

INTRODUCED: November 13, 2018

AN ORDINANCE No. 2018-310

To authorize the special use of the property known as 2712 East Leigh Street for the purpose of up to seven multifamily dwelling units and an accessory office, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 10 2018 AT 6 P.M.

WHEREAS, the owner of the property known as 2712 East Leigh Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of up to seven multifamily dwelling units and an accessory office, which use, among other things, is not currently allowed by section 30-419.6, concerning side yard requirements, and section 30-419.4, concerning permitted accessory uses, of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2018), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 17 2018 REJECTED: _____ STRICKEN: _____

safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies,

sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. Grant of Special Use Permit.

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 2712 East Leigh Street and identified as Tax Parcel No. E000-0480/023 in the 2018 records of the City Assessor, being more particularly shown on a plat entitled “Plat Showing the Property Limits for E0000480023, 2712 East Leight Street, VMAX, LLC,” prepared by C.E. Duncan & Associates, Inc., and dated October 2, 2017, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of up to seven multifamily dwelling units and an accessory office, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Horse Stable Renovation, 2712 E Leigh Street, Richmond, Virginia,” prepared by Johannas Design Group, dated March 21, 2018, and last revised November 7, 2018, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. Special Terms and Conditions. This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as up to seven multifamily dwelling units and an accessory office, substantially as shown on the Plans. The office shall be used for property management purposes.

(b) Up to seven on-site parking spaces shall be provided for the Special Use of the Property, substantially as shown on the Plans.

(c) All building materials, elevations, and landscaping shall be substantially as shown on the Plans, unless otherwise approved by the Commission of Architectural Review prior to the issuance of a building permit for the Property.

(d) The height of the Special Use shall not exceed the height as shown on the Plans.

(e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(f) Exterior bicycle storage for four bicycles shall be provided, substantially as shown on the Plans.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) 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 any other property or public streets and the use thereof.

(c) 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.

(d) Any encroachments existing, proposed 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 (2015), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way, including repairs to existing sidewalks, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) 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.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or

otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.richmondgov.com

Item Request

File Number: PRE.2018.331

O & R REQUEST

4-8261

OCT 17 2018

Office of the
Chief Administrative Officer

O & R Request

DATE: October 15, 2018

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (By Request) *LS 10/31/18*
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer *SCG*

THROUGH: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic Development and Planning *DD*

FROM: Mark A. Olinger, Director, Department of Planning and Development Review *MAO*

RE: To authorize the special use of the property known as 2712 East Leigh Street for the purpose of permitting up to seven multi-family dwelling units and an accessory office, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 2712 East Leigh Street for the purpose of permitting up to seven multi-family dwelling units and an accessory office, upon certain terms and conditions.

REASON: The applicant is proposing up to seven multi-family dwelling units and an accessory office for property management purposes. The property is located in the R-63 Multi-Family Urban Residential Zoning District, which permits multi-family dwellings, however, the proposal would not meet the side yard setback requirements of the zoning ordinance. Also, the accessory office use is not permitted in the R-63 District. A special use permit is therefore required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its December 3rd, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The proposal is to renovate a historic building, most recently used as a church, into five dwelling units and an accessory leasing office, as well as constructing a new addition with two additional dwelling units. The proposal calls for seven (7) off-street parking spaces. The subject property consists of a parcel totaling 7,584 SF, or .17 acres improved with a 5,200 SF, 2-story building. The property is a part of the Church Hill neighborhood in the East Planning District and the Church Hill North City Old & Historic District. The property is located on the north side of East Leigh Street, between North 27th Street and North 28th Street.

The City of Richmond's current Master Plan designates the subject property for Mixed Use Residential (MUR) uses which include, "...single, two, and multi-family dwellings, live/work units and neighborhood serving commercial uses developed in a traditional urban form. These commercial uses are limited in location, type and scale and are intended to provide for the convenience of urban 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 the neighborhood. Typical zoning classification that may accommodate this land use category: R-63 and R-8. (City of Richmond, Master Plan). No residential density is specified for this land use category. The residential density of the proposed development would be approximately 41 units per acre.

The current zoning for the subject property is R-63, Multifamily Urban Residential. Properties to the north and east are also zoned R-63. Parcels to the west and south are zoned R-8, Urban Residential. Residential and vacant land uses predominate the vicinity of the subject property.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 13, 2018

CITY COUNCIL PUBLIC HEARING DATE: December 10, 2018

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, December 3, 2018.

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646-5734

**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.cityofrichmond.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: 2712 E LEIGH ST., RICHMOND, VA 23223 Date: 03-02-18

Tax Map #: E-480-23 Fee: \$1800

Total area of affected site in acres: 7580 SQUARE FEET (0.174 ACRES)

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

Zoning

Current Zoning: R-63

Existing Use: CHURCH

Proposed Use

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

7 RESIDENTIAL UNITS AND ONE OFFICE UNIT

Existing Use: CHURCH

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: JEISSON APOLO

Company: JOHANNAS DESIGN GROUP

Mailing Address: 1801 W CARY ST

City: RICHMOND

State: VA

Zip Code: 23220

Telephone: (804) 358-4993

Fax: (804) 358-4993

Email: JEISSON@JOHANNASDESIGN.COM

Property Owner: 2712 LEIGH STREET LLC C/O RATA LLC

If Business Entity, name and title of authorized signee: VITALIUS REINIKOVAS

(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: 643 MONAHAN DR

City: RICHMOND

State: VA

Zip Code: 23238

Telephone: (804) 426-1030

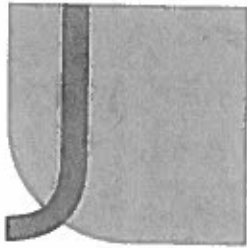
Fax: (804) 426-1030

Email: VITAS1902@GMAIL.COM

Property Owner Signature: [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)



JOHANNAS
design group

Special Use Permit Applicant's Report
03-21-18

2712 East Leigh Street Proposed 7 Residential Units and 1 Office Unit

EXISTING PROPERTY

According to the National Register for Historic Places, 2712 East Leigh Street is a historic structure originally built as a horse stable in the Church Hill neighborhood circa 1880. The 7,580 square foot lot contains a 2,570 square foot historic building currently being used as a church. The building is located on the southwestern corner of the property. The south edge of the property is adjacent to East Leigh Street, and the north, east and west edges of the property are adjacent to existing alleys.

The original historic horse stable was a two-story building with rows of masonry openings on the east and west faces. Sanborn maps from 1905 show the horse stable had an attached shed that continued to the rear alley. The majority of the original masonry openings have been filled with brick, and the building has fallen into disrepair; primarily on its east and north faces, there is extensive plant growth and decay.

The property was purchased by the current owner in 2017.

PROPOSED USE

The owner of the property wishes to renovate this building as a historic tax credit project, and is applying for this special use to repurpose the property into seven dwelling units and one office unit used for property management during typical business hours. The project would renovate the existing building into five dwelling units and one office unit, and construct a new 950 square foot addition with two dwelling units.

The property is zoned R-63, which accommodates multi-family urban housing; seven dwelling units are permitted in this property. All dwelling units will be one-bedroom lofts, ranging from 540 to 730 square feet in area. All dwelling units will have independent entrances accessed through a small fenced-in yard. There will be seven on-site parking spaces. The office unit will not include additional parking.

This historic tax credit project will maintain the integrity of the building. The extensively dilapidated east face will be reconstructed as required, and openings for the proposed dwellings on this face will be aligned with historic masonry openings. The north face, the most dilapidated, will be used as the location to attach the proposed addition.

MASTER PLAN

The 2000-2020 Richmond Master Plan's existing land use plan from the year 2000 marks this property as "institutional/semi-public", and the new land use plan from 2017 now labels it as "single-family (medium density)". In 2010, the Richmond Code of Ordinances changed the zoning to "R-63 (multi-family urban housing)", which allows for one dwelling unit per 1,000 square feet. Accordingly, this property at 7,580 square feet is permitted seven dwelling units.

The Richmond Master Plan's guiding land use principles for the East Planning District state that "existing historic preservation design controls should be maintained", and its land use policies and strategies state that "structures deemed appropriate for rehabilitation should be revitalized in order to maintain as much of the area's stock of architecturally significant buildings as possible and improve the neighborhood". The proposed historic tax credit project for this property well serves to maintain the historic character of this property.

RICHMOND CODE OF ORDINANCES

According to Richmond's Code of Ordinances, R-63 zoning is geared "to encourage development of medium-density neighborhoods comprised of a mix of residential uses" as well as permitting "nonresidential uses that serve many of the day-to-day convenience needs of neighborhood residents". It is pertinent to acknowledge that the proposed office unit would be specifically for use by the real-estate property managers, allowing them to accommodate the needs of the tenants.

The attached office unit will be located on the south facade at East Leigh Street. This location is presently at grade and largely exposed to the street and sidewalk, making it unpalatable as a dwelling unit. The proposed office unit will be used by three to five occupants and open no earlier than 8AM and no later than 6PM.

The property will have 35% of usable open space. This is greater than the 30% minimum required by R-63 zoning.

The existing building and proposed addition both will comply with the R-63 required height of two stories.

CITY CHARTER CONDITIONS FOR SUP

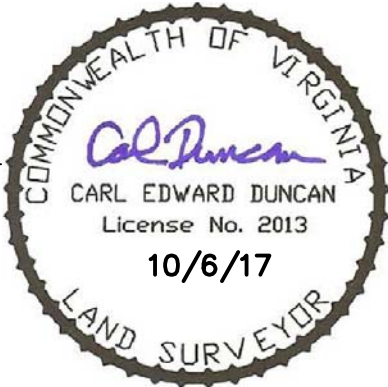
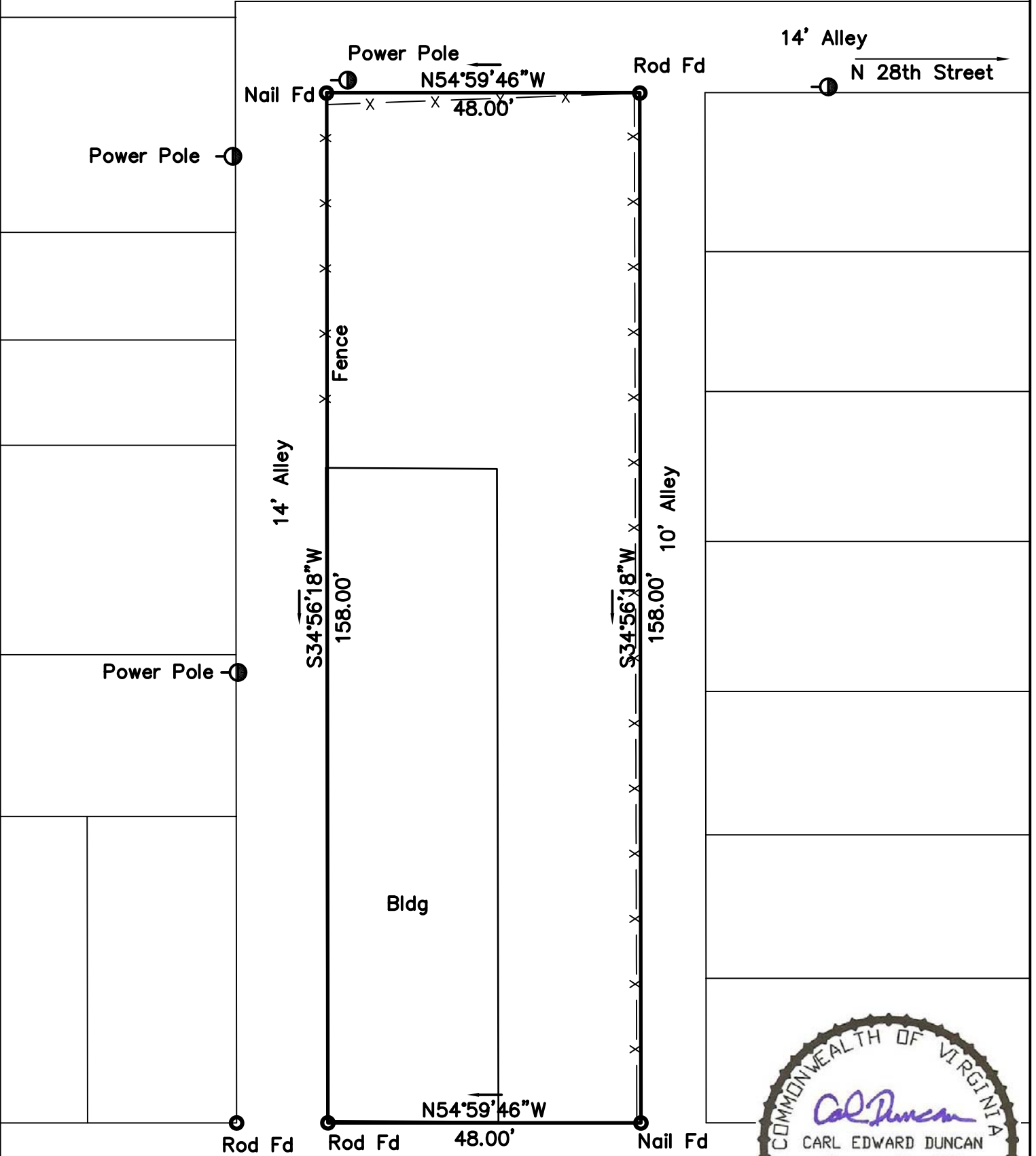
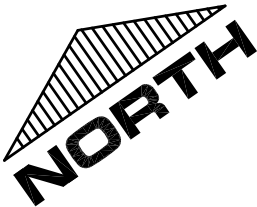
- A. The proposed special use will not be detrimental to the safety, health, morals, and general welfare of the community involved. The R-63 zoning district encourages multi-family dwelling units and accommodates this building type.

