



Legislation Text

File #: ORD. 2024-180, **Version:** 2

To authorize the special use of the properties known as 2300 Semmes Avenue, 2201 McDonough Street, 2301 McDonough Street, 215 West 22nd Street, 217 West 22nd Street, 219 West 22nd Street, 221 West 22nd Street, 301 West 22nd Street, 307 West 22nd Street, 315 West 22nd Street, 322 West 22nd Street, 302 West 22nd Street, 2100 Perry Street, and 222 West 21st Street for the purpose of up to three multifamily buildings containing an aggregate of up to 266 dwelling units, upon certain terms and conditions. (As Amended) (5th District)

WHEREAS, the owner of the properties known as 2300 Semmes Avenue, 2201 McDonough Street, 2301 McDonough Street, 215 West 22nd Street, 217 West 22nd Street, 219 West 22nd Street, 221 West 22nd Street, 301 West 22nd Street, 307 West 22nd Street, 315 West 22nd Street, 322 West 22nd Street, 302 West 22nd Street, 2100 Perry Street, and 222 West 21st Street, which are situated in OS Office-Service, R-6 Single-Family Attached Residential, and M-1 Light Industrial Districts, desires to use such properties for the purpose of up to three multifamily buildings containing an aggregate of up to 266 dwelling units, which use, among other things, is not currently allowed by sections 30-450.1, concerning permitted principal and accessory uses, 30-450.4, concerning yards, 30-450.6, concerning height, 30-412.1, concerning permitted principal uses, 30-412.5, concerning yards, 30-412.6, concerning lot coverage, 30-412.8, concerning height, 30-452.2, concerning yards, and 30-452.4, concerning height, 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 2300 Semmes Avenue, 2201 McDonough Street, 2301 McDonough Street, 215 West 22nd Street, 217 West 22nd Street, 219 West 22nd Street, 221 West 22nd Street, 301 West 22nd Street, 307 West 22nd Street, 315 West 22nd Street, 322 West 22nd Street, 302 West 22nd Street, 2100 Perry Street, and 222

West 21st Street and identified as Tax Parcel Nos. S000-0493/002, S000-0492/001, S000-0493/007, S000-0418/021, S000-0418/022, S000-0418/0023, S000-0418/024, S000-0489/012, S000-0489/005, S000-0489/001, S000-0491/024, S000-0491/038, S000-0418/001, and S000-0418/003, respectively, in the 2024 records of the City Assessor, being more particularly shown on the sheet entitled “SUP - 077005-2022 2201 McDonough ST., City of Richmond, Virginia, Parcels,” prepared by Kimley Horn, and dated May 2024, 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 three multifamily buildings containing an aggregate of up to 266 dwelling units, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “SUP - 077005-2022 2201 McDonough ST., City of Richmond, Virginia,” prepared by Kimley Horn, and dated May 2024, 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 up to three multifamily buildings containing an aggregate of up to 266 dwelling units, substantially as shown on the Plans. Uses established in section 30-419.3 of the Code of the City of Richmond (2020), as amended, shall be permitted anywhere on the ground floor of main buildings A, B, and C.

(b) Prior to the issuance of any building permit for the Special Use, the Owner shall obtain approval for a plan of development, or an amendment of the existing plan of development, for the

Special Use, including, but not limited to, final architectural elevation drawings and floor plans, a site plan, a landscape plan, a tree protection plan, a lighting plan, and a signage plan, pursuant to Article X, Division 4 of the Code of the City of Richmond (2020), as amended.

(c) Common areas, green space, landscaping, improvements within the right-of-way, pedestrian improvements on-site, parking areas, and other similar items shall be substantially as shown on the Plans. Garbage enclosures, accessory buildings no greater than 100 square feet, additional outdoor amenity spaces, ground-based signage, and pedestrian infrastructure greater than what is shown on plans may be approved by the Director of Planning and Development Review during the Plan of Development application review process.

(d) The number of stories, massing, and footprints of main buildings A, B, and C shall be substantially as shown on the Plans.

(e) Interior and exterior bicycle parking shall be provided as required in section 30-730.1 of the Code of the City of Richmond (2020), as amended, subject to approval by the Director of Planning and Development Review, pursuant to Article X, Division 4 of the Code of the City of Richmond (2020), as amended.

(f) Signs on the Property shall be limited to (i) those signs permitted in all zoning districts by section 30-505 of the Code of the City of Richmond (2020), as amended, and (ii) signs permitted in the R-63 District by section 30-507.1 of the Code of the City of Richmond (2020), as amended. Internally illuminated signage shall only include illuminated lettering and shall not include illumination of the background of the sign face. Neon signage shall not be permitted.

(g) All notes provided on the Plans are hereby incorporated into and made a part of this ordinance. If any notes conflict with this Ordinance, the Ordinance shall control.

(h) Usable open space of not less than 30 percent of the area of the Property shall be provided; balconies covered by enclosed building space shall be permitted to count toward the

requirement.

(i) A balcony or patio shall be provided for each dwelling unit. Vinyl shall not be permitted as a building material. Building façades shall meet the requirements of section 30-419.11 of the Code of the City of Richmond (2020), as amended.

