



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2021-208: To authorize the special use of the property known as 3101 East Marshall Street for the purpose of a mixed-use building, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: October 18, 2021

PETITIONER

Datapro Investments, LLC

LOCATION

3101 East Marshall Street

PURPOSE

To authorize the special use of the property known as 3101 East Marshall Street for the purpose of a mixed-use building, upon certain terms and conditions.

SUMMARY & RECOMMENDATION

The 5,400 square foot subject property is located on the corner of East Marshall Street and North 31st Street and is within the R-63 Multi-Family Urban Residential District. Multi-family dwellings and commercial uses on corner lots are permitted uses in this district, however, the proposed development would not meet feature requirements of the R-63 District. More specifically, the proposed number of dwelling units (9) exceeds what is permitted (5), and the length of the commercial use along the principal street frontage exceeds what is allowed. Additionally, the off-street parking requirement for the multi-family use is not met. Therefore a special use permit is required.

Staff finds that the proposed project is generally consistent with the intent of the R-63 District and the Richmond 300 Master Plan designation of Neighborhood Mixed-Use. Neighborhood Mixed-Use is described as “existing or new highly walkable urban neighborhoods that are predominantly residential but with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses.” Multi-family dwellings are a primary use, and commercial uses are a secondary use for Neighborhood Mixed- Use. The general intensity recommended is two to four stories, with taller buildings found along major streets.

Staff finds that the property is located within a Micro Node. Micro Nodes are defined as “a notable place within a neighborhood that generally provides goods and services to the immediate residents but may also attract visitors. The proposal contributes to accomplishing Objective 4.1 of Richmond 300: Create and preserve high-quality, distinctive, and well-designed neighborhoods and Nodes throughout the city, as well as Objective 14.5: Encourage more housing types throughout the city and greater density along enhanced transit corridors and at Nodes by amending the Zoning Ordinance.

Staff finds that with the ordinance conditions the safeguards contained within the City Charter, relative to the granting of Special Use Permits, are met. Specifically, staff finds that the proposed use would not be detrimental to the general welfare of the community involved and would not create congestion in the streets in the area involved.

This request for special use was originally heard at the August 16, 2021 meeting of the Planning Commission. The Planning Commission continued the case until the September 7, 2021 meeting in order to allow the Church Hill civic association an opportunity to further discuss the proposal.

On September 7, 2021, a motion was made by Commissioner Pinnock, seconded by Vice Chair Law, that this Ordinance be recommended for approval with amendments to require private trash collection and use of dumpsters rather than super cans. The motion failed 3:4, with Commissioners Greenfield, Thompson, Poole, and Murthy voting to oppose the motion. The ordinance was referred back to the Planning Commission for a definitive recommendation.

The applicant has subsequently updated the plans to include four on-site parking spaces, a widened alley, dumpster and supercan placement, and planters within the alley to protect the adjacent dwelling from vehicular impacts.

Staff recommends approval of this special use permit request with the following amendments:

- require private trash collection (use of dumpsters and super cans)
- include four on-site parking spaces
- Unit 102 shall contain only one bedroom, with two means of direct ingress/egress
- provide bike racks on Property
- placement of planters within alley

FINDINGS OF FACT

Site Description

The property is located in the Church Hill neighborhood as well as the St. John's Church Old and Historic District, and the R-63 Multi-Family Urban Residential District. It is situated on the corner of East Marshall Street and North 31st Street with an alley providing rear access. The 0.124 acre parcel is improved with a 4,329 square foot two-story duplex built in 1910. The City Assessor considers the condition of the structure to be normal for its age.

Proposed Use of Property

The proposal will authorize the construction of an addition to the side and rear of the existing building. The addition will be three stories high. With the renovation of the existing structure, the proposed mixed-use structure will have nine residential apartments and two commercial units. On-site automobile parking is not provided, however secure weather-protected bike racks are provided

MASTER PLAN

The proposed project conforms to the recommendations of the Richmond 300 Master Plan which designates the subject property for Neighborhood Mixed-Uses.

Development Style: These areas feature a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Future development

should generally complement existing context. Setbacks, plazas, and parks create a sense of place and community gathering areas. New developments on larger parcels continue or introduce a gridded street pattern to increase connectivity within the neighborhood and to adjacent neighborhoods. In historic neighborhoods, small-scale commercial uses exist today or should be allowed to reestablish. In new neighborhoods, small scale commercial buildings should be introduced.

Ground Floor: Regardless of use, buildings should engage the street with features such as street oriented façades with windows and door openings along street frontages. Appropriate setbacks, open space, front porches, elevated ground floors, and other features that provide a sense of privacy should be provided for residential uses.

Mobility: Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. New driveways are prohibited on Priority and Principal Street frontages. Vehicular access to parcels should use alleys wherever possible. Parking areas should be located to the rear of street-facing buildings.

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets (see Street Typologies Map). 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.

Zoning and Ordinance Conditions

The subject property is located in the R-63 Multi-Family Urban Residential District and is also located within the St. John's Church City Old and Historic District. The proposal will expand an existing duplex into nine residential units and two commercial units.

Zoning Administration provided the following comments:

The proposal is a mixed-use conversion of an existing duplex into nine residential units and up to two commercial units. The property is located in the R-63 Multi-Family Urban Residential District and has an area of 5,400 square feet (54.00 x 100.00).

Please be advised that the following conditions of the proposed mixed-use conversion do not comply with the current zoning regulations:

- *PERMITTED PRINCIPAL USE ON CORNER LOTS: The plans propose restaurant/café and catering uses on the ground floor and basement spaces. Restaurant/café is a permitted principal use on the corner lot; however, catering is only a permitted use when it is in conjunction with the restaurant/café (or other permitted principal use). The applicant has indicated that the catering use is not in conjunction with the proposed restaurant/café.*

The following conditions shall be applicable to permitted principal uses on corner lots:

- (1) *Such uses shall be limited to the ground floor of buildings devoted to other permitted principal uses.*

Commercial space #2 is proposed in the basement (not the ground floor). Ground floor means the story (of a building) having its floor elevation closest to the elevation of the adjacent street. The ground floor requirement is not met.

(2) The total floor area devoted to such uses on any lot shall not exceed 1,500 square feet. Additional floor area, not to exceed a total of 5,000 square feet, may be permitted subject to approval of a conditional use permit, provided that off-street parking shall be required in accordance with the provisions of article VII of the Zoning Ordinance for the amount of floor area in excess of 1,500 square feet. The two commercial spaces have a proposed total area of 2,654 square feet. The permitted total floor area and off-street parking requirements are not met (see more about off-street parking below).

(3) Such uses shall occupy the portion of the building located at the street corner. Along the principal street frontage of the lot, such uses shall extend no greater distance from the street corner than the equivalent of 15 percent of the total length of the block along such frontage. Commercial space #2 in the basement is not located at the street corner. The street corner requirement is not met. The commercial space along the principal street frontage (E Marshall Street) exceeds 15 percent of the total length of the block.

- LOT AREA: In the R-63 zoning district, multi-family dwellings shall be located on lots of not less than 4,000 square feet in total area and not less than 1,000 square feet in area for each dwelling unit. The proposed nine dwelling units require a minimum lot area 9,000 square feet (5,400 square feet existing and proposed). The lot area requirement is not met.*
- YARDS: In the R-63 zoning district, multi-family dwellings shall have a minimum side yard setback of five feet (5'). The proposed addition and vertical expansion of the third floor on the existing building do not meet the five foot setback requirements along the rear alley and along the eastern property line between 3107 E Marshall Street. The side yard (setback) requirements are not met.*
- USABLE OPEN SPACE: In the R-63 district, usable open space of not less than 30 percent of the area of the lot shall be provided for multifamily dwellings. The lot area of 5,400 square feet requires a usable open space of at least 1,620 square feet. The usable open space requirement is not met.*
- STORY HEIGHT: Story height in the R-63 zoning district shall be not less than ten feet and not greater than 14 feet. The proposed third story floor to the roof floor above measures 8.59'. Story height means the distance between the floor level of a story of a building and the floor level of the story immediately above or, in the case of the uppermost story of a building, the distance between the floor level and the top of the unfinished ceiling joists. The story height requirement is not met.*
- PARKING: The off-street parking requirement for multi-family dwellings in the R-63 zoning district is one (1) parking space per dwelling unit. The proposed nine dwelling units require nine off-street parking spaces. No off-street parking spaces are proposed for the entire development. The off-street parking requirement is not met for the proposed dwelling units. Off-street parking shall be required for the amount of floor area in excess of 1,500 square feet. No parking is required for the 1,506 square feet of floor area for the proposed restaurant café. Off-street parking is required for the 1,148 square feet of floor area for the catering use. The catering use is not in conjunction with the restaurant/café; therefore, the off-street parking requirement is 1 space per 2 employees, plus spaces to accommodate all*

vehicles used in connection therewith. The applicant has indicated that a maximum of 3 employees and one vehicle is proposed. Three parking spaces are required and none are provided for the catering use in the basement. The off-street parking requirement is not met for additional commercial space in excess of 1,500 square feet.

The intent of the R-63 district 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 façades along street frontages.

Surrounding Area

The subject properties, as well as the adjacent properties to the north, south and east are located in the R-63 Multi-Family Urban Residential District. Properties to the west are in the R-8 Urban Residential District. A mix of single-, two-, and multi-family residential, vacant and institutional land uses are located in the vicinity of the subject property. Commercial uses are located in the same block to the east along East Marshall Street.

If approved, the special use permit would impose conditions on the property, including:

- (a) The Special Use of the Property shall be as a mixed-use building, substantially as shown on the Plans.
- (b) The height of the Special Use shall not exceed the height as shown on the Plans.
- (c) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans, unless otherwise approved by the Commission of Architectural Review.
- (d) Off-street parking shall not be required for the Special Use.
- (e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

Neighborhood Participation

Staff notified the Church Hill Association of RVA, the Church Hill Central Civic Association, as well as area property owners and residents. Letters of opposition from area residents have been received. A letter of support has been received from the Church Hill Association of RVA.

Staff Contact

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