- B. The proposed special use will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved. The proposed special use meets the typical density defined by R-63 zoning.
- C. The proposed special use will not create hazards from fire, panic or other dangers. The existing lot is not directly adjacent to any properties and is buffered by alleys on all non-street-facing sides, making it completely separate from other buildings. The new addition will be built in accordance with all applicable building codes.
- D. The proposed special use will not tend to cause overcrowding of land and an undue concentration of population.
- E. The proposed special use will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.
- F. The proposed special use will not interfere with adequate light or air. The site is protected by public rights of way on all sides.

I hereby certify that an accurate survey of the property was made on October 2, 2017 and that any encroachments are noted hereon. This survey was made without benefit of a title report and there may be encumbrances present that are not shown.

Carl E. Duncan

Carl E. Duncan, P.E., L.S.



East Leigh Street

Plat Showing the
property limits for
E0000480023
2712 East Leight Street
VMAX, LLC

7th District
City of Richmond

C. E. Duncan & Associates, Inc.
2609 Rocky Oak Road
POWHATAN, VIRGINIA 23139
(804) 598-8240 Fax (804) 598-9240
DATE: 10/2/17 SCALE: 1"=20'
DRAWN BY: CED JOB NO.: 17-1774

HORSE STABLE RENOVATION

2712 E LEIGH ST

RICHMOND, VIRGINIA

PROJECT INFO

SCOPE: RENOVATION OF HISTORIC HORSE STABLE INTO 5 TWO-STORY RESIDENTIAL UNITS, 1 TWO-STORY BUSINESS UNIT AND NEW ADDITION OF 2 TWO-STORY RESIDENTIAL UNITS

OWNER: 2712 ELEIGHST LLC C/O RATASLLC

ZONING DISTRICT: R-63 - RESIDENTIAL (MULTI-FAMILY URBAN)

PROJECT AREA: SITE AREA - ±7580 SF
EXISTING BUILDING AREA: ±2570 SF GROSS

RENOVATED AREA:
FIRST FLOOR - ±2570 SF GROSS
SECOND FLOOR - ±2570 SF GROSS

PROPOSED ADDITION:
FIRST FLOOR - ±950 SQ FT GROSS
SECOND FLOOR - ±950 SQ FT GROSS

