



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**Ord. No. 2015-157:** To authorize the special use of the property known as 718 North 23rd Street for the purpose of a mixed-use development that includes multifamily residential and commercial uses, upon certain terms and conditions

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** September 8, 2015

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#### **PETITIONER**

Matt Jarreau  
722-724 Jessamine St, LLC

#### **LOCATION**

718 North 23rd Street

#### **PURPOSE**

To authorize the special use of the property known as 718 North 23rd Street for the purpose of a mixed-use development that includes multifamily residential and commercial uses, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

A special use permit application has been submitted to authorize a mixed-use building (1st floor - restaurant; 2nd & 3rd floor - multifamily units). The subject property consists of a 0.078 acre (3,398 sq ft) triangular parcel of unimproved land. The property is located at the intersection of Jessamine, Cedar, and North 23rd Streets in the Union Hill neighborhood of the East planning district. The property is also located within the Union Hill City Old & Historic District and the proposed improvements have received a Certificate of Appropriateness from the Commission of Architectural Review.

The property is zoned in the R-63 Multifamily Urban Residential District, which allows first-floor restaurant use and multifamily use within the same building on corner lots. However, the proposed restaurant use exceeds 1,500 square feet in floor area and the property does not meet minimum lot size requirements for multifamily use. A special use permit is therefore required.

Staff finds that the proposed, historically-sensitive, mixed-use infill development would be consistent with the intended purpose of the R-63 Multifamily Urban Residential District and would contribute to the stabilization of the neighborhood.

Staff further finds that the subject property is located within a pedestrian-oriented area and the proposed use would not pose an undue burden on the neighborhood's on-street parking capacity due to the general availability of on-street parking, provision of bicycle storage required of the proposed use, and access to mass transit. Moreover, though pedestrian-oriented, there is a high

prevalence in the area of parcels containing surface parking areas as the primary use. Staff does not wish to encourage the expansion of such uses.

Staff further finds that with the conditions of the ordinance, the safeguards contained within the City Charter, relative to the granting of special use permits, are met. Staff therefore recommends approval of the proposed special use permit.

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## **FINDINGS OF FACT**

### **Site Description**

The subject property consists of a 0.078 acre (3,398 SF) triangular parcel of unimproved land. The property is located at the intersection of Jessamine, Cedar, and North 23rd Streets in the Union Hill neighborhood of the East planning district. The property is also located within the Union Hill City Old & Historic District.

The applicant intends to reduce the area of the subject property to 0.062 acres (2,718 SF) through a boundary line adjustment with the adjacent parcel (726 N 23rd Street), so that a single-family dwelling can be accommodated at 726 N 23rd Street, currently a vacant parcel. This special use permit requires the boundary line adjustment, but does not include the single-family use at 726 N 23rd Street.

### **Proposed Use of the Property**

Construction of a 3,800 SF mixed-use building containing approximately 1,900 SF of first-floor commercial (i.e., restaurant) space and approximately 3,800 SF of second- and third-floor multifamily residential space. Both residential floors contain an identical layout consisting of one 1-bedroom unit (762 SF) and one 2-bedroom unit (1,144 SF), for a total of four dwelling units at a density of approximately 65 units per acre.

Multifamily density permitted in the R-63 under normal zoning requirements begins at a maximum of approximately 44 units per acre. However, parcels of higher residential densities are scattered throughout the area, the proposed building would not exceed the R-63 maximum height requirements, and the proposed dwelling units are adequately sized.

No vehicular parking for the proposed development would be required by the special use permit. Under normal zoning requirements, a mixed used development of this type would require four parking spaces, based on the number of dwelling units. The applicant conducted a parking study from Monday, April 6 through Sunday, April 12, 2015 which encompassed the 700 blocks of N 23<sup>rd</sup> and Jessamine Streets and the 2200 block of Cedar Street. The study indicates the general availability of on-street parking. Furthermore, bicycle storage for use by the dwelling units will be provided on the subject property, and the subject property is located on a bus line.

