



## Legislation Text

**File #:** ORD. 2020-264, **Version:** 1

To authorize the special use of the property known as 111 Spring Street for the purpose of a parking deck, upon certain terms and conditions.

WHEREAS, the owner of the property known as 111 Spring Street, which is situated in a RO-3 Residential-Office District and an M-1 Light Industrial District, desires to use such property for the purpose of a parking deck, which use, among other things, is not currently allowed by sections 30-428.1(6)(a), concerning permitted principal uses, 30-428.6(2)(a), concerning side and rear yards, 30-630.1(a), concerning required yards on lots having more than one street frontage, 30-630.3, concerning front yards adjacent to R and RO districts, and 30-730.2(2), concerning bicycle parking requirements, of the Code of the City of Richmond (2015), 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 (2015), 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 111 Spring Street and identified as Tax Parcel No. W000-0094/001 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled "Existing Conditions," shown on sheet C201 of the plans entitled "Special Use Permit, Virginia Housing Development Authority, Parking Deck, City of Richmond, Virginia," prepared by Hourigan, dated April 14, 2020, and last revised October 14, 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 parking deck, substantially as shown on the plans entitled "Special Use Permit, Virginia Housing Development Authority, Parking Deck, City of Richmond, Virginia," prepared by Hourigan, dated April 14, 2020, and last revised October 14, 2020, 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 parking deck containing up to 286 parking spaces, substantially as shown on the Plans.

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

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

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

§ 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 (2015), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way, including installation of a new concrete sidewalk along South 2<sup>nd</sup> Street, a new brick sidewalk and entrance along Spring Street, five street trees along South 2<sup>nd</sup> Street, and four street trees along Spring 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, and (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 (2015), 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 (2015), 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 (2015), 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:** November 13, 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:** Lenora G. Reid, Acting Chief Administrative Officer

**THROUGH:** Sharon L. Ebert, Deputy 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 111 Spring Street, for the purpose of  
permitting a parking deck, upon certain terms and conditions.

### **ORD. OR RES. No.**

**PURPOSE:** To authorize the special use of the property known as 111 Spring Street, for the purpose of  
permitting a parking deck, upon certain terms and conditions.

**REASON:** The applicant is requesting a special use permit to authorize the use of a parking deck within an  
RO-3 Residential Office and an M-1 Light Industrial Zone. Parking decks are allowed within these zones.  
However, the application does not meet certain feature, nor the site layout, requirements within the RO-3 and  
M-1 zones. 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 January 4, 2021 meeting.

**BACKGROUND:** The subject property consists of a 56,131 SF or 1.3 acre parcel of land. The property is  
located in the Gambles Hill neighborhood within the City's Downtown Planning District along 2nd Street  
between the Spring and 1st Streets.

The City of Richmond's current Downtown Plan designates the subject property as Downtown Civic Area  
which "...refers to both buildings and open spaces. Civic Buildings are public sites dedicated for publicly used  
buildings dedicated to culture, government, and public gatherings. Civic Spaces are outdoor areas dedicated for  
public use. The Virginia State Capitol and its grounds is an example of a Civic Area in Downtown." River  
vistas from the overlook adjacent to the Virginia War Memorial Statue should be considered so that

development will not adversely impact the perspective towards the James River from the southwest corner of the Pattern Storage Building on the Tredegar site to the Lee Bridge. It is essential that trees are planted along all primary Downtown streets in order to create walkable districts. Trees should be native species that are drought and pollution-tolerant and that provide a sufficient shade canopy that is high enough to leave the pedestrian and vehicle realm clear. They should not have fruit or seeds that will drop and litter or stain the sidewalk. Trees should be selected based on their life-span and size, so that they do not outgrow their surroundings. Trees should be planted at the back of curb on the sidewalk in order to provide shade for pedestrians and a sense of enclosure for drivers. Adjacent properties are the same M-1 and RO-3 zones. (Richmond Downtown Plan, p. 3.31)

The final version of the Richmond 300 Master Plan designates the subject property as Downtown Mixed-Use which recommends a development style of “Higher density pedestrian and transit-oriented development encouraged on vacant or underutilized sites. Historic buildings are adapted for new uses. Future development should be urban in form and may be of larger scale than existing context. Plazas and setbacks create an engaging street life. Many buildings are vertically mixed-use. New developments continue or 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 required on street-oriented commercial frontages. (Draft Richmond 300 Master Plan, p. 66)

The zoning of the subject property R-O3, Residential Office and M-1, Light Industrial, which does permit parking structures as a principal use.

Nearby properties are located in the same Districts to the south and East. A mix of institutional and office land uses are present in the vicinity.

**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:** December 14, 2020

**CITY COUNCIL PUBLIC HEARING DATE:** January 11, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission January 4, 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: