



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: 2416 Jefferson Ave Date: \_\_\_\_\_  
Tax Map #: E0000334003 Fee: 2400  
Total area of affected site in acres: 0.3546

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

**Zoning**

Current Zoning: UB-PE4

Existing Use: vacant

**Proposed Use**

(Please include a detailed description of the proposed use in the required applicant's report)  
Mixed-use development requiring relief from several feature requirements as outlined in the applicant's report.

Existing Use: vacant

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: Plan of Development authorized 9/16/19 for a mixed-use development

**Applicant/Contact Person:** Mark Baker / Charlie Wilson

Company: Baker Development Resources  
Mailing Address: 1519 Summit Ave., Suite 102  
City: Richmond State: VA Zip Code: 23222  
Telephone: \_( 804 ) 874-6275 Fax: \_( )  
Email: markbaker@bakerfevelopmentresources.com

**Property Owner:** 2416 JEFFERSON AVENUE LLC

If Business Entity, name and title of authorized signee: \_\_\_\_\_

(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: 114 South Third Street  
City: Richmond State: VA Zip Code: 23219  
Telephone: \_( 804 ) 991-4111 Fax: \_( )  
Email: dvk5f@yahoo.com

**Property Owner Signature:** *Devin V. Weyman*

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)

# APPLICANT'S REPORT

*September 21, 2020*

*Special Use Permit  
2416 Jefferson Avenue, Richmond, Virginia  
Map Reference Number: E000-0334/0003*

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Submitted to:

**City of Richmond**

Department of Planning and Development Review  
Land Use Administration  
900 East Broad Street, Suite 511  
Richmond, Virginia 23219

Prepared by:

**Baker Development Resources**

1519 Summit Avenue, Suite 102  
Richmond, Virginia 23230

## Introduction

The property owner, 2416 Jefferson Avenue LLC, requests a special use permit (the "SUP") for 2416 Jefferson Avenue (the "Property"). The development of the Property with a mixed-use building is permitted by-right within the Urban Business (UB) District and has already been authorized by a Plan of Development approval ("the POD"). In order to permit flexibility in the configuration of uses/tenants within the building, the SUP would authorize relief from several UB feature requirements, including: (1) a partial parking waiver; (2) a partial waiver of the radius requirement associated with outdoor dining; and (3) a waiver from the requirement for shared access for a limited number of tourist home guest units.

## Existing Conditions

### SITE DESCRIPTION AND EXISTING LAND USE

The Property occupies the majority of the triangular block bound by M Street, Jefferson Avenue and North 24<sup>th</sup> Street and includes one parcel that is referenced by the City Assessor as E-000-0334/003. The Property consists of 0.36 acres of land area.



The Property is located on one of five corners at the five-point intersection of M Street, Jefferson Avenue, and N 25<sup>th</sup> Street. This area is characterized by a mix of uses with a variety of commercial, institutional, and residential uses of varying intensities and scales in the immediate vicinity. The properties to the north, across M Street are occupied by a funeral home with accessory surface parking lot and single-family dwellings. To the east across 25<sup>th</sup> Street lies the City of Richmond's East District Service Center, a mixed-use building containing a restaurant, and single-family dwellings. Properties to the north are improved with a mixed-use retail and multi-family building, The City of Richmond's East District Family Resource Center, a two-family dwelling, and single-family dwellings. Properties to the west, across North 24<sup>th</sup> Street, are occupied by an office building, a two-family dwelling and single-family dwellings. At the northeastern corner of Jefferson Avenue and N 24<sup>th</sup> Street there is a recently restored mixed-use building.



## EXISTING ZONING

The Property is zoned UB Urban Business. Per the zoning ordinance, the intent of the UB urban business district is to encourage business areas with a densely developed pedestrian-oriented urban shopping character, compatible with adjacent residential neighborhoods, and with minimal disruption from vehicle-oriented land uses and features that would detract from a safe, convenient and economically viable pedestrian environment. The Property was recently rezoned to this classification in an effort to better implement the goals identified in the Richmond Master Plan 2000-2020.

