



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2021-359: To amend and reordain Ord. No. 2010-100-83, adopted May 10, 2010, which authorized the special use of the property known as 200-214 East Leigh Street for the purpose of a multi-family residential use with up to eight (8) dwelling units in an existing carriage house building with the commercial use requirement waived and to authorize the construction of a mixed-use building containing commercial uses and up to sixty-three (63) dwelling units, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: February 22, 2022

PETITIONER

Mark Baker, Baker Development Resources

LOCATION

200-214 East Leigh Street

PURPOSE

The applicant is requesting to amend the existing special use permit (Ord. No. 2010-100-83) to authorize the construction of a five-story building that exceeds the height limit permitted by the underlying zoning district, which is 35'. Additionally, the front yard (setback) requirement is not met along either of the two street frontages with the proposal.

SUMMARY & RECOMMENDATION

The applicant is requesting to amend the existing special use permit ordinance to allow for the construction of a five-story building that exceeds the height limit of the B-2 District and also does not meet the front yard (setback) requirement for either of the two street frontages.

Staff finds that the proposed mixed-use dwelling is consistent with the recommendations of Richmond 300. The property has a land use designation of Neighborhood Mixed-Use. Large multifamily buildings are a secondary use for the land use category. Both frontages of East Leigh Street and North Second Street have are designated as "Major Mixed-Use" streets. The property is walking distance to downtown, the Pulse, and many restaurants and services. While the general height range recommended for Neighborhood Mixed-Use is 2-4, additional height is permissible along major streets.

The applicant has met with the Historic Jackson Ward Association on multiple occasions and has modified the color and a few other form elements of the building to address concerns that were raised. The association board has still not voted on the most recent plans, however the applicant has attempted to address the concerns of the association that have been raised during meetings.

Staff also finds that the proposed development supports Objective 15.1a which states "Increase the number of Richmonders living in a development pattern that encourages density and reduces

dependency on single-occupancy vehicles”.

Staff finds that the proposed redevelopment is supported by Objective 1.3f which states “Implement housing strategies that increase housing at all income levels along corridors and at Nodes.”

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.

Therefore, staff recommends approval of the Special Use Permit Amendment, with an amendment to incorporate the updated plans as opposed to the introduced plans.

FINDINGS OF FACT

Site Description

The subject property consists of a two parcels of land and a private alley that collectively contain a lot area of 39,976 square feet (0.92 acres) and is currently improved with two buildings that contain a combined 22 dwelling units, 3,340 square foot commercial space and a parking area containing fifty-street parking spaces. The property is located in the Jackson Ward neighborhood at the northeast corner of East Leigh Street and North 2nd Street.

Proposed Use of the Property

The proposed Special Use Permit amendment would authorize creating a new lot in order to construct an additional single-family detached dwelling on the new lot.

Master Plan

The City’s Richmond 300 Master Plan designates the property as Neighborhood Mixed-Use. This land use category is described 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.

Development Style: 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.

Mobility: Bicycle, pedestrian, 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: Buildings heights are generally two to four stories. Buildings taller than four stories may be found along major streets.

Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

Secondary Uses: Large multi-family buildings (10+ units), retail/office/personal service, institutional, cultural, and government.

The subject property also falls within the “Downtown-Jackson Ward” priority growth node as shown on the land use map of Richmond 300. The plan envisions this area to continue to be predominantly residential with non-residential uses scattered throughout at corners and along major roads. New infill development is encouraged to incorporate high-quality architecture and complement the character of historic buildings.

Zoning and Ordinance Conditions

The subject property falls within the B-2 Community Business District. While the proposed uses are permitted and the parking requirement will be met, the building’s height exceeds the limit of 35’ and the front yard (setback) along both street frontages are not met.

If adopted the ordinance would impose the following amended conditions on the property:

- a) The owner of the Property shall be bound by, shall observe, and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise provided in the ordinance.
- b) An application for a building permit for the mixed-use building authorized by this amendatory ordinance shall be made within 730 days from the effective date of this amendatory ordinance. This building permit shall expire and shall become null and void if any necessary construction has not commenced within 180 days from the date of the building permit or if construction is suspended or abandoned for a period of 180 days at any time after such construction has commenced, as provided in any applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within 730 days after the effective date of this amendatory ordinance or

should the building permit expire and become null and void after the expiration of the 730-day time period for making application for the building permit, the privileges granted by this amendatory ordinance shall terminate and the amendments it makes to the special use permit shall become null and void.

- c) 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.
- d) All required final grading and drainage plans, together with all easements made necessary by such plans, shall be approved by the Director of Public Utilities prior to the issuance of building permits.
- e) 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 adjacent property or public street and use thereof.
- f) 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.
- g) The use of Building A, as identified on sheet CS of the plans attached to Ordinance No. 2010-100-83, adopted May 10, 2010, shall be consistent with the principal and accessory uses authorized by the underlying zoning district within which the Property is located.
- h) The use of Building B, as identified on sheet CS of the plans attached to Ordinance No. 2010-100-83, adopted May 10, 2010, shall be as a maximum of eight dwelling units substantially configured and arranged as shown on the plans attached to Ordinance No. 2010-100-83, adopted May 10, 2010.
- i) The use of the building labelled "212 E Leigh St Proposed 5 Story Masonry/Framed" on sheet CS01 of the plans shall be (i) commercial uses authorized by the underlying zoning district within which the Property is located and (ii) up to 63 dwelling units, substantially as shown on the Plans.
- j) A minimum of 50 parking spaces shall be provided on the Property, 37 of which shall be provided substantially as shown on the building labeled as "212 E Leigh St Proposed 5 Story Masonry/Framed" on sheet CS01 of the Plans and as shown on sheet A100 of the Plans. Parking for the multifamily use of the buildings shall be as required for dwelling units in the Community Business District pursuant to section 30-710.1 of the Code of the

City of Richmond (2020), as amended, provided that the parking required for the multifamily use may be shared with non-dwelling uses pursuant to section 30-710.2:3(a) of the Code of the City of Richmond (2020), as amended.

- k) A minimum of 15 covered long-term bicycle parking spaces shall be provided on the Property, substantially as shown on the Plans.
- l) All building materials and site improvements, including, but not limited to, building finishes and landscaping, shall be substantially as shown on the Plans.
- m) Any encroachment existing, shown 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 (2020), as amended.
- n) Signs for the buildings shall be consistent with the requirements authorized by the underlying zoning district within which the Property is located.

Affordability

The median household income for the Richmond region is currently \$68,529 per year. The affordability threshold is 30% of household income towards housing costs, which equates to \$20,559 per year, or \$1,713 per month, or less, to avoid a housing cost burden. The developer intends to lease the units at market rate, but has not yet determined what the rents will be.

**(U.S. Census Bureau, 2019 American Community Survey 5-Year Estimates)*

*** (Based upon VHDA fixed-rate, 30-year mortgage, with 20% down and 4% interest)*

Surrounding Area

A variety of uses surround the property, including the Maggie L Walker Historic site to the west, Third Street Bethel AME Church and The Bethel Center to the east, two- and three-unit dwellings and the Eggleston Plaza mixed-use building to the south and the Mocha Temple lodge to the north.

Neighborhood Participation

Staff notified area residents and property owners, as well as the Historic Jackson Ward Association. A letter of “no opposition” was submitted from the Historic Jackson Ward Association, and a letter of opposition was received from the National Park Service, which manages the Maggie Walker Historic Site. A letter of support was received from the Richmond Regional Tourism Corporation.

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