

# APPLICANT'S REPORT

*February 25, 2021*

*Revised: November 16, 2021*

*Special Use Permit Request*

*212 East Leigh Street, 603 North 2<sup>nd</sup> Street, Richmond, Virginia*

*Map Reference Numbers: N-000-0040/021, N-000-0040/028*

---

Submitted to:	<b>City of Richmond</b> Department of Planning and Development Review Land Use Administration 900 East Broad Street, Suite 511 Richmond, Virginia 23219
Submitted by:	<b>212 E Leigh LLC</b> 212 East Leigh Street, Apt. 1 Richmond, VA 23219
Prepared by:	<b>Baker Development Resources</b> 530 East Main Street, Suite 730 Richmond, VA 23219

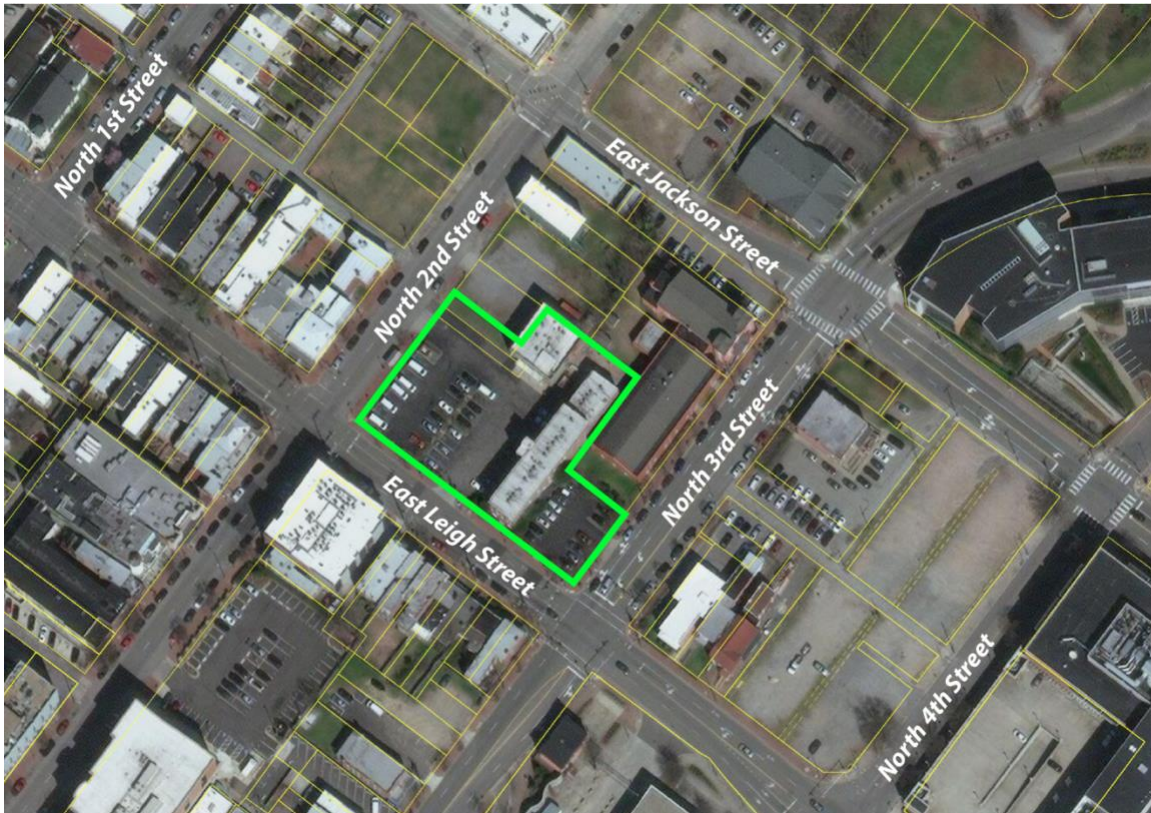
## Introduction

The applicant is requesting a special use permit amendment (the "SUPA") for the parcels known as 212 East Leigh Street and 603 North 2<sup>nd</sup> Street (the "Property") in order to authorize the development of a mixed-use building containing sixty-three dwelling units and ground floor commercial space, along with accessory uses and parking.

## Existing Conditions

### SITE DESCRIPTION AND EXISTING LAND USE

The Property occupies the northern frontage of East Leigh Street between its intersections with North 2<sup>nd</sup> Street and North 3<sup>rd</sup> Street. The Property is referenced by the City Assessor as tax parcels N-000-0040/021 (212 East Leigh Street) and N-000-0040/021 (603 North 2<sup>nd</sup> Street). The parcel at 212 E Leigh Street contains 0.8634 acres (37,611 square feet) of lot area, and is improved with two buildings and two surface parking lots. The buildings include: a three-story brick main building containing 15,130 square feet of floor area and a two-story brick carriage house building containing 2,800 square feet of floor area. Both buildings were constructed circa 1900. The Property is the subject of a Special Use Permit (Ordinance 2010-11-83) (the "SUP"), which was adopted on May 10, 2010. The SUP waived the ground floor commercial requirement for the carriage house building in order to permit it to be adaptively reused as 8 dwelling units. The main building is



included within the SUP. However, it was renovated as 14 dwellings and a 3,340 square foot ground floor commercial space as permitted by the underlying B-2 zoning. The parcel at 603 N 2<sup>nd</sup> Street contains 0.0260 acres (1,135 square feet) of lot area and is unimproved. Lying between the two parcels is a private alley that contains 0.0282 acres (1,230 square feet) of lot area. There is currently a total of fifty-six off-street parking spaces in the surface parking lots.

The other properties in the immediate area are improved with a mixture of uses. The southern frontage of East Leigh Street on the subject block features multifamily, two-family, and single-family attached uses; the southeastern corner of East Leigh Street and North 2<sup>nd</sup> Street was recently improved by a 4-story mixed-use building that was approved by a 2019 special use permit and contains thirty-one dwelling units. Within a block of the Property are other multifamily, commercial, office, and mixed-use parcels. The area's historic development pattern has been significantly affected by the introduction of surface parking lots which were developed in the latter half of the twentieth century to serve visitors to Downtown and the adjacent Greater Richmond Convention Center.

### EXISTING ZONING

The Property is currently zoned B-2 Community Business District, which permits the proposed multifamily and commercial uses subject to certain feature requirements. The Property is the subject of a Special Use Permit that waived the ground floor commercial requirement for the carriage house building in order to permit it to be adaptively reused for multi-family dwelling use. Immediately to the south along East Leigh Street properties are zoned RO-2 Residential-Office, which permits a mix of uses including office and multi-family dwellings. To the east across North 2<sup>nd</sup> Street are a number of properties zoned RO-3 Residential-Office. Further to the west along





East Leigh Street are a number of properties zoned R-63 Multifamily Urban Residential, which permits multifamily dwellings and certain corner commercial uses.

## **MASTER PLAN DESIGNATION**

The Richmond 300 plan (the "Master Plan"), which was recently approved by City Council, recommends "Neighborhood Mixed-Use" ("NMU") for the Property. The proposed mixed-use development including multifamily dwellings is consistent with this designation in use as large multifamily dwellings and retail/office/personal service are listed as secondary uses within that classification. The Property has frontage on East Leigh Street and North 3<sup>rd</sup> Street, which are referenced by the Master Plan as "Major Mixed-Use" streets. Because of that, the NMU designation supports new construction of greater than four stories. Furthermore, it generally supports use of buildings' ground floors for commercial, retail, office, or institutional uses—particularly on corner lots.

In addition to the NMU future land use designation, the Property also falls within the Jackson Ward Regional/National Node, which is one of the City's Priority Growth Nodes. This additional geographical designation in the Master Plan suggests the Property is particularly important in achieving the goals of the City. The Master Plan approximated a total of 29 acres in this node's boundary were vacant/underdeveloped at the time the Master Plan was written. This node further suggests that new infill development should be of quality architecture that compliments the historic neighborhood.

The SUPA is consistent with additional policy guidance found within other chapters of the Master Plan. These include, but are not limited to:

- High-Quality Places chapter, Objective 4.1: "to create and preserve high-quality, distinctive, and well-designed neighborhoods and Nodes throughout the City." This objective is met as the SUPA would implement a number of the policy suggestions, such as "(f) Ensure that building materials are durable and create a lasting addition to the built environment," (p. 100).
- Inclusive Housing Chapter. The SUPA would address a number of policy suggestions, such as Objective 14.5: "to encourage more housing types throughout the City and greater density...at Nodes."
- Goals, Objectives, and Strategies, Objective 6.1 suggests it is important to increase the number of residents and jobs at Nodes and along enhanced transit corridors.

# **Proposal**

## **PURPOSE OF REQUEST**

The SUPA would authorize the construction of a high quality, mixed-used development including 63 multifamily dwellings units, a ground floor commercial space, and accessory uses and parking. The current B-2 zoning permits the multi-family dwelling use and the proposed commercial space. However, several B-2 district feature requirements would not be met, including building height, front yard setback, and parking. The B-2 District limits building height to 35 feet, while the proposed five-story building would be approximately 61 feet in height. The B-2 district would require a front yard of 25' as modified by existing adjacent buildings, while the proposed building

would be located at the property line in order to engage the street. Finally, the proposed parking is adequate to meet normal zoning requirements for the proposed dwelling along with occupancy of the commercial spaces with less intense office, retail or personal services uses. However, a partial parking waiver is requested in order to permit flexibility in the occupancy of the commercial spaces with any B-2 commercial use. As a result, a special use permit amendment is required to authorize the proposed development.

## **PROJECT DETAILS**

The proposal consists of the construction of a high-quality mixed-use development, including: 63 multifamily dwellings units; 1,473 square feet of leasable ground floor commercial space, and accessory uses and structured parking. The new construction is proposed in addition to the existing buildings on the site, which will remain. The existing buildings include: a three-story brick main building containing 15,130 square feet of floor area and a two-story brick carriage house building containing 2,800 square feet of floor area. The main building was previously rehabilitated as 14 dwellings and a 3,340 square foot ground floor commercial space and the carriage house has been adaptively reused as 8 dwelling units. The Property is currently underdeveloped and presents a large surface parking area to the significant intersection of North 2nd and East Leigh Streets. The proposed development represents an appropriate and efficient infill development for this location that is consistent with Master Plan guidance.

### ***Building and Site Design***

The proposed development is designed with building scale, architectural detail and siting that are reflective of the recommendations of the Master Plan, much of which is not guaranteed by the applicable B-2 regulations. The proposed buildings would be five stories in height and contain 65,988 square feet of floor area. The ground floor would include 5,178 square feet of floor area and a structured parking area including 37 parking spaces. 1,473 square feet of the ground floor area would be improved as commercial space with storefronts oriented toward the corner at N 2<sup>nd</sup> and E Leigh Streets. Floors 2 through 5 would be occupied by 63 dwelling units. The building utilizes a clean and modern exterior overall with the main cladding material being brick in a running bond pattern.

The development would address the existing street network with sidewalks, regular tree plantings, and minimal setbacks. The building's facades would be brought forward in order to hold the corner at the intersection of East Leigh Street and North 2nd Street. Storefronts, main entrances and windows would engage the street frontage and the ground floor corner commercial space would provide for an active use at the corner. A lobby and clubhouse area would be accessed by a main entry from interior courtyard parking area, while the leasing office would occupy ground floor frontage along North 2<sup>nd</sup> Street. These elements serve to provide interest and activity along the frontage, thus providing a more walkable environment.

### ***Dwelling Units***

The sixty-three new dwelling units would be comprised of forty-four one-bedroom/one-bathroom units and nineteen two-bedroom/two-bathroom units. One-bedroom units would be 672 square feet in floor area and two-bedroom units would range between 1,080 and 1,274 square feet.

The dwelling units would be desirable in the market with modern, efficient and very livable layouts. The proposed layouts would provide for large open living areas and ample windows to allow for light and air. Kitchens are integrated into the living area as a part of the open design and are typically arranged with islands/peninsulas to allow for an eating area or additional working surface. Circulation in the units is handled within the living areas and the absence of hallways maximizes the usable floor area. Bedrooms are large and are typically configured with *en suite* baths and walk-in closets. Each unit would be equipped with a washer and dryer for the convenience of the occupants.

### ***Amenities***

The fifth floor features a clubroom and a rooftop deck that overlooks the intersection of North 2<sup>nd</sup> Street and East Leigh Street. Flanking the ground-floor tenant lobby are mail and package rooms that also connect to the leasing office, which will ensure quality residential management by design of the space. There are also two bike racks which will be covered by the building and easily accessible from East Leigh Street and North 2<sup>nd</sup> Street.

### ***Building Height***

The B-2 District limits building height to 35 feet, while the proposed five-story building would be approximately 61 feet in height. This height limitation is inconsistent with the Master Plan recommendation with regard to height, which suggest that “buildings taller than four stories may be found along major streets”. North 2<sup>nd</sup> Street and East Leigh Street are both considered major streets as the Street Typologies Map identifies them as “Major Mixed-Use Streets”. There is guidance throughout the Master Plan that suggests this should site be utilized in a more efficient manner than would be permitted by the B-2 district regulations. Jackson Ward is recognized as a Priority Growth Node where the City is encouraging the most significant growth in population and development over the next 20 years. The Property also lies along an “Enhanced Transit Corridor”. Objective 6.1 (Goals, Objectives, and Strategies) suggests it is important to increase the number of residents and jobs at Nodes and along enhanced transit corridors. The proposed building height would better address these goals than would be permitted by the underlying zoning.

### ***Front Yard Setback***

The B-2 zoning district is unique among B zoning districts in that it requires a front yard of 25 feet. This is inconsistent with guidance found throughout the Master Plan that suggests the building form, in particular at corners, should be brought to the property line in order to engage the street and define the pedestrian realm. The SUPA would permit the proposed development to address this recommendation by “holding” the corner at this significant intersection.

### ***Parking***

With the completion of the proposed development, the Property would be occupied by a total of 85 dwelling units and 4,813 square feet of commercial space. The proposed 50 parking spaces would permit the parking requirements applicable to B-2 zoning to be met for the dwellings and commercial space, provided the commercial spaces were occupied by less intense uses such as office. The below chart shows that, in the case of office uses occupying the commercial space, there would be a surplus of 9 parking spaces according to normal parking requirements. Similarly, occupancy of the commercial spaces with retail or personal service uses would also meet normal parking requirements with a surplus of 6 parking spaces.

<b>Building</b>	<b>Use</b>	<b>Requirement</b>	<b>Spaces</b>
Carriage House	8 Dwelling Units	1 space/dwelling unit	8 spaces
Existing Main Building	14 Dwelling Units	1 space/4 dwelling units	3.5 spaces
New Building	63 Dwelling Units		15.75 spaces
Existing Main Building	Office, 3,340 SF	1 space/300 SF up to 1500 SF, 1/400 SF thereafter	13.28 spaces
New Building	Office, 1,473 SF		
Existing Main Building	Retail, 3,340 SF	1 space/300 SF	16.04 spaces
New Building	Retail, 1,473 SF		
<b>Total Required (Office Scenario)</b>			<b>41 Spaces</b>
<b>Total Required (Retail/Personal Service Scenario)</b>			<b>44 Spaces</b>
<b>Total Proposed</b>			<b>50 spaces</b>

A partial parking waiver is requested in order to permit flexibility in the occupancy of the commercial spaces with any B-2 commercial use. This would better facilitate the mix of uses envisioned by the Master Plan, including more active uses such as restaurants and take-out establishments. The Master Plan recognizes that the Zoning Ordinance has been evolving to better serve mixed-uses and form-based development. The Zoning Ordinance has been amended in recent years to amend existing mixed-use districts (such as B-5) and created additional mixed-use districts (such as TOD-1) that allow a combination of uses, with fewer requirements for parking and more focus on building form (size and shape). These mixed-use districts are designed to facilitate the type of development the Master Plan would anticipate under the "Neighborhood Mixed-Use" designation and given the Property's location along "Major Mixed-Use Streets" and an "Enhanced Transit Corridor". Unfortunately, the B-2 district does not include the same mixed-use-friendly requirements where parking and active commercial uses are concerned. Therefore, it is requested that the SUPA would require the following parking for the use of the Property:

<b>Building</b>	<b>Use</b>	<b>Requirement</b>	<b>Spaces</b>
Carriage House	8 Dwelling Units	1 space/2 dwelling units	43 spaces
Existing Main Building	14 Dwelling Units		
New Building	63 Dwelling Units		
Existing Main Building	B-2 Commercial, 3,340 SF	Fixed, all uses	7 spaces
New Building	B-2 Commercial, 1,473 SF		
<b>Total Required/Proposed</b>			<b>50 spaces</b>

As would typically be permitted in the B-2 district or any mixed-use zoning classification, flexibility is requested in the use of the 43 proposed parking spaces for the dwelling use as shared parking spaces for non-dwelling uses located on or off the Property. The shared spaces could be provided for any non-dwelling use during normal daytime business hours on any day. The shared spaces would otherwise be available for the evening use of the dwellings on site. This would allow for the efficient daytime use of the garage while ensuring the availability of the parking for the dwelling use at times of peak residential parking demand.

## Findings of Fact

The following are factors included in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit amendment will not:

- ***Be detrimental to the safety, health, morals and general welfare of the community involved.***

The SUPA will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed site improvements and density are consistent with what the Master Plan suggests is appropriate for the Property. The proposed uses are otherwise permitted by-right in the B-2 district. This request would allow for development of the Property in a manner that is both of quality as well as consistent with the recommendation of Master Plan guidance. The redevelopment of this underutilized Property in conjunction with the high quality/benefits provided by the SUP will provide positive impacts in terms of health, welfare, etc.

- ***Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.***

The proposed SUPA will not result in significant traffic impacts to nearby neighborhoods. The traffic generation for sixty-three dwellings would not be significant within the context of a walkable neighborhood and the Property's location along "Major Mixed-Use Streets" and an "Enhanced Transit Corridor". The Property lies within a six-minute walk to the nearest Pulse station, which is a bus-rapid-transit ("BRT") line that operates every 10 minutes during peak hours and serves as the main arterial line to the GRTC bus system. The Pulse BRT transects the City on an east-west route and connects riders to a number of points of interest as well as other transit routes to the rest of the City's neighborhoods. Directly adjacent to the Property are bus stops serviced by the "1", "2", and "3" routes, all of which operate on 15-minute frequencies and service all of Northside and the majority of Southside. As such, the SUP will not create congestion on streets, roads, alleys or any other public right of way.

- ***Create hazards from fire, panic or other dangers.***

The SUPA will not create hazard from fire, panic or other dangers. The Property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- ***Tend to overcrowding of land and cause an undue concentration of population.***

The SUPA will not tend to overcrowd the land or create an undue concentration of population. The proposed density is consistent with what the Master Plan deems appropriate for the Downtown / Jackson Ward neighborhoods.

- ***Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.***



The SUP would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

- *Interfere with adequate light and air.*

The SUP would not interfere with adequate light and air. The light and air available to adjacent properties will not be adversely affected. The Property is afforded frontage onto a "Major Mixed-Use" street per the Master Plan, which suggests greater height is appropriate for this location.

## Summary

In summary, the applicant is enthusiastically seeking approval for the construction of a high quality, mixed-use development including sixty-three dwelling units, a ground floor commercial space, accessory uses, and off-street parking. In exchange for the SUPA, the quality assurances conditioned therein would guarantee the construction of a development project that is of a higher quality than what might otherwise be developed by-right. The SUPA is consistent with current planning guidance applicable to the Property. It represents an ideal, appropriately scaled infill development for this location. The development would address the street by bringing the building out toward the sidewalk, holding the corner, and providing appropriate fenestration to create a safe and comfortable pedestrian environment. By permitting the proposed development, the SUP would allow for the creation of new and desirable dwelling units within the City while addressing additional objectives found in the Master Plan, which would not be guaranteed by the underlying zoning.