The Property is also located in the PE-4 Parking Exempt District. According to the zoning ordinance, the intent of parking exempt overlay districts is to provide relief from the off-street parking requirements for certain uses so as to facilitate the development and redevelopment of

economically depressed, older, urban commercial districts characterized by a substantial number of vacant and deteriorated structures.

The Property lies within the boundaries of the Union Hill City Old and Historic District. This project has been reviewed by the Commission of Architectural Review (“CAR”) and has received a Certificate of Appropriateness for the proposed improvements.

The surrounding properties are zoned a mix of UB Urban Business, R-63 Multifamily Residential, and RO-2 Residential Office. UB zoned properties in the vicinity, including the Property, generally form a commercial district fronting on/oriented toward Jefferson Avenue.

## **MASTER PLAN DESIGNATION**

The Master Plan was amended to recommend “Neighborhood Commercial” for the Property. The Master Plan indicates that within Neighborhood Commercial districts, primary uses should include office, personal service, and retail uses that are intended to provide the daily convenience shopping and service needs of adjacent neighborhood residents.

The ongoing Richmond 300 planning efforts includes a draft Future Land Use map that suggests a designation of “Corridor Mixed Use” for the Property. In stressing the importance of historic context, this designation generally encourages traditional urban development that is comprised of a mixture of uses. It envisions medium density transit- and pedestrian-oriented development.

# **Proposal**

## **PURPOSE OF REQUEST**

The construction of the proposed mixed-use building has been authorized for the Property pursuant to the POD which was approved on September 16, 2019. This request would permit a mix of uses within that building that are permitted within the UB District but which cannot meet some of the UB feature requirements related to them. Specifically, the SUP would authorize the following relief: (1) a partial parking waiver; (2) a partial waiver of the radius requirement associated with outdoor dining; and (3) waiver from the requirement for shared access for a limited number of tourist home guest units.

## **PROJECT SUMMARY**

The proposed building would include approximately 20,877 square feet of floor area. The programming follows a typical urban model with the building's first floor, containing approximately 10,485 square feet of floor area, including 5,151 square feet of principal commercial uses permitted in the UB district. The remainder of the building would feature a maximum of 21 dwelling units surrounding a central open courtyard.

### *Parking*

The POD authorized the construction of a mixed-use building meeting the requirement for the provision of permitted principal uses (commercial uses) along the principal street frontage. That

approval relied on the use of on-street parking in order to satisfy the parking requirements for the Property, including the commercial space. There are 21 parking spaces that can be provided in portions of the right-of-way abutting the Property's frontages on N 24th Street, Jefferson Avenue, and M Street. Section 30-710.2:3(d) of the zoning ordinance permits those spaces to be credited toward required parking as though they were off street spaces located on the premises.

The 21 available parking spaces would limit the occupancy of the commercial space to a less intense use such as office. This request would vary the parking requirement in order to allow for flexibility in the permitted uses which could occupy the commercial space. It would also allow the flexibility to occupy up to 10 of the dwelling units as tourist home guest rooms as described below. The requested relief would encourage the development of the commercial space with neighborhood-serving uses that are more likely to generate the desired pedestrian traffic and activity within this corridor. It is requested that the overall parking requirement is fixed at 21 parking spaces with any resulting deficiency based on final occupancy being varied by the special use permit.

There is some precedent and recognition of the practical difficulties related to redeveloping property in this older urban commercial district with the implementation of the PE-4 Parking Exempt District. While this exemption is only applicable to existing buildings, and therefore not applicable for the proposed development, the same concern holds true. The goal of achieving a "densely developed pedestrian-oriented urban shopping character" is challenged when significant amounts of off-street parking must be provided. This is even more pronounced in this instance with a property having frontage on three streets, no bisecting alleys, and no opportunity to provide parking to the rear of the street frontage – there is no rear door. In turn this would prevent the desired continuity of storefront character along the principal street frontage that make urban commercial areas successful as well as an urban form that addresses all three street frontages.

