



Legislation Details (With Text)

File #: ORD. 2022-229 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 6/27/2022 **In control:** City Council

On agenda: 9/12/2022 **Final action:** 9/26/2022

Title: To authorize the special use of the property known as 501 North Allen Avenue for the purpose of a hotel use and ground floor commercial use, upon certain terms and conditions, and to repeal Ord. No. 98-115-182, adopted Jun. 8, 1998. (2nd District)

Sponsors: Mayor Stoney (By Request)

Indexes:

Code sections:

Attachments: 1. Ord. No. 2022-229, 2. Staff Report, 3. Application Form and Applicants Report, 4. Plans & Survey, 5. FDA Letter of Support, 6. HWGSA Letter of Support, 7. MAPS Letter of Support

Date	Ver.	Action By	Action	Result
9/26/2022	1	City Council	adopted	Pass
9/19/2022	1	Planning Commission	recommended for approval	
9/12/2022	1	City Council	continued and referred back	
9/6/2022	1	Planning Commission	recommended for continuance	Pass
7/25/2022	1	City Council	introduced and referred	

To authorize the special use of the property known as 501 North Allen Avenue for the purpose of a hotel use and ground floor commercial use, upon certain terms and conditions, and to repeal Ord. No. 98-115-182, adopted Jun. 8, 1998. (2nd District)

WHEREAS, the owner of the property known as 501 North Allen Avenue, which is situated in a R-48 Multifamily Residential District, desires to use such property for the purpose of a hotel use and ground floor commercial use, which use, among other things, is not currently allowed by section 30-416.1 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 property known as 501 North Allen Avenue and identified as Tax Parcel No. W000-0735/001 in the 2022 records of the City Assessor, being more particularly shown on sheet C2.0 of the plans entitled “Shenandoah Hotel Renovation, 501 N. Allen

Avenue, Richmond, VA,” prepared by Timmons Group, dated March 25, 2022, and last revised June 13, 2022, 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 hotel use and ground floor commercial use, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Shenandoah Hotel Renovation, 501 N. Allen Avenue, Richmond, VA,” prepared by Timmons Group, dated March 25, 2022, and last revised June 13, 2022, the plans entitled “Shenandoah Hotel Renovation, Richmond, Virginia,” prepared by Commonwealth Architects, and dated December 17, 2021, the plans entitled “Shenandoah, 501 North Allen Avenue, Richmond Virginia 23220,” prepared by Ash NYC, and dated March 14, 2022, and the survey entitled “ALTA/NSPS Land Title Survey, Greenfield Residence at Monument Avenue, 501 North Allen Avenue, Richmond, Virginia,” prepared by Freeland - Clinkscales & Associates, Inc. of NC, and dated November 29, 2017, and 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 hotel use and ground floor commercial use, substantially as shown on the Plans. Commercial uses allowed on the ground floor shall be defined as those permitted on corner lots in the R-63 Multifamily Urban Residential District pursuant to section 30-419.3 of the Code of the City of Richmond (2020), as amended.

(b) The hotel use shall contain no more than 75 lodging rooms.

(c) The Owner shall provide off-site valet parking for the Special Use.

(d) No fewer than 24 off-street parking spaces shall be provided on the Property for the Special Use, substantially as shown on the Plans. Off-street parking for no fewer than 50 vehicles shall be provided outside of the Property.

(e) The Property may be used for outdoor dining, substantially as shown on the Plans, between the hours of 7:00 a.m. and 10:00 p.m. Occupancy of the outdoor dining area shall not exceed 56 persons or the maximum capacity allowed by the Virginia Uniform Statewide Building Code, whichever is less. No live music shall be permitted in the outdoor dining area. No less than two covered trash containers shall be provided for the outdoor dining area.

(f) Subject to the requirements of the Commission of Architectural Review, signage substantially as shown on the Plans shall be permitted in addition to signage permitted in all districts pursuant to section 30-505 of the Code of the City of Richmond (2020), as amended.

