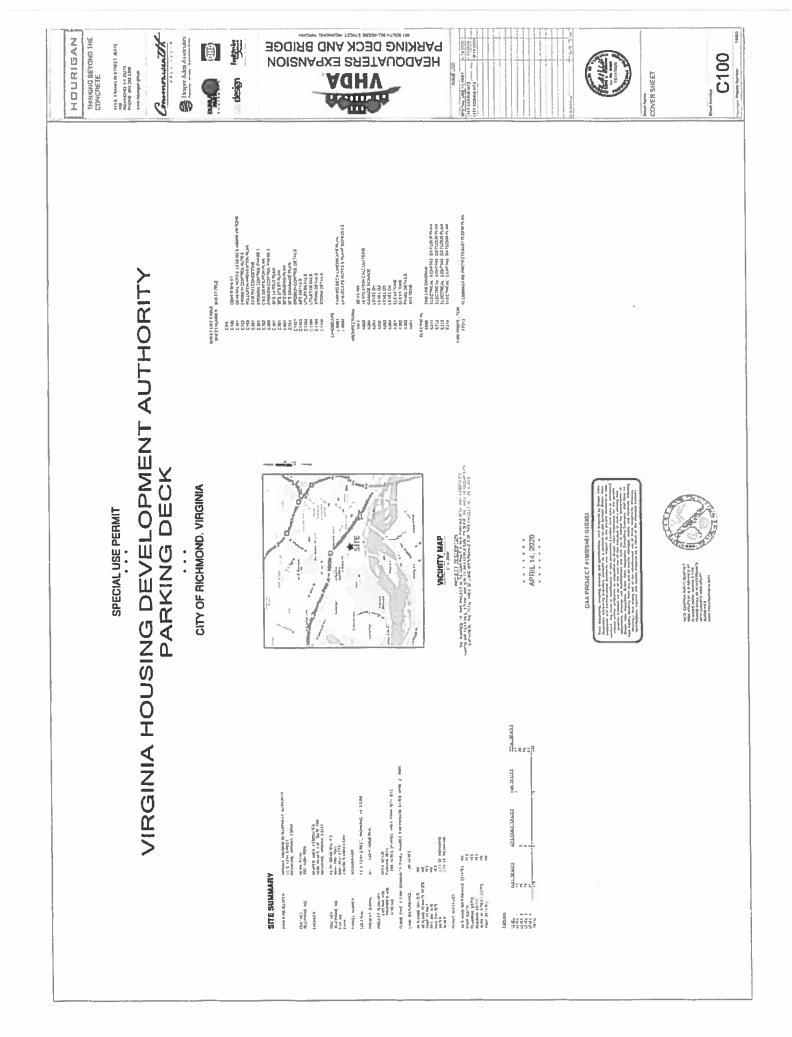
- Interfere with adequate light and air.
  - The proposed amendment in its existing location does modify or impede the lighting or air condition on the property or to adjacent properties.

The signage plan for this project has not yet been developed and will be approved by the director separately.

Sincerely, DRAPER ADEN ASSOCIATES

Daniel Hayes

Daniel Hayes, PE PMP Senior Project Manager



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