There is additional precedent in recent policy and through the implementation of R-63 zoning in the immediate vicinity. The R-63 district supports the establishment of commercial uses that serve many of the day-to-day convenience needs of neighborhood residents and the provision of opportunities for residents to live and work within the same neighborhood by permitting small scale corner commercial uses without the provision of parking. In the same way, this project is envisioned as a walking destination providing neighborhood-focused services. It is also envisioned as a "live-near-work" development with commercial tenants or employees seeking residences within the project or in nearby residential neighborhoods. In both instances, the focus is on walkability rather than the auto. A reduced parking requirement would allow the development to better address the goals of the Master Plan while remaining consistent with the intent of the UB District and compatible with nearby R-63 zoned properties. It would provide active first floor uses, a better pedestrian experience, enhanced pedestrian connections within the district and to nearby neighborhoods and fewer opportunities for conflict between vehicles and pedestrians.

#### *Radius Requirement for Outdoor Dining*

In the UB District, where restaurants are concerned, Section 30-433.2(21)(a.) requires that "no deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district". A triangular patio is proposed as the corner of M Street and Jefferson Avenue, which could be utilized for the purpose of outdoor dining. Based on measurements scaled from the City's GIS system, this area is located approximately 84 feet from the closest Property located within an R district. The requested waiver of approximately 16 feet would allow for the development to better engage the

most prominent corner of the site with an active use, visible to both the Jefferson Avenue and North 25th Street corridors.

### *Tourist Home Guest Units*

Finally, this request would permit up to ten of the 21 dwelling units to be occupied as tourist home guest units available for occupancy by guests on a daily basis. Tourist home guest units are permitted within the UB District. However, they are required to have exclusive access from within the building. Because the guest units would have access from an open central courtyard, they do not meet this feature requirement. The guest units would be indistinguishable from the dwelling units with the only differentiating factor being the terms of occupancy. As proposed, no more than ten of the dwelling units would be occupied on a daily basis at any given time. Each guest suite would be luxuriously furnished and would be designed to cater to the needs of the traveling public. The proposed units would provide for unique guest accommodations for travelers and similar guests, including those with families, who are desirous of the ability to reside in a property that is residential in character, including full cooking facilities, during their stay in the City.

## **Findings of Fact**

The following are factors indicted 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 will not:

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

The proposed special use permit will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed development would offer needed services to the community and a safe, convenient and economically viable pedestrian environment, thereby providing positive impacts in terms of safety, welfare, etc.

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

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The proposal is designed be consistent with the Property's master-plan recommendation for dense pedestrian-oriented development which is designed for walkability. The property is uniquely situated at a significant intersection at M Street, Jefferson Avenue and 25<sup>th</sup> Street. The existing street grid will tend to minimize any traffic impacts. Further, North 25<sup>th</sup> Street is classified as a Minor Arterial Roadway by the City's Master Plan. Jefferson Avenue is designated a Collector Street and offers direct access to North 25<sup>th</sup> Street. This means that access to the site via the intended Minor Arterial would not occur through the nearby neighborhoods.

- ***Create hazards 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 proposed special use permit will not tend to over crowd the land or create an undue concentration of population. The proposed density and urban form is appropriate to the Property's location and consistent with the recommendations of the Master Plan and ongoing planning guidance.

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

The special use permit 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. This benefit can be attributed to the significant investment in the property, taxes related to the commercial use of the first floor and the anticipated absence of school-age children residing within the complex, who require substantial City spending in schools and playground facilities.

- ***Interfere with adequate light and air.***

The light and air available to adjacent properties will not be affected. Adjacent properties are primarily located across the right-of-ways of 24<sup>th</sup> Street, M Street, Jefferson Avenue and would be unaffected based on distance and design. The adjacent building in the same block has no windows oriented toward the development and is located on the lot line. In the UB commercial district setbacks are not expected or required. This typical orientation will not interfere with the provision of adequate light and air.