(j) All pole-mounted lighting provided within the boundaries of the Property shall be directed or shielded so as not to shine directly on adjacent residential properties, shall not exceed 20 feet in height, and shall be dark sky compliant.

(k) Sections 30-700 through 30-720.4 of the Code of the City of Richmond (2020), as amended, shall apply to the Property, subject to approval by the Director of Planning and Development Review, pursuant to Article X, Division 4 of the Code of the City of Richmond (2020), as amended, except that vehicular parking shall be provided at a ratio of not less than 1.3 spaces per unit, inclusive of on-street parking spaces abutting the Property.

(l) Prior to the issuance of any building permit for the Special Use, the establishment and consolidation of parcels, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats and deeds among the land records of the Clerk of the Circuit Court of the City of Richmond.

(m) Prior to the issuance of any building permit for the Special Use, the Owner shall obtain all necessary approvals for the closure of public right-of-way.

(n) Prior to the issuance of any building permit for the Special Use, the Owner, at no cost to the City, shall either (i) provide an easement for public access or (ii) dedicate to the City additional right-of-way connecting Semmes Avenue to McDonough Street by means of a shared path.

(o) The Owner shall maintain public access to the unimproved section of Perry Street and the alley extending south from Perry Street to Porter Street between West 21st Street and West 22nd Street.

(p) Prior to the issuance of any building permit for the Special Use, the Owner shall dedicate to the City sufficient land to make the alley extending north from McDonough Street and serving 401 West 24th Street, 403 West 24th Street, 405 West 24th Street, 407 West 24th Street, 411 West 24th Street, and 2301 McDonough Street no less than 16 feet in width.

(q) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way. All facilities for the collection of refuse shall be screened so as not to be visible from any public right-of-way or adjacent property and shall not be located within 40 feet of McDonough Street or West 22nd Street. Facilities for the collection of refuse shall meet all other City standards.

§ 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, at the sole cost of the Owner, substantially as shown in the Plans. The City of Richmond reserves the right to provide assistance to the Owner, as the City deems expedient. The required improvements shall include the installation of street sidewalks, tree lawn, street trees, curb and gutter, street replacement, and street lighting along Semmes Avenue, McDonough Street, and West 22nd Street, substantially as shown on the Plans. The Owner shall construct, or cause to be constructed a minimum of one and a maximum of two speed tables, or similar traffic calming measures, to be located on McDonough Street or West 22nd Street, at no cost to the City. Such 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 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 1,096 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: June 18, 2024

TO: The Honorable Members of City Council

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

(This is 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 properties known as 2300 Semmes Avenue, 2201 McDonough Street, 2301 McDonough St, 215 West 22nd Street, 217 West 22nd Street, 219 West 22nd Street, 221 West 22nd Street, 301 West 22nd Street, 307 West 22nd Street, 315 West 22nd Street, 322 West 22nd Street, 302 West 22nd Street, 2100 Perry Street, and 222 West 21st Street for the purpose of up to three multifamily buildings containing an aggregate of up to 266 dwelling units, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Special Use Permit to authorize multi-family residential uses within the OS Office-Service, R-6 Single-Family Attached Residential, and M-1 Light Industrial Zoning Districts. This use is not permitted within the R-6 and OS Districts and the dimensional requirements of the proposed plans do not meet the requirements of the respective zones. A Special Use Permit is therefore required.

BACKGROUND: The property is located in the Swansboro neighborhood. The development includes parcels on McDonough Street, West 22nd Street, and Perry Street; centering around 2201 McDonough Street. The development site consists of roughly 6.94 acres. The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed Use and Residential. Neighborhood Mixed Use 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 (p. 56). Residential is defined as "Neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature." (P. 54)

Neighborhood Mixed Use Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets (see Street Typologies Map). Parcels are generally between 1,500 and 5,000 sq. ft.

Residential 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.

The current zoning for this property is OS office-service, R-6 Single-Family attached residential, and M-1 light industrial zoning district. Adjacent properties are located within a mix of zones including M-1 light Industrial to the east and south, R-53 Multi-family Residential to the south, and R-6 Single Family Attached Residential to the west.

The area is generally single family attached and detached, with some additional multifamily uses under development review in the vicinity. Canoe Run Park is located north of the development site, across Semmes Avenue. GRTC Bus Line 2A, 2B, and 2C run along Semmes within the vicinity of the development site. The proposed density is a maximum of 266 units located on roughly 6.94 acres, or roughly 38 units per acre.

COMMUNITY ENGAGEMENT: Swansboro Neighborhood Association was notified of the application and additional community notification will take place after introduction. The applicant has also been engaging with the community.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

FISCAL IMPACT: \$2400 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: June 24, 2024

CITY COUNCIL PUBLIC HEARING DATE: July 22, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, July 16, 2024

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, Plans, Survey, Map

STAFF:

Matthew Ebinger, Planning Supervisor, Land Use Administration (Room 511) 804-646-6308

Ray Roakes, Planner, authentiCITY Studio - Planning and Development Review (Room 511) 804-646-5467