



Legislation Text

File #: ORD. 2024-036, **Version:** 1

To authorize the special use of the properties known as 2900 Rady Street and 2733 5th Avenue for the purpose of up to 83 permanent supportive housing units, upon certain terms and conditions. (6th District)

WHEREAS, the owner of the properties known as 2900 Rady Street and 2733 5th Avenue, which are situated in a I Institutional District, desires to use such property for the purpose of up to 83 permanent supportive housing units, which use, among other things, is not currently allowed by section 30-432.1 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 properties known as 2900 Rady Street and 2733 5th Avenue and identified as Tax Parcel No. N000-0927/002 and N000-0719/0004, respectively, in the 2024 records of the City Assessor, being more particularly shown on a survey entitled “ALTA/NSPS Land Title Survey of 2 Parcels of Land Totaling 1.723 Acres Owned by Richmond Behavioral Health Authority,” prepared by Timmons Group, and dated November 8, 2023, 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 up to 83 permanent supportive housing units, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “2900 Rady Street, North District - City of Richmond - Virginia,” prepared by Timmons Group, dated September 15, 2023, and last revised December 15, 2023, and the plans entitled “2900 Rady Street Richmond, Virginia,” prepared by Arnold Design Studio, dated December 15, 2023, 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:

The Special Use of the Property shall be as up to 83 permanent supportive housing units, substantially as shown on the Plans. Amenity spaces, including a ground-level outdoor amenity space labeled “Outdoor Amenity Space,” and ground-level indoor amenity space labeled “Community Room” and “Bike Storage,” substantially as shown on the Plans, shall be provided. All other uses permitted in the I Institutional District, pursuant to section 30-432.1 of the Code of the City of Richmond (2020), as amended, shall also be permitted.

(a) No more than 30 off-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.

(b) No fewer than four short-term bicycle spaces shall be provided on the Property, substantially as shown on the Plans.

(c) The height of the Special Use shall not exceed four stories, substantially as shown on the Plans.

(d) Signs on the Property shall be limited to signs permitted in all districts pursuant to section 30-505 of the Code of the City of Richmond (2020), as amended, signs permitted in the I Institutional District, pursuant to section 30-511 of the Code of the City of Richmond (2020), as amended, and signs substantially as shown on the Plans. Internally illuminated signs and roof-mounted signs shall not be permitted.

(e) All building elevations and site improvements, including landscaping, shall be substantially as shown on the Plans. Brick, brick veneer, stone, stone veneer, masonry, vinyl, fiber cement, and engineered wood shall be permitted building siding materials. Vinyl siding shall have a minimum wall thickness of 0.044

inches, as evidenced by the manufacturer's printed literature.

(f) All mechanical equipment, including, but not limited to, transformers, serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(g) Subject to provisions of Chapter 30, Article VI, Division 15 of the Code of the City of Richmond (2020), as amended, all required supplemental materials that pertain to the permanent supportive housing use shall be submitted at the time of application for a certificate of zoning compliance.

(h) Ornamental vegetation shall be installed between the face of the building and the Rady Street public right-of-way frontage, which vegetation shall be comprised of a total of five trees not less than 2.5" in caliper. The final location of the forgoing ornamental vegetation shall be coordinated with the City's urban forestry reviewer and shown on a final landscape plan prior to issuance of a certificate of occupancy.

§ 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 sidewalk along 5th Avenue and Rady Street, substantially as shown on the Plans, which improvements may be complete in on 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 requirement of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works or the designee thereof 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 or the designee thereof, 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.

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: December 13, 2023

TO: The Honorable Members of City Council

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

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

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

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

RE: To authorize the special use of the property known as 2900 Rady Street and 2733 5th Avenue for the purpose of up to 83 permanent supportive housing units, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Special Use Permit to authorize 83 permanent supportive housing units, which use, among other things, is not currently allowed by section 30-432.1., concerning permitted principal uses, of the Code of the City of Richmond (2020), as amended. A Special Use Permit is therefore required.

BACKGROUND:

The properties are in the Highland Park Southern Tip neighborhood situated between Rady Street and 5th Avenue. The properties are currently vacant totaling 75,014.35 (1.722 acres).

The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential, which is defined as "Neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature."

Intensity: Buildings are generally one to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft. Residential density of 2 to 10 housing units per acre.

Primary Uses: Single-family houses, accessory dwelling units, and open space.

Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets” (p. 54).

The property is located in an I-Institutional District which is surrounded by zones including: M-1 to the south, R-6 to the west, M-2, I, and R-6 to the east, and U-B and R-6 to the north. The site is located off a portion of Rady Street, which is identified as a Major Residential Street.

2900 Rady Street is located in the Six Points Neighborhood Node, which envisions enlivening the area as a community center with more neighborhood services and residential uses, better connectivity to and around the area, and more placemaking and public art amenities that focus on the history and cultural assets of the area. The Six Points Node recommends future development between 2 and 4 stories and be sensitive to the surrounding residential neighborhood which exists in close proximity.

COMMUNITY ENGAGEMENT: The Highland Park Plaza Civic Association, North Highland Parking Civic Association, and the Upper Reservoir Civic Association were notified of the application; additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: None

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

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: January 22, 2024

CITY COUNCIL PUBLIC HEARING DATE: February 26, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

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

STAFF: Jonathan Brown, Senior Planner - Land Use Administration 804-646-5734

James Dealaman, Planner Associate - Land Use Administration 804-646-0455