



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: 10 W. Leigh Street Date: 06/15/2017

Tax Map #: N0000104034 Fee: \$ 2,400

Total area of affected site in acres: 0.124

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

**Zoning**

Current Zoning: R-63

Existing Use: Vacant

**Proposed Use**

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

14 Apartments with incidental uses (mechanical, fitness area, lobby) - See applicant's report for detailed description

Existing Use: Vacant

Is this property subject to any previous land use cases?

- Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** Bruce Shirley - Architect

Company: Ratio, PC

Mailing Address: 1627 Westbrook Avenue

City: Richmond State: VA Zip Code: 23227

Telephone: (804) 2,641,729 Fax: ( )

Email: bruce@ratiostudio.com

**Property Owner:** 10 West Leigh St. LLC

If Business Entity, name and title of authorized signee: Russell M. Basch - Managing Member

(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: 13412 Rupert Ct.

City: Richmond State: VA Zip Code: 23233

Telephone: (804) 3,871,717 Fax: ( )

Email: lizziedrucker@nophika.com

**Property Owner 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)



## Review & Approval process for **SPECIAL USE PERMIT**

In instances where it has been determined that underlying zoning regulations cannot be met, a special use permit may be granted by City Council to provide relief from zoning regulations.

Special use permit applications are reviewed for compliance with the City's Master Plan to ensure the proposal is compatible with the surrounding area and that it is an appropriate use for the site. Specifically, applications are reviewed to ensure that the City Charter conditions for granting special use permits have been met. The City Charter requires that prior to City Council approval; it must be shown that the proposed special use will **not**:

1. be detrimental to the safety, health, morals and general welfare of the community involved;
2. create congestion in streets, roads, alleys and other public ways and places in the area involved;
3. create hazards from fire, panic or other dangers;
4. tend to cause overcrowding of land and an undue concentration of population;
5. adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or
6. interfere with adequate light and air.

Applicants **are encouraged** to schedule a pre-application conference with the Division of Land Use Administration staff to review related Master Plan, land use and other issues that may be involved prior to making application. Please call (804) 646-6304 to schedule an appointment with the staff. Staff will review submitted applications to ensure all required materials and information are provided. If the application is not acceptable, the required information must be provided prior to formal staff review.

Applicants should also discuss the proposed special use permit with area civic associations, property owners, residents, and the area Council Representative prior to submitting an application. Letters from the associations and property owners stating their position in regards to the request should be submitted with the application.

The Division of Land Use Administration circulates the special use permit application materials to appropriate City agencies as determined necessary. City agencies reviewing the proposal may include: Public Works, Building Permits & Inspections, Public Utilities, Water Resources, Zoning Administration, and Fire and Emergency Services. The Division of Land Use Administration will coordinate responses by City agencies. Written comments will be provided generally within 30 days of the application submittal date.

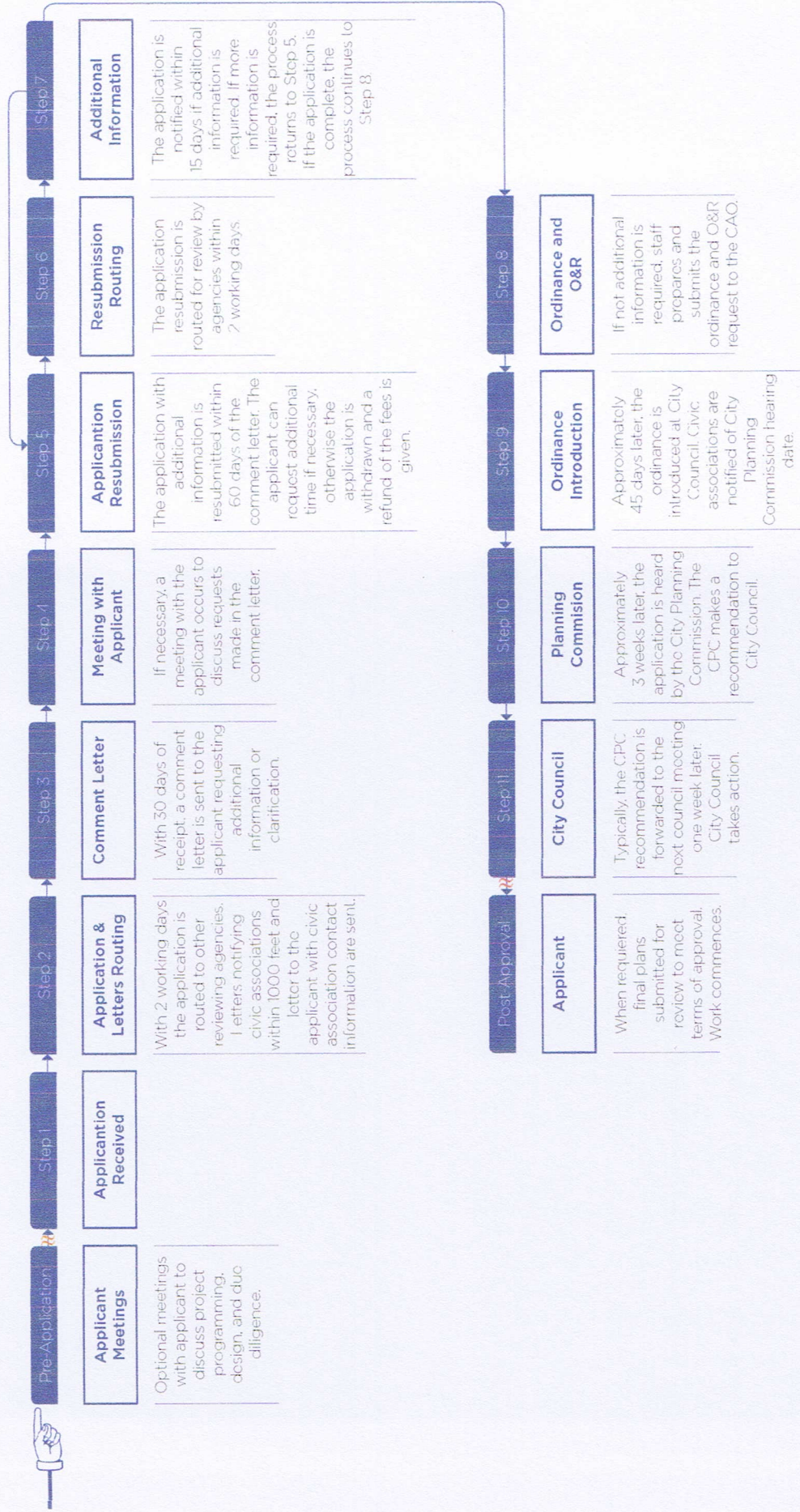
After review by these agencies and by the Division of Land Use Administration, the staff will confer with the applicant regarding suggested conditions to be included in the ordinance and any suggested changes to the plans. If the property is located in a City Old and Historic District and the request involves exterior alterations, additions or new construction, the plans should also be reviewed by the Commission of Architectural Review prior to an ordinance being introduced in City Council. Once the plans are in final form, an ordinance is drafted and the plans are attached to and are made a part of the ordinance. The staff will forward a copy of the ordinance to the applicant for review and approval.

The ordinance is then reviewed by the City Attorney's office and the City Administration. Once their review is complete, the ordinance is introduced to City Council and a public hearing is scheduled, usually thirty days after introduction. During this thirty-day period, public notice of the hearing is posted on the site and in a daily newspaper. Notices are also mailed to the owners of all properties within 150 feet of the subject property. One week prior to the City Council public hearing, the Planning Commission, after receiving a report from the Department of Planning and Development Review, considers the proposed special use permit and forwards a recommendation to City Council. The Planning Commission welcomes information submitted prior to the meeting and may ask questions of proponents and opponents during the course of its deliberation on the ordinance. Six affirmative votes of City Council are required to adopt a special use ordinance. Please note that there is a fee of \$250 for each continuance caused by the applicant.

If the special use ordinance is adopted by City Council, the applicant has a specified time period in which to apply for a building permit to implement the special use permit. Building permit plans must be substantially in accordance with the adopted special use permit plans, otherwise a building permit will not be issued. In general, the approval process for special use permits takes between 120 to 180 days. However, depending on the complexity of the proposed special use permit, more or less time may be required. The City Planning Commission considers approval of special use permits at its regular meetings on the first and third Monday of each month.

***Incomplete submissions or major modifications to the plan during the review process may cause delays in the schedule.***

# Legislative Land Use Application Process





## FILING

Special use permit applications are filed with the:

Department of Planning and Development Review  
Land Use Administration Division, Room 511  
City Hall, 900 East Broad Street, Richmond, Virginia 23219  
Telephone (804) 646-6304

## APPLICATION REQUIREMENTS

The application for a special use permit must include the following, each part of which is explained below. ***Application must be submitted in an electronic format (PDF).***

1. **Application form, including a completed checklist;**
2. **Application fee;**
3. **Applicant's report;**
4. **Electronic PDF plans; and**
5. **Survey plat.**

- ✓ 1. **Application Form:** All the owners of the property must sign the application form. If a legal representative signs for a property owner, a copy of an executed power of attorney is required.
- ✓ 2. **Application Fee:** The appropriate fee must accompany the application. Checks should be made payable to the "City of Richmond". The fees are determined from the attached fee schedule.
- ✓ 3. **Applicant's Report: A written report must be submitted describing the proposed use.** For non-residential development, the description should include the anticipated number of employees, hours of operation, and an estimate of the amount of vehicular traffic that will be generated by the use. The report should point out the specific features of the special use that will ensure that it will be compatible with the surrounding area, and that it is an appropriate use for the site. In addition, the City Charter specifies certain conditions that must be met before City Council can approve a special use permit. It must be shown that the proposed special use will **not**:
  - a. be detrimental to the safety, health, morals and general welfare of the community involved;
  - b. tend to create congestion in streets, roads, alleys and other public ways and places in the area involved;
  - c. create hazards from fire, panic or other dangers;
  - d. tend to cause overcrowding of land and an undue concentration of population;
  - e. adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or
  - f. interfere with adequate light and air.

The report must indicate the reasons why the applicant feels these conditions will be met (e.g., features of the plan, characteristics of the proposed use or surrounding area). **Please note** that the **above materials will be forwarded to the City Planning Commission and City Council along with the special use permit ordinance.**



## FILING

- ✓ 4. **Plans:** Plans are required to provide sufficient detail to permit the staff to make a determination of the compatibility of the proposed project with surrounding development. Plans must be properly scaled and include a scale bar. Depending on the request, plans may include the following:

- ✓ a. Site Plan
- ✓ b. Elevation Plans
- ✓ c. Floor Plans
- NA d. Landscape Plans
- NA e. Signage Plan & Details
- NA f. Lighting Plan & Details

In some cases not all plans would be relevant to the request and may not be required. If there is a question about the level of detail required, please contact Land Use Administration Staff. Electronic Plans (PDF) are required with the initial application and any subsequent resubmissions. Electronic plans may be submitted on a disk or via email at:

[DCDLanduseadmin@richmondgov.com](mailto:DCDLanduseadmin@richmondgov.com).

- ✓ 5. **Survey Plat:** A PDF of a survey plat showing the property and including metes and bounds is required. The plat should show existing physical features of the property, including:
- a. North arrow, scale, property address, the distance to nearest public street, preparer of plat, date, revision dates, area of site;
  - b. Existing structures, buildings, paved areas, fences, streets, alleys, easements, and limits of the 100 year flood plain, Chesapeake Bay Preservation Area limits, wetlands, and streams.



**COMMUNITY UNIT PLAN**

Preliminary	\$3,000 + \$100/acre <sup>1</sup>
Extension of Preliminary Approval	\$1,500
Final	\$1,500 + \$100/acre <sup>1</sup>
Amendment	\$1,500 + \$100/acre <sup>1</sup>

**CONDITIONAL USE PERMIT**

Initial	\$1,500 + \$100/acre <sup>2</sup>
Amendment	\$1,000 + \$100/acre <sup>2</sup>

**PLAN OF DEVELOPMENT**

Floor area & Land disturbed ≤5,000 square feet	\$500 + \$100/acre <sup>2</sup>
Floor area & Land disturbed ≥5,001 & ≤50,000 square feet	\$1,000 + \$100/acre <sup>2</sup>
Floor area & Land disturbed ≥50,001 square feet	\$1,500 + \$100/acre <sup>2</sup>

**REZONING/CONDITIONAL REZONING**

Each continuance caused by the applicant	\$1,500 + \$100/acre <sup>2</sup> \$250
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**SPECIAL USE PERMIT**

<i>Use</i>	<i>Initial</i>	<i>Amendment</i>
Day Nursery	\$300	\$200
Single- or two-family detached or attached dwelling	\$300	\$200
Outdoor dining	\$300	\$200
Mobile food business	\$300	\$200
Multi-family dwelling (3 to ten units)	\$1,800	\$1,200
Commercial or industrial equal to or less than 5,000 sq ft	\$1,800	\$1,200
→ Multi-family dwelling (more than 10 units)	\$2,400	\$1,800
Commercial or industrial more than 5,000 sq ft	\$2,400	\$1,800

Each continuance caused by the applicant	\$250
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**SUBDIVISION**

Preliminary Plat	\$500 + \$15/lot
Extension of Preliminary Plat Approval	\$150
Final Plat	\$500 + \$15/lot
Subdivision Confirmation Letter	\$100
Continuance*	\$50
Plat of Correction	\$100

**A full refund of the application fee is permitted if the application is withdrawn prior to the second submittal of plans. Once a second submittal of plans is made, fees are not refundable.**

<sup>1</sup>For Community Unit Plans (CUP), the first 10 acres are included in the base price.

<sup>2</sup>For Conditional Use Permits, Plans of Development, and Rezonings, the first acre is included in the base price.

For all applications with an additional price per acre, fractions of an acre are rounded up to the nearest whole number. Do not prorate the fee per fraction of acre.

- Example: A Conditional Use Permit (CUP) for a 0.76 acre property would owe \$1,500 (base fee only). A CUP for a 2.3 acre property would owe \$1,700 (\$1,500 base fee + 2\*100 (for the 1.3 acres over the first acre))

\* No charge for the 1st continuance requested by the applicant or for any continuance requested by the Planning Commission. The second or subsequent continuance request by the applicant costs \$50.

## 10 W. Leigh Street

June 15, 2017

### Special Use Permit – Applicant's Statement

The attached application is for a Special Use Permit (SUP) at 10 W. Leigh Street, located in the Jackson Ward District. The existing vacant historic structure is three stories tall and occupies most of the 5,400 SF site. This application is for approval to use the building for apartments (multi-family) which, while allowed under the current R-63 zoning, is larger and would contain more units than permitted by the current zoning. R-63 zoning only allows 1 unit per 1,000 SF. This would equate to only 5 units being allowed. The proposed layout currently allows for 14 units. Twelve (12) 1-Bedroom Units and Two (2) Efficiencies, which recent studies have shown to be most desirable. Amenities for the building tenants would include a fitness area and storage lockers.

No special parking requests are being made under this Special Use Permit. While only one handicapped space and one or two standard spaces are available on site, the remaining required spaces per the R-63 zoning (1 per unit) would be secured off site per applicable City regulations.

Historic Tax Credits are to be obtained for the building and the exterior will be brought back to its original appearance, including re-opening infilled windows, replacing all non-historic windows with 1 over 1 lite metal clad wood windows and repointing of displaced masonry as needed along the parapet and walls. The front façade of the building will have the first floor CMU infill removed and a new wood and glass storefront installed to mimic the historic design of the original structure including dual flanking entrances and large glass center expanses.

Using this building for a residential function will enhance the overall environment by increasing both social and economic activity in the surrounding area. The proposed off-site parking will be adequate to accommodate the building uses. The characteristics of the building's end use and features will contribute to the community and will not be detrimental to the safety, health, morals and general welfare of the community involved. We further feel the project will not tend to create congestion in streets, roads, alleys, and other public ways and places in the area involved.

The building will be upgraded to meet or exceed applicable codes including life and fire safety, and it will not create hazards from fire, panic or other dangers. With the building structure existing and being improved at the interior (other than cosmetic exterior repairs) we feel the structure will not tend to overcrowd land and not cause an undue concentration of population or adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements or interfere with adequate light and air.