



Legislation Text

File #: ORD. 2022-263, **Version:** 1

To authorize the special use of the properties known as 3215 Stuart Avenue, 3215 Rear Stuart Avenue, 311 Tilden Street, 311 Rear Tilden Street, and 306 Rear Cleveland Street for the purpose of (i) a multifamily dwelling containing up to 39 dwelling units and (ii) two single-family attached dwellings, upon certain terms and conditions. (1st District)

WHEREAS, the owner of the properties known as 3215 Stuart Avenue, 3215 Rear Stuart Avenue, 311 Tilden Street, 311 Rear Tilden Street, and 306 Rear Cleveland Street, which are situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of (i) a multifamily dwelling containing up to 39 dwelling units and (ii) two single-family attached dwellings, which use, among other things, is not currently allowed by section 30-412.1 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 3215 Stuart Avenue, 3215 Rear Stuart Avenue, 311 Tilden Street, 311 Rear Tilden Street, and 306 Rear Cleveland Street and identified as Tax Parcel Nos. W000-1462/023, W000-1462/024, W000-1462/022, W000-1462/026, and W000-1462/043, respectively, in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “Boundary Survey for Parcels W0001462022, W0001462023, W0001462024, W0001462026, &W0001462043 in the City of Richmond, Virginia,” prepared by Nyfeler Associates, and dated December 6, 2021, 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 (i) a multifamily dwelling containing up to 39 dwelling units and (ii) two single-family attached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “St. Gertrude, 3215 Stuart Avenue, Richmond, VA 23221,” prepared by fultz &

singh, and dated April 28, 2022, and entitled “St. Gertrude High School, Richmond, Virginia,” prepared by HG Design Studio, and dated April 29, 2022, 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 (i) a multifamily dwelling containing up to 39 dwelling units and (ii) two single-family attached dwellings, substantially as shown on the Plans.

(b) The existing stained glass windows in Unit 23, as shown on the Plans, shall be protected during construction, and the wood trim and frame around the circular stained glass window in the existing chapel (Unit 23) shall remain in their current position, extent, and condition.

(c) The existing brick retaining wall shall be protected during construction and any damage shall be repaired with like materials. The existing brick retaining wall may be modified, substantially as shown on the Plans.

(d) Up to 51 parking spaces shall be provided on the Property for use by the multifamily dwelling and two parking spaces shall be provided for use by the single-family attached dwellings.

(e) Elevations, building materials, and site improvements pertaining to the multifamily dwelling shall be substantially as shown on the Plans, subject to the applicable regulations of the West of the Boulevard Design Overlay District, pursuant to sections 30-940 through 30-940.9 of the Code of the City of Richmond (2020), as amended. Elevations, building materials, and site improvements pertaining to the single-family

attached dwellings shall meet the standards of the underlying zoning district, subject to the applicable regulations of the West of the Boulevard Design Overlay District, pursuant to sections 30-940 through 30-940.9 of the Code of the City of Richmond (2020), as amended.

(f) The height of the multifamily dwelling shall not exceed the height shown on the Plans, and the height of the single-family attached dwellings shall not exceed three stories.

(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) In addition to signs permitted in all districts, pursuant to section 30-505 of the Code of the City of Richmond (2020), as amended, the existing freestanding sign, not exceeding 45 square feet in area, may be used for the Special Use.

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

O & R Request

DATE: June 27, 2022

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, 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 properties known as 3215 Stuart Ave, 3215 Rear Stuart Ave, 311 Tilden St, 311 Rear Tilden St, and 306 Rear Cleveland Street, to authorize multi-family use of an existing building and up to two new single-family dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the properties known as 3215 Stuart Ave, 3215 Rear Stuart Ave, 311 Tilden St, 311 Rear Tilden St, and 306 Rear Cleveland Street, to authorize multi-family use of an existing building and up to two new single-family dwellings, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit which would allow for up to 39 multi-family units within a R-6 Single-Family Attached Residential District within a 68,797 square foot building which was formerly a private school use, as well as two new single-family dwellings. Multi-family uses are not permitted within the R-6 District. 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 property is located on Stuart Avenue between Tilden Street and North Cleveland Street in the Museum District. The property was previously used as a private educational facility called St. Gertrude's High School.

Richmond 300 recommends a future land use of "Institutional" for the property. This designation is defined as "Public and quasi-public entities, such as local, state, and federal government, hospitals, universities, schools, and religions institutions." The development style is established as "Several buildings owned by an institution are often connected by an engaging character that creates a campus-like environment."

Primary Uses: Institutional, cultural, government, and open space.

Secondary Uses: Retail/office/personal service and multi-family.

The proposed project is the renovation and reuse of the existing building, which includes 68,797 square feet of floor area. The application requests to allow for 39 multi-family units which is not permitted in an R-6 - Residential (Single Family Attached) zone. The project does not include any expansion of the building footprint, but additional square footage on the interior of the building will be added by creating new floors in spaces that include a ceiling height tall enough to fit multiple floors. The project will use Historic Tax Credits and is in the process of receiving the appropriate additional approvals, primarily for the portion formerly used as a chapel. The former chapel has been appropriately de-consecrated by the former religious users and the remaining religious and historic detailing will be maintained through the requirements of the historic tax credit process.

The project is located in the West of the Boulevard Design Guideline District. The portion of the architecture that falls under the guidelines has been reviewed by Staff for appropriateness.

Surrounding properties are zoned the same R-6 residential zone as the subject property and include primarily residential uses.

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.: None

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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