### **Master Plan**

The City of Richmond's Master Plan recommends Mixed Use (Residential) land use for the property. The Master Plan defines the primary uses for this category as single-, two-, and multifamily dwellings, live/work units and neighborhood-serving commercial uses developed

in a traditional urban form. The typical zoning classification recommended to accommodate this land use category is R-63 (p. 304). A maximum residential density is not specified for the Mixed Use (Residential) land use designation.

In regard to the East District, the Master Plan states there is a “continued need...to stabilize older low-income residential neighborhoods throughout the District, particularly north of Broad Street in the Church Hill, Oakwood/Chimborazo, and Fairmount neighborhoods” (p. 163) and that “existing historic preservation design controls should be maintained” (p. 166). “Commercial uses in the East District should be concentrated within existing commercial service centers and mixed use areas” (p. 169).

Prior to the 2010 Master Plan Amendment, the Master Plan presented concerns regarding corner commercial uses, stating they “should be restricted to neighborhood commercial uses with limitations on operating hours, number of employees, and signage...Neighborhood commercial uses are deemed appropriate only as long as ABC licenses are not included in their operation” (p. 170). However, with the expansion of mixed use areas recommended by the 2010 amendment, increased commercial activity is encouraged in the area and concerns regarding commercial uses, particularly the sale of alcohol, have been reduced.

### **Zoning & Ordinance Conditions**

The property is zoned in the R-63 Multifamily Urban Residential District, which allows first-floor restaurant use and multifamily use within the same building on corner lots. However, the proposed restaurant use exceeds 1,500 square feet in floor area and the property does not meet minimum lot size requirements for multifamily use.

The intent of the R-63 District, according to the Zoning Ordinance, “is to encourage development of medium density neighborhoods comprised of a mix of residential uses and to promote a pedestrian oriented urban environment that is primarily residential in character, but that includes limited nonresidential uses that serve many of the day-to-day convenience needs of neighborhood residents and provide opportunities for residents to live and work within the neighborhood. The district is intended to be applied within or in close proximity to areas of the city that reflect an urban scale of development and afford convenient access to major employment centers and community facilities, and to encompass undeveloped or underdeveloped properties comprising areas large enough and with sufficient residential density to enable establishment of a cohesive neighborhood. The district regulations permit corner commercial uses that are limited in location, type and scale and are intended to provide for the convenience of neighborhood residents within walking distance, to respect the primary residential character of the neighborhood and to avoid traffic, parking, noise and other impacts that typically result from uses that draw patrons from outside a neighborhood. The district regulations are also intended to promote a streetscape that is urban in character by requiring minimal building setbacks uninterrupted by parking areas along principal street frontages, and to enhance public safety and encourage an active pedestrian environment appropriate to the residential character of the district by providing for windows in building facades along street frontages.”

The special use permit ordinance conditions limit the use of the property to a mixed- use development consisting of up to four dwelling units and one ground floor commercial space.

The uses allowed within the commercial spaces shall be limited to the permitted principal uses on corner lots in the R-63 Multifamily Urban Residential District.

Signage on the property must meet the zoning requirements for signage in the R-63 district.

All building materials, material colors, and site improvements shall be substantially as shown on the Plans attached to the ordinance and subject to the provisions of any applicable Old and Historic District regulations and any approvals granted by the Commission of Architectural Review.

Operations of the commercial space shall cease by no later than 11:00 p.m. daily.

As stated above, a boundary line adjustment with 726 N 23rd Street shall take place prior to submission of building permits.

Mechanical equipment and facilities for the collection of refuse shall not be visible from any public right-of-way.

No vehicular parking shall be required.

Secure storage for no fewer than four bicycles shall be provided on the Property for use by the multifamily dwelling units.

The Owner shall replace any street tree that dies within 365 calendar days after the issuance of a certificate of occupancy for the Property.

### **Surrounding Area**

All adjacent properties are part of the larger R-63 district that encompasses the majority of the neighborhood. A mix of residential (single-, two-, and multifamily), commercial, institutional, and some mixed use land uses are present in the area.

### **Neighborhood Participation**

Staff has notified the Union Hill Civic Association and Councilwoman Cynthia I. Newbille of the request. A letter of support from the Union Hill Civic Association was received, which was provided with the understanding that off-street parking would be provided as part of this development. The applicant has also submitted a list of community members in support of the project.

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