



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**Ord. No. 2015-257:** To authorize the special use of the properties known as 910 Goddin Street, 1000 Goddin Street, 4907 Goddin Court, a portion of 1000 A Carlisle Avenue, 1000 B Carlisle Avenue, 1021 Carlisle Avenue, and a portion of Northampton Street for the purpose of authorizing multifamily dwellings with up to 204 dwelling units and accessory parking, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** January 4, 2016

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#### **PETITIONER**

Margaret Freund  
Fulton Hill Properties  
1000 Carlisle Avenue  
Richmond, VA 23231

#### **LOCATION**

910 Goddin Street, 1000 Goddin Street, 4907 Goddin Court, a portion of 1000 A Carlisle Avenue, 1000 B Carlisle Avenue, 1021 Carlisle Avenue, and a portion of Northampton Street

#### **PURPOSE**

To authorize a multi-family development with up to 204 dwelling units in two five-story buildings and accessory parking.

#### **SUMMARY & RECOMMENDATION**

The subject properties are comprised of two City-owned properties, a portion of City right-of-way known as Northampton Street, three properties owned by Fulton Hill Properties, LLC and a portion of the property owned by Fulton Hill Properties that was formerly a public right-of-way known as Carlisle Avenue. Together the properties are approximately 5.7 acres and are currently unimproved with any buildings or structures.

Fulton Hill Properties proposes to develop the properties for multifamily uses and accessory parking, which requires approval of this special use permit, a special use permit amendment, the closure of Northampton Street, the sale of two City-owned properties, a Utility Agreement and a Performance Agreement by City Council.

This special use permit would authorize the construction of two five-story buildings for multi-family use with up to 204 dwelling units. The subject properties are zoned R-5 Single-Family Residential, which does not permit multi-family use. The ordinance would require one parking space be provided for each dwelling unit. The ordinance would require 111 parking spaces on the ground floor of the buildings and 95 surface parking spaces in surface parking areas throughout the site. The special use permit would also authorize accessory uses of an amenity building and salt-water pool on a separate parcel from the multi-family uses.

This special use permit would authorize a reduction of 72 required parking spaces for the proposed multi-family dwelling and would eliminate 81 parking spaces required to serve the office, event and proposed residential uses in the adjacent development in the historic Fulton Hill School building.

The ordinance includes a condition, which would regulate the access and control of the privately owned portions of former Carlisle Avenue and former Northampton Street. In part, the condition states that, "The Roads may remain private, however, the Owner shall permit public pedestrian and vehicular access, subject to the reasonable control of the Owner to revoke such access to individuals on a case-by-case basis, and the Owner shall not gate or otherwise barricade the Roads against such public access except as provided herein." In addition, the applicant will not be permitted to post signs forbidding access. The applicant will, however, have a right to temporarily gate the private streets, though for no more than three calendar days in any given calendar week, no more than six calendar days in any given calendar month, and no more than 40 calendar days in any given calendar year. Staff believes these conditions are unenforceable.

The Richmond Master Plan Land Use Map recommends "public and open space" for the subject properties. Included in this designation are environmentally sensitive areas and scenic areas where urban development should not occur such as the steep slopes found on the subject properties (p.135). One of the guiding land use principles for the East Planning District states that vacant land unsuitable for development should be reserved for public open spaces (p. 166). It further recommends "expansion of the Gillies Creek Park to create a contiguous public park space with Powhatan Hill Park, Libby Hill Park, and a portion of the land at East Richmond Road landfill, and Great Shiplock Park (p. 173)."

The Master Plan's Public Facilities Map specifically recommends a proposed public park for the subject properties, including parts of the subject properties in a contiguous park space, connecting Powhatan Park and Gillies Creek Park. In addition, the Community Unit Plan for the Fulton Redevelopment Area, showed much of the subject area within in the Project Boundary and identified as Public Space. The proposed development is counter to the recommendations in the Master Plan.

In addition to the proposal's lack of conformance with the recommendations in the City's Master Plan, staff maintains several concerns related to the proposed development:

1. The increase authorized residential density from 8.7 units an acre to 35 units an acre while lowering the parking availability creates the potential for a parking demand on nearby neighborhood streets, especially in the case of assembly events. This could cause an overcrowding of the nearby streets and an undue burden to the residents of those streets. This impact could be offset by either lowering the proposed density or providing additional parking spaces.
2. Carlisle Avenue and Northampton Street should be open and accessible to all citizens of the community. Carlisle Avenue, as it runs across the subject properties, provides a critical automobile and pedestrian connection from upper Fulton to lower Fulton. Leaving control of access--with a very difficult to enforce maximum number of days closed--to the discretion of the property owner does not positively contribute to the general welfare of the community.

3. Finally, the applicant has offered to purchase the entire 1000 Goddin Street property, which accommodates an athletic playing field, historically used by the City's Park and Recreation programs. The special use permit ordinance approved in 2000 required that public parking be made available for the use of the recreation fields. However, as part of the proposed development, one of the new multi-family buildings would replace the public parking area and the Fulton Hill Properties would have full control of the recreation fields.
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## **FINDINGS OF FACT**

### **Site Description**

The subject properties for this special use permit are comprised of two City-owned properties, a portion of City right-of-way known as Northampton Street, three properties owned by Fulton Hill Properties, LLC and a portion of the property owned by Fulton Hill Properties that was formerly a public right-of-way known as Carlisle Avenue. Together the properties are approximately 5.7 acres and are currently unimproved with any buildings or structures.

City-owned 1000 Goddin Street is currently occupied by an athletic field, formerly associated with the public school use of the property. City-owned 910 Goddin Street and 4907 Goddin Court, which is owned by Fulton Hill Properties LLC, are heavily wooded and contain severely steep slopes. 1000 B Carlisle Avenue is vacant and used as a pedestrian access.

1021 Carlisle Avenue contains a 39-space parking area that currently provides parking for the uses authorized by a special use permit for the adjacent property. The parcel owned by Fulton Hill Properties that previously served as Carlisle Avenue (1000A Carlisle Avenue) is currently improved with cobblestone pavers and sidewalks. A 16' sewer easement and a 40' sewer easement are currently located across two of the properties owned by Fulton Hill Properties, LLC (4907 Goddin Street and 1000A Carlisle Avenue).

### **Proposed Use of the Property**

This special use permit would authorize the construction of two five-story buildings for multi-family use with up to 204 dwelling units. The subject properties are zoned R-5 Single-Family Residential, which does not permit multi-family use. The ordinance would require one parking space be provided for each dwelling unit. The ordinance would require 111 parking spaces on the ground floor of the buildings and 95 surface parking spaces in surface parking areas throughout the site. The special use permit would also authorize accessory uses of an amenity building and salt-water pool on a separate parcel from the multi-family uses.

The unit mix would be a combination of one and two-bedroom units, ranging from approximately 600 square feet to 900 square feet in unit size. The buildings would be five stories tall and have an exterior material mix of painted fiber cement panels, EIFS, and/or brick.

The development of the properties for multifamily uses and accessory parking requires approval of this special use permit, a special use permit amendment, the closure of Northampton Street, the sale of two City-owned properties, a Utility Agreement and a Performance Agreement by City Council. The required papers are outlined below:

### **Companion Papers**

#### 1000 Carlisle Ave SUP Amendment

This is a request to redevelop the school building, currently used for offices and artist studios, for the purposes of up to 62 multi-family dwelling units and additional commercial uses. This request would also reduce the parking requirement for the uses authorized under the special use permit, including special events. *Requires Planning Commission recommendation.*

#### Northampton Street Closure

This is a request to close, to public use and travel, a portion of Northampton Street, located between Carlisle Avenue and Goddin Street and consisting of 0.23 acres. This paper would transfer Northampton Street to Fulton Hill Properties for use as accessory parking for the proposed multifamily development for \$5,000. *Requires Planning Commission recommendation.*

#### Sale of 910 Goddin Street and 1000 Goddin Street

This is a request to authorize the sale of two City owned properties comprising approximately 2 acres to Fulton Hill Properties, LLC for \$80,000. *Requires Planning Commission recommendation.*

#### Performance Agreement

The City will provide a \$750,000 grant to Fulton Hill for the development of at least ten affordable housing units (current rent would be ~\$780 per month for a one bedroom), ten workforce housing units (current rent would be ~\$1,040 per month for a one bedroom), and a \$30,400,000 net new taxable investment. *Requires only City Council approval.*

#### Utility Agreement

A permanent easement is required by the City for a project separating a combined sewer for approximately 37 acres in the Fulton Hill area. There is an existing easement on the property to be developed. The City will abandon the existing easement on Fulton Hill Properties' property in exchange for a new easement in former Carlisle Avenue. The City will also repair/replace the cobblestones in the private street, construct two sanitary sewer manholes and stub pipes for the new development, and provide water service in close proximity to the development. *Requires only City Council approval.*

### **Master Plan**

The Richmond Master Plan Land Use Map recommends "public and open space" for the subject properties. Included in this designation are environmentally sensitive areas and scenic areas where urban development should not occur such as the steep slopes found on the subject properties (p.135). One of the guiding land use principles for the East Planning District states that vacant land unsuitable for development should be reserved for public open spaces (p. 166). It further recommends "expansion of the Gillies Creek Park to

create a contiguous public park space with Powhatan Hill Park, Libby Hill Park, and a portion of the land at East Richmond Road landfill, and Great Shiplock Park (p. 173).”

The Master Plan’s Public Facilities Map specifically recommends a proposed public park for the subject properties, including parts of the subject properties in a contiguous park space, connecting Powhatan Park and Gillies Creek Park. In addition, the Community Unit Plan for the Fulton Redevelopment Area, showed much of the subject area within in the Project Boundary and identified as Public Space. The proposed development is counter to the recommendations in the Master Plan.

### **Zoning**

The properties are zoned R-5 Single-Family Residential, which does not permit the proposed multi-family use and accessory parking. The R-5 zoning allows for a density of up to 8.7 units per acre for single-family uses. The proposed development would create a density of approximately 35 units per acre.

The maximum height permitted in the R-5 district is 35 feet. The proposed five-story buildings would have maximum heights of approximately 65 feet.

A number of conditions are included in the special use permit ordinance. A minimum of one parking space per dwelling unit shall be provided. Other conditions regulate signage, landscaping, and exterior building design, materials, and colors.

The ordinance includes a condition, which would regulate the access and control of the privately owned portions of former Carlisle Avenue and former Northampton Street. In part, the condition states that, “The Roads may remain private, however, the Owner shall permit public pedestrian and vehicular access, subject to the reasonable control of the Owner to revoke such access to individuals on a case-by-case basis, and the Owner shall not gate or otherwise barricade the Roads against such public access except as provided herein.” In addition, the applicant will not be permitted to post signs forbidding access. The applicant will, however, have a right to temporarily gate the private streets, though for no more than three calendar days in any given calendar week, no more than six calendar days in any given calendar month, and no more than 40 calendar days in any given calendar year.

In 2000, City Council adopted Ordinance No. 2000-218-231, which authorized the use of the former Fulton Hill public school at 1000 Carlisle Avenue for non-medical office uses, an arts center, and a performance and reception facility with both indoor and outdoor events. The special use approved in 2000, required a minimum of 150 parking spaces be provided to serve the uses of the property and limited the occupancy of the events by the number of parking spaces provided. The 2000 ordinance included part of 1021 Carlisle Avenue and 910 Goddin Street, two properties now part of this ordinance, in order to provide the parking spaces required. Those properties will be removed from Ord. No. 2000-218-231 as part of a companion special use permit that will also reduce the parking requirement from 150 spaces to 69 spaces due to the removal of those two properties.

For the proposed 204 dwelling units under this special use permit, 204 parking spaces will be required to be provided. However, all 204 parking spaces outside of the Carlisle

Avenue property will be exclusively reserved for the 204 dwelling units, meaning they cannot be used to support any of the uses permitted in the 1000 Carlisle Avenue ordinance, including the previously approved assembly uses for up to 500 persons.

The zoning ordinance requires for multi-family dwelling uses with more than one main building on a development site, 1.5 parking spaces per dwelling units with two bedrooms or more, and 1.25 parking spaces per dwelling units with fewer than two bedrooms. The plans indicate 120 one-bedroom units and 84 two-bedroom units. Therefore, 276 parking spaces would normally be required for the 204 dwelling units authorized by this special use permit. This special use permit would authorize a reduction of 72 required parking spaces for the proposed multi-family dwelling.

### **Surrounding Area**

All of the surrounding properties are zoned R-5 and are occupied by single-family detached residences to the east and west. Powhatan Park, a City-owned park and its facility is located to the south and the property to the north is also City-owned is classified as undeveloped park property.

### **Neighborhood Participation**

Staff has contacted 7<sup>th</sup> District Council Representative, Cynthia Newbille, and the Greater Fulton Hill Civic Association. Staff has received four letters of support and one phone call from an adjacent property owner who expressed concern over the proposed development.