



Legislation Details (With Text)

**File #:** ORD. 2021-136    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** Adopted

**File created:** 3/24/2021    **In control:** City Council

**On agenda:** 6/7/2021    **Final action:** 6/14/2021

**Title:** To authorize the special use of the properties known as 3700 Monument Avenue and 1301A North Hamilton Street for the purpose of a multi-family building containing up to 263 units, upon certain terms and conditions. (1st District)

**Sponsors:** Mayor Stoney (By Request)

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord. No. 2021-136, 2. Staff Report, 3. Application Form & Applicant's Report, 4. Plans, 5. Survey, 6. Map

Date	Ver.	Action By	Action	Result
6/14/2021	1	City Council	adopted	Pass
6/7/2021	1	Planning Commission	recommended for approval	
5/10/2021	1	City Council	introduced and referred	

To authorize the special use of the properties known as 3700 Monument Avenue and 1301A North Hamilton Street for the purpose of a multi-family building containing up to 263 units, upon certain terms and conditions. (1<sup>st</sup> District)

WHEREAS, the owner of the properties known as 3700 Monument Avenue and 1301 A North Hamilton Street, which are situated in a R-73 Multifamily Residential District, desires to use such properties for the purpose of a multifamily dwelling containing up to 263 dwelling units, which use, among other things, is not currently allowed by sections 30-420.5(1), concerning front yards, 30-420.5(2), concerning side and rear yards, 30-420.6(1), concerning floor area ratio, and 30-420.6(2), concerning usable open space ratio, of the Code of the City of Richmond (2020), as amended; and

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 (2020), 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 3700 Monument Avenue and 1301 A North Hamilton Street and identified as Tax Parcel Nos. W000-1663/002 and W000-1663/010, respectively, in the 2021 records of the City Assessor, being more particularly shown on a survey entitled "Topographic Survey of Two Parcels Lying Along Hamilton Street," prepared by Timmons Group, and dated October 30, 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 multifamily dwelling containing up to 263 dwelling units, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "3700 Monument Avenue, Far West District - City of Richmond - Virginia," prepared by Timmons Group, dated November 28, 2020, and last revised March 25, 2021, and "Silverhills at Monument Ave., Richmond, Virginia," prepared by Dimitarchitects, and dated January 29, 2021,

hereinafter referred to, collectively, 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 multifamily dwelling containing up to 263 dwelling units, substantially as shown on the Plans. Amenity space shall also be provided on the Property.

(b) No fewer than 385 off-street parking spaces shall be provided on the Property, substantially as shown on the Plans. Up to 100 of the off-street parking spaces may be used as shared parking spaces for non-dwelling uses located off-site from the Property, provided that such non-dwelling uses are not routinely open, used, or operated after 6:00 p.m. or before 8:00 a.m. on any day.

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

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

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

(f) Storage for a minimum of 65 resident bicycles and 11 visitor bicycles shall be provided on the Property.

§ 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 (2020), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way, including the installation of a new sidewalk and ramps, and 14 street trees, 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, (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 (2020), 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 (2020), 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 (2020), 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.

### O & R Request

**DATE:** April 12, 2021

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor (Mayor, by Request)

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

**THROUGH:** J.E. Lincoln Saunders, Acting Chief Administrative Officer

**THROUGH:** Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

**FROM:** Kevin J. Vonck, Acting Director, Department of Planning and Development Review

**RE:** To authorize the special use of the properties known as 3700 Monument Avenue and 1301A North Hamilton Street for the purpose of a multi-family building containing up to 263 units, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To authorize the special use of the properties known as 3700 Monument Avenue and 1301A North Hamilton Street for the purpose of a multi-family building containing up to 263 units, upon certain terms and conditions.

**REASON:** The applicant is requesting a Special Use Permit for the purpose of multi-family use within an R-73 Multi-Family Residential Zoning District. Such a use is a permitted use in this district, however, the proposed building would not meet certain feature requirements, including setbacks and floor area ratio. 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 June 7, 2021, meeting.

**BACKGROUND:** 1301A North Hamilton Street is currently improved with a 26,448 sq. ft. commercial building, constructed in 1981, situated on a 54,886 sq. ft. (1.26 acre) parcel of land. 3700 Monument Avenue is currently a surface parking lot situated on a 46,778 sq. ft. (1.2 acre) parcel of land. Both properties are located in the Sauer's Gardens neighborhood, bound by I-195, Monument Avenue, and North Hamilton Street.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Corridor Mixed-Use which are uses "found along major commercial corridors and envisioned to provide for medium- to medium high-density pedestrian- and transit-oriented development."

Building sizes, "...density, and zoning districts for these areas may vary significantly depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Uses may be mixed horizontally in several buildings on a block or vertically within the same building. Developments continue 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 are required on street-oriented commercial frontages. Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. Driveway entrances are required to be of alleys whenever possible; new driveways are prohibited on priority and principal streets. Parking areas are located within the structure and to the rear of buildings and require screening; shared parking requirements are

encouraged. Buildings generally ranging from two to ten stories, based on street widths and depending on the historic context and stepping down in height adjacent to residential areas. New buildings that are taller than historical buildings should step back from the build-to line after matching the height of the predominant cornice line of the block.

Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space.

Secondary Uses: Single-family houses, institutional, and government.

The density of the proposed development is approximately 105 units per acre.

The current zoning for this property is R-73 Multi-Family Residential Zoning District. Adjacent properties are located within the R-53 Multi-Family and RO-2 Residential Office Districts.

**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:** May 10, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** June 24, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
June 7, 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

Key Issues:  
Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: