



Legislation Details (With Text)

File #:	ORD. 2021-016	Version:	2	Name:	
Type:	Ordinance	Status:	Adopted		
File created:	12/10/2020	In control:	City Council		
On agenda:	2/16/2021	Final action:	2/22/2021		
Title:	To authorize the special use of the property known as 321 West Grace Street for the purpose of a mixed-use building containing up to 16 stories and up to 177 dwelling units, upon certain terms and conditions.				
Sponsors:	Mayor Stoney (By Request)				
Indexes:					
Code sections:					
Attachments:	1. Ord. No. 2021-016, 2. Staff Report, 3. Application Form and Applicant's Report, 4. Plans, 5. Survey, 6. Inclined Plane Exhibit, 7. Map, 8. Letters of Opposition, 9. Staff Presentation, 10. Applicant's Presentation				

Date	Ver.	Action By	Action	Result
2/22/2021	2	City Council	adopted	Pass
2/16/2021	2	Planning Commission	recommended for approval	Pass
1/25/2021	2	City Council	introduced and referred	

To authorize the special use of the property known as 321 West Grace Street for the purpose of a mixed-use building containing up to 16 stories and up to 177 dwelling units, upon certain terms and conditions.

WHEREAS, the owner of the property known as 321 West Grace Street, which is situated in a B-4 Central Business District, desires to use such property for the purpose of a mixed-use building containing up to 16 stories and up to 177 dwelling units that will individually house more than three unrelated persons, which use, among other things, is not currently allowed by sections 30-440.3, concerning yards, 30-440.5, concerning floor area and usable open space, 30-440.6, concerning height, and 30-1220.33(2), concerning the definition of family, 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 321 West Grace Street and identified as Tax Parcel No. W000-0174/001 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “ALTA / NSPS Land Title Survey of Land Known as 321 W. Grace Street, Richmond, Virginia,” prepared by Timmons Group, and dated July 5, 2020, a copy of which is

attached to a made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a mixed-use residential and commercial building containing up to 16 stories and up to 177 dwelling units that will individually house more than three unrelated persons, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “321 West Grace St., Concept Study,” prepared by hickok-cole, and dated January 15, 2021, 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 mixed-use building containing up to 16 stories and up to 177 dwelling units that will individually house more than three unrelated persons, with amenities and commercial uses on the ground floor, substantially as shown on the Plans.

(b) No fewer than 57 off-street parking spaces, of which no more than nine may be tandem off-street parking spaces, shall be provided for the Special Use.

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

(d) The height of the Special Use shall not exceed 16 floors, substantially 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) Up to four unrelated persons or combination of related and unrelated persons may reside within

individual dwelling units.

(g) Interior doors to bedrooms within dwelling units may contain exterior locking mechanisms.

(h) Leases of occupancy shall be 30 days or greater in length and may include separate rental agreements for different occupants of the same unit.

(i) The portion of the ground floor of the building labeled “Retail/Retail Equivalent” (the “Ground Floor Retail”) on sheet A.4 of the Plans shall be used exclusively for commercial uses permitted in the B-4 Central Business District. Notwithstanding the limitations in the preceding sentence, all or a portion of the Ground Floor Retail may be used for common amenity space or other use customarily incidental to a student housing development, upon a showing by the Owner to the Zoning Administrator that, for a period of not less than 12 months from the date of issuance of the final certificate of occupancy for the Special Use, all or a portion of the Ground Floor Retail has not been occupied by a commercial use and that all or a portion of the Ground Floor Retail has been made available for occupancy for the duration of such period at commercially reasonable rates. Satisfaction of the requirements of this subsection shall be evidenced by a certificate of zoning compliance for the Property issued by the Zoning Administrator.

(j) The eastern façade of the building, to the extent permitted by the Virginia Statewide Building Code, shall include windows substantially as shown on sheet A16 of the Plans or, in the alternative, substantially as shown on sheet A15 of the Plans.

§ 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 improvements to the alley, the installation of nine new street trees, the installation of a sidewalk ramp at the corner of West Grace Street and North Monroe Street, and sidewalk repair along West Grace Street and North Monroe 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, (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: December 14, 2020

EDITION: 1

TO: The Honorable Members of City Council

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, Acting Chief Administrative Officer

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

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

RE: To authorize the special use of the property known as 321 West Grace Street, for the purpose of a 16-story mixed-use building, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 321 West Grace Street, for the purpose of a 16-story mixed-use building, upon certain terms and conditions.

REASON: The applicant has requested a special use permit to allow a 16-story mixed-use building. The proposed uses are permitted in the B-4 Central Business Zoning District. However, as proposed, the structure does not meet setback requirements nor the inclined plane height restrictions required in the B-4 Central Business District. The building will contain a number of four bedroom apartments which may be leased to groups containing more than three-unrelated persons. A Special Use Permit is therefore required to accomplish this request.

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 February 1, 2021, meeting.

BACKGROUND: The proposal is to construct a 16-story building containing 177 dwelling units, and 4,470 square feet of commercial area on the ground floor. The ground floor and first level will also contain approximately 75 parking spaces and amenities such as a bike storage room.

The subject property consists of a parcel totaling 20,748 SF (.476 acres) of land improved with unscreened parking area. The property is a part of the Monroe Ward neighborhood in the City's Downtown Planning District, and has frontage on both West Grace Street and North Monroe Street.

The City of Richmond's current Pulse Corridor Plan designates the subject property for Downtown Mixed Use (DMU). This designation states that *the central business district of the Richmond region features high-density development with office buildings, apartments, and a mix of complementary uses, including regional destinations. Higher-density pedestrian- and transit-oriented development encouraged on vacant or underutilized sites; new development should be urban in form and may be of larger scale than existing context. Active commercial ground floor uses required on street-oriented commercial frontages. Active ground floor uses and design required on priority street frontages. Driveway entrances required to be off alleys whenever possible; new driveways prohibited on street-oriented commercial and priority street frontages. Little to no setback of new development unless to create pedestrian-oriented amenities like plazas and outdoor dining. Surface parking prohibited as a principal use; when surface parking is provided as an accessory use, it should be located to the rear of buildings and screened by shade trees. Parking requirements are substantially less in these areas than other areas of the city and are largely eliminated.*

Section 30-440 of the zoning ordinance states that *the intent of the B-4 Central Business District is to define the urban center of the city of Richmond by promoting dense, transit-oriented development with greater building height than elsewhere in the region. The district regulations are intended to promote redevelopment, placemaking, and development of surface parking lots to create high-quality urban spaces. Such regulations are also intended to improve streetscape character and enhance public safety by encouraging an active pedestrian environment consistent with the mixed-use character of the district and by providing uniform setbacks, first floor commercial uses, and windows in building façades along street frontages.*

The property is located in the B-4 Central Business District as are surrounding parcels to the north, east, and west. A mix of commercial, residential, office, and institutional land uses are present in this area. To the south, across the alley on property located in the RO-3 Residential Office Zoning District, is a 14-story multi-family apartment building containing 234 dwelling units.

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: January 11, 2021

CITY COUNCIL PUBLIC HEARING DATE: February 8, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission February 1, 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: David Watson, Senior Planner, Land Use Administration (Room 511) 804-646-1036

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: