

INTRODUCED: March 13, 2023

AN ORDINANCE No. 2023-092

To amend and reordain Ord. No. 2018-310, adopted Dec. 17, 2018, which authorized the special use of the property known as 2712 East Leigh Street for the purpose of up to seven multifamily dwelling units and an accessory office, to authorize certain uses permitted on corner lots within the R-63 Multifamily Urban Residential District, upon certain terms and conditions. (7th District)

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APRIL 10 2023 AT 6 P.M.

I. That Ordinance No. 2018-310, adopted December 17, 2018, be and is hereby amended and reordained as follows:

WHEREAS, the owner of the property known as 2712 East Leigh Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of up to seven multifamily dwelling units [~~and~~], an accessory office, and permitted principal uses on corner lots in accordance with section 30-419.3 of the Code of the City of Richmond (2020), as amended, except for grocery stores, convenience stores, and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises, and restaurants, tea

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 8 2023 REJECTED: _____ STRICKEN: _____

rooms, cafes, delicatessens, ice cream parlors, and similar food and beverage service establishments, which use, among other things, is not currently allowed by section 30-419.6, concerning side yard requirements, [~~and~~] section 30-419.4, concerning permitted accessory uses, and section 30-419.3, concerning permitted principal uses on corner lots, of the Code of the City of Richmond [~~(2015)~~] (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond [~~(2018)~~] (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)] (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 property known as 2712 East Leigh Street and identified as Tax Parcel No. E000-0480/023 in the [2018] 2023 records of the City Assessor, being more particularly shown on a plat entitled “Plat Showing the Property Limits for E0000480023, 2712 East Leigh Street, VMAX, LLC,” prepared by C.E. Duncan & Associates, Inc., and dated October 2, 2017, a copy of which is attached to and made a part of [~~this ordinance~~] Ordinance No. 2018-310, adopted December 17, 2018, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of up to seven multifamily dwelling units ~~[and]~~, an accessory office, and permitted principal uses on corner lots in accordance with section 30-419.3 of the Code of the City of Richmond (2020), as amended, except for grocery stores, convenience stores, and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises, and restaurants, tea rooms, cafes, delicatessens, ice cream parlors, and similar food and beverage service establishments, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Horse Stable Renovation, 2712 E Leigh Street,

Richmond, Virginia,” prepared by Johannas Design Group, dated March 21, 2018, and last revised November 7, 2018, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of [~~this ordinance~~] Ordinance No. 2018-310, adopted December 17, 2018.

(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 up to seven multifamily dwelling units [~~and~~], substantially as shown on the Plans, an accessory office, [~~substantially as shown on the Plans~~] and permitted principal uses on corner lots in accordance with section 30-419.3 of the Code of the City of Richmond (2020), as amended, except for grocery stores, convenience stores, and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises, and restaurants, tea rooms, cafes, delicatessens, ice cream parlors, and similar food and beverage service establishments. [~~The office shall be used for property management purposes~~] The area of the Special Use labeled on the Plans as “Office” may contain an accessory office used for property management purposes or for the permitted principal uses on corner lots authorized by this ordinance and shall not contain grocery stores, convenience stores, or specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises, and restaurants, tea rooms, cafes, delicatessens, ice cream parlors, and similar food and beverage service establishments.

(b) Up to seven on-site parking spaces shall be provided for the Special Use of the Property, substantially as shown on the Plans.

(c) All building materials, elevations, and landscaping shall be substantially as shown on the Plans, unless otherwise approved by the Commission of Architectural Review prior to the issuance of a building permit for the Property.

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

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

(f) Exterior bicycle storage for four bicycles shall be provided, substantially as shown on the Plans.

(g) The hours of operation for the permitted principal uses on corner lots authorized by this ordinance shall be limited to 8:00 a.m. to 6:00 p.m. daily.

(h) The number of employees for the permitted principal uses on corner lots authorized by this ordinance shall be limited to two.

§ 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)~~ (2020)], as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way, including repairs to existing sidewalks, 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)~~ (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 [~~(2015)~~ (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 [~~(2015)~~ (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

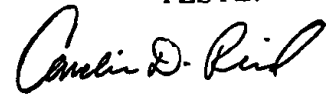
otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The [~~Commissioner of Buildings~~] Zoning Administrator is authorized to issue a [~~building permit~~] certificate of zoning compliance [~~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~~] certificate of zoning compliance shall be made within 730 calendar days following the date on which this amendatory ordinance becomes effective. If [~~either~~] the application for the [~~building permit~~] certificate of zoning compliance 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 amendatory 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.

II. This amendatory ordinance shall be in force and effect upon adoption.

A TRUE COPY:
TESTE:



City Clerk



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Item Request

File Number: PRE.2022.0541

O & R Request

DATE: January 17, 2023

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (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 amend and authorize Ord. No. 2018-310, adopted December 17th, 2018, which authorized the special use of the property known as 2712 East Leigh Street for the purpose of up to seven multifamily dwelling units and an accessory office, to allow for additional uses permitted on corner lots within the R-63 Multifamily Urban Residential District, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To amend and authorize Ord. No. 2018-310, adopted December 17th, 2018, which authorized the special use of the property known as 2712 East Leigh Street for the purpose of up to seven multifamily dwelling units and an accessory office, to allow for additional uses permitted on corner lots within the R-63 Multifamily Urban Residential District, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit amendment to authorize additional uses permitted on corner lots within the R-63 Multifamily Urban Residential District. The application calls for all uses within section 30-419.3, permitted uses on corner lots, except for grocery stores and restaurants. The previously approved ordinance allowed for deviations from the current lot area and width, front yard, and side yard requirements for a two-family attached dwelling. A Special Use Permit amendment 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.

BACKGROUND: The property is located in the Jackson Ward neighborhood on West Leigh Street at the corner of West Leigh Street and Chamberlayne Parkway. The property is currently a 2,055 sq. ft. (.04 acre) parcel of land. The City’s Richmond 300 Master Plan designates a future land use for the subject property as

Neighborhood Mixed Use, which is defined as “Existing or new highly walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses.”

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets. Parcels are generally between 1,500 and 5,000 sq. ft. Primary Uses: Single family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space. Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government. (p. 56)

The current zoning for this property is subject to an existing Special Use Permit allowing for up to seven multifamily dwelling units and an accessory office. All adjacent properties are located primarily within the R 8 Urban Residential Zone with R 7 Single and Two Family Urban Residential zones to the north of the property. The area is generally single family residential, with some multifamily residential and small, neighborhood commercial uses present in the vicinity. The proposed density remains 50 units per acre.

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: \$1,200 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 13, 2023

CITY COUNCIL PUBLIC HEARING DATE: March 13, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission
March 6, 2023

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: Amend Ord. No. 2018-310

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Survey, Map

STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646 5734



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

Project Name/Location

Property Address: 2712 E LEIGH STREET Date: 10/22/2021
 Tax Map #: E0000480/023 Fee: 1,200.00
 Total area of affected site in acres: .174

(See **page 6** for fee schedule. please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-63

Existing Use: ACCESSORY OFFICE

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

TO AUTHORIZE THOSE PERMITTED USES LISTED UNDER SEC. 30-419.3-
~~Existing Use: PERMITTED PRINCIPAL USES ON CORNER LOTS, EXCLUDING ITEMS~~
(3) GROCERY STORES, CONVENIENCE STORES... AND (5) RESTAURANTS, TEA ROOMS.

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: 2018-310

Applicant/Contact Person: VITAS REINIKOVAS
 Company: 2712 EAST LEIGH STREET LLC
 Mailing Address: 11175 Ridgely Pkwy Suite 105
 City: RICHMOND VA State: VA Zip Code: 23238
 Telephone: (804) 426-1030 Fax: (804) 741-6001
 Email: VITAS1902@gmail.com

Property Owner: 2712 EAST LEIGH STREET LLC / VITAS REINIKOVAS
 If Business Entity, name and title of authorized signer: [Signature]

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 11175 Ridgely Pkwy Ste 105
 City: RICHMOND State: VA Zip Code: 23238
 Telephone: (804) 426-1030 Fax: (804) 741-6001
 Email: VITAS1902@gmail.com

Property Owner Signature: [Signature]

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

From: 2712EastLeighStreetLLC

Project Name/Location:

2712 East Leigh Street, Richmond VA 23223

Number of employees 2

Hours 9-5 pm

Estimated vehicular traffic 1-2 per day

Proposed use: Art shop, and permitted uses listed under Sec. 30-419.3 -permitted uses on corner lots, excluding items (3)grocery stores, convenience stores...and (5)restaurants, tea rooms.

Number of employees:2

Hours of operation: 9am-5 pm

Estimated amount of vehicular traffic that will be generated by the use :1-2 cars per day

Because of the characteristics of the Art Shop it will not be detrimental to the safety, health, morals, and general welfare of the community involved. Also, it won't create congestion ins streets, roads, alleys and other public ways and places in the are involved. There won't be any hazard from fire, panic, or other dangers. The use of the Art Shop will not interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportations or other public requirements, conveniences, and improvements, and it will not interfere with adequate light and air. There aren't any changes to the approved plans of the unit, and because of the characteristics of the Art Shop , it will be compatible with the surrounding area, and it is an appropriate use for the site.

Property Owner:

2712EastLeighStreetLLC/Vitas Reinikovas

11175 Ridgefield PkwySuite 105

Richmond, VA 23238

804-426-1030

Vitas1902@gmail.com

A handwritten signature in black ink, appearing to be 'Vitas Reinikovas', written over a horizontal line.



**City of Richmond
Department of Planning
& Development Review**

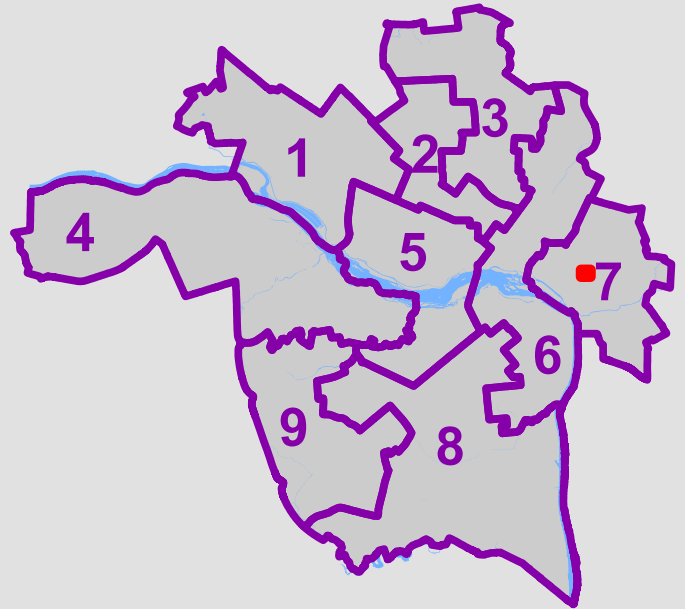
Special Use Permit Amendment

LOCATION: 2712 East Leigh Street

APPLICANT: Vitas Reinikovas

COUNCIL DISTRICT: 7

PROPOSAL: To amend and authorize Ord. No. 2018-310, adopted December 17th, 2018, which authorized the special use of the property known as 2712 East Leigh Street for the purpose of up to seven multifamily dwelling units and an accessory office, to allow for additional uses permitted on corner lots within the R-63 Multifamily Urban Residential District, upon certain terms and conditions.



*For questions, please contact Matthew Ebinger
at 804-646-5789 or matthew.ebinger@richmondgov.com*

