

## News & Alerts

**December 2016**

### **Hirschler Fleischer Advances Two High Profile Projects in the City of Richmond**

The Hirschler Fleischer Land Use and Zoning team has been hard at work the past several months, advocating for clients on two high profile projects within the City of Richmond. Despite significant obstacles, the team worked creatively and determinedly to advance projects for St. Catherine's School and Fountainhead Real Estate Development.

#### **St. Catherine's Gets Green Light To Expand Grove Avenue Campus**

Hamstrung by its residential zoning status, The St. Catherine's School in Richmond had reached the maximum lot coverage permitted at its Grove Avenue campus. The inability to add academic space threatened the school's current and future programming. With assistance from partner Jeff Geiger, St. Catherine's was able to obtain a rezoning that provides room for growth over the next 10-20 years.

St. Catherine's faced strong headwinds in advancing its rezoning agenda. A redevelopment proposal under consideration just blocks away had drawn significant opposition from neighborhood residents, creating a hostile environment for the school's rezoning request. A community group called "Save Libbie and Grove" had been formed to preserve existing zoning in the area around St. Catherine's and to limit the height of new development. The group's yard signs could be seen throughout the community.

Working creatively to anticipate community concerns, Jeff focused St. Catherine's rezoning request on the community benefits that would be achieved with the rezoning request, among them:

- Preservation of the existing height of historical buildings on campus as a means of achieving an increase in the maximum height permitted under current residential zoning.
- An increase in the availability of on-street parking spaces for businesses and residents as a result of the addition of 125 new parking spaces on St. Catherine's campus.
- Improved safety and traffic flow on Grove and Maple Avenues with the addition of a new traffic light at the Grove Avenue and Maple Avenue intersection, and a new high-intensity activated cross walk signal at the Grove Avenue and Somerset Road intersection.

In the quest for rezoning approval, Jeff held more than 10 meetings with community and neighborhood leaders to outline both the community benefits and the school's academic need for the change. He took time to understand the concerns of organized opposition and presented the case as part of the solution to the group's concerns.

In the end, the Planning Commission and City Council voted unanimously to approve the school's rezoning request.

### **Fountainhead Real Estate Development Cleared for Mixed-Use Tower Project**

With the success of a protracted rezoning case and development agreement, local developer Fountainhead Real Estate Development is finally able to move forward with plans to build two towers on a parcel of island-like property along the riverfront in Manchester, just west of the Mayo Bridge. For more than 100 years, the property was home to Federal Paper Mill, an industrial paper plant that closed in 2010. In purchasing the property, Fountainhead views the site as a gateway to the City with its highest and best use requiring structures large enough to command attention from both sides of the river. The goal of the rezoning was to allow enough market rate residential units (and related parking) to create the density of population that would further the transformation of this former industrial area to a new vibrant residential neighborhood bringing residents back to the City.

Partner Brian Jackson led the negotiation and drafting of a development agreement between Fountainhead and the City of Richmond. The agreement included an exchange of land, resolution of various access, easement and title disputes and the replacement of an outdated bridge over the Manchester Canal. In support of the project, Brian also prepared a compelling rezoning case with proffers to shift the property from Riverfront zoning to Central Business District zoning. The zoning change allows Fountainhead to build to heights above six stories and provides relief from various yard setback requirements, land area ratio coverage and building spacing.

Despite opposition from the local neighborhood organization, Brian led the client through two community meetings and individual appeals to businesses and residents that resulted in numerous letters of support, a favorable online poll and a petition signed by area business owners and residents. After months of individual meetings and negotiations with city planning staff, city officials and council members, Brian secured unanimous approval of the rezoning and four related ordinances by the Council's Land Use Committee, the Planning Commission and City Council.

Fountainhead's development will include two towers, each up to 16 stories high and comprised of more than 220 residential units and several layers of structured parking. Although specific design and use plans are not final, Fountainhead will develop the project in two phases. In addition to residential units, the project is expected to include commercial space for retail and/or office uses on the first floor above the Flood Wall, including a possible restaurant with outdoor

dining and related amenities and other uses that give the public, commercial tenants and their customers/guests opportunities for views of both the James River and City skyline.

The project will allow pedestrian activity at street level and along the riverfront with public access to the Floodwall Walk and Diversity Park that will encourage public enjoyment of recreational opportunities near the river such as fishing, hiking, kayaking, bird watching, swimming and bicycling. Because of the site's high visibility from the northern side of the James River and from the Mayo Bridge and I-95 Bridge, it will serve as an appealing focal point of the revitalization efforts underway in this formerly blighted area.

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