(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) All building materials, elevations, and site improvements shall be substantially as shown on the Plans, subject to the issuance of a Certificate of Appropriateness by the Commission of Architectural Review.

(i) Retail sale of alcohol, for on-premises or off-premises consumption, may take place within the building and within the outdoor dining areas, subject to the regulations of the Virginia Alcoholic Beverage Control Authority, or its successor agency.

§ 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) 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. **Repeal of Prior Ordinance.** That Ordinance No. 98-115-182, adopted June 8, 1998, be and is hereby repealed.

§ 8. **Effective Date.** This ordinance shall be in force and effect upon adoption.

O & R Request

DATE: June 27, 2022

EDITION: 1

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

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

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

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

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

RE: To authorize the special use of the property known as 501 North Allen Avenue to allow for hotel use and ground floor commercial use, upon certain terms and conditions, and to repeal Ord. No. 98-115-182.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 501 North Allen Avenue to allow for hotel use and ground floor commercial use, upon certain terms and conditions, and to repeal Ord. No. 98-115-182.

REASON: The applicant is requesting a Special Use Permit which would allow for hotel and ground floor commercial use within R-48 - Residential (Multi-Family) zone on a lot with an overall size of 0.048 acres with existing building of roughly 35,000 square feet. Commercial uses are not permitted within the R-48 Residential zone. A Special Use Permit is therefore requested.

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 August 15, 2022, meeting.

BACKGROUND: The proposed project includes one parcel of land located on the east side of North Allen Avenue, in the Fan neighborhood. The total land area of the parcel is 2,100 square feet, or 0.048 acres. The property is currently improved with a historic 35,000 square foot, six-story building and parking lot. The building has previously included a residential use and adult care facility, but is currently vacant.

Richmond 300 recommends a future land use of “Neighborhood Mixed-Use” for the property. This designation is defined as “Existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses.” The development style is established as “These areas feature a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Setbacks, plazas, and parks create a sense of place and community gathering areas. New developments on larger parcels continue or introduce a gridded street pattern to increase connectivity within the neighborhood and to adjacent neighborhoods. In historic neighborhoods, small-scale commercial uses exist today or should be allowed to reestablish. In new neighborhoods, small scale commercial buildings should be introduced.”

Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.

The applicant is requesting to renovate the existing building to include a hotel of 75 rooms, restaurant, and bar.

The exterior façade of the building will not be physically altered, although signage is proposed to be placed on the building. Outdoor patio seating is proposed at the base of the building on an existing patio. The hotel will use off-site valet parking along with on-site parking located to the rear of the building.

The project is located in the Monument Avenue City Old and Historic District. The Committee of Architectural Review (CAR) approved all proposed changes on April 27, 2022.

CAR provided the following conditions:

- Final sign specification, including design and colors, be submitted for administrative review and approval, and that all signs hardware be installed in a way that does not damage existing historic material, and that the applicant adhere to any additional sign regulations required by the SUP;
- The canopies be installed in a way that does not damage existing historic material, final design and color submitted to Staff for administrative review and approval;
- Final window schedule be submitted for administrative review and approval;
- And, any additional conditions subsequently imposed by DHR Part II approval be submitted to CAR Staff for administrative review and approval.

Properties to the immediate north, west, and east are zoned R-48 Multifamily Residential and to the immediate south, R-6 Single-family Attached Residential. B-6 Mixed-Use Business is located one block to the north, along Broad Street.

The subject property is located approximately three blocks from the Alison Street GRTC Pulse station and approximately five blocks from the VCU and VUU station.

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: July 25, 2022

CITY COUNCIL PUBLIC HEARING DATE: September 12, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
August 15, 2022

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

RELATIONSHIP TO EXISTING ORD. OR RES.: Repeal Ord. No. 98-115-182

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Ray Roakes, Associate Planner, Land Use Administration (Room 511) 804-646-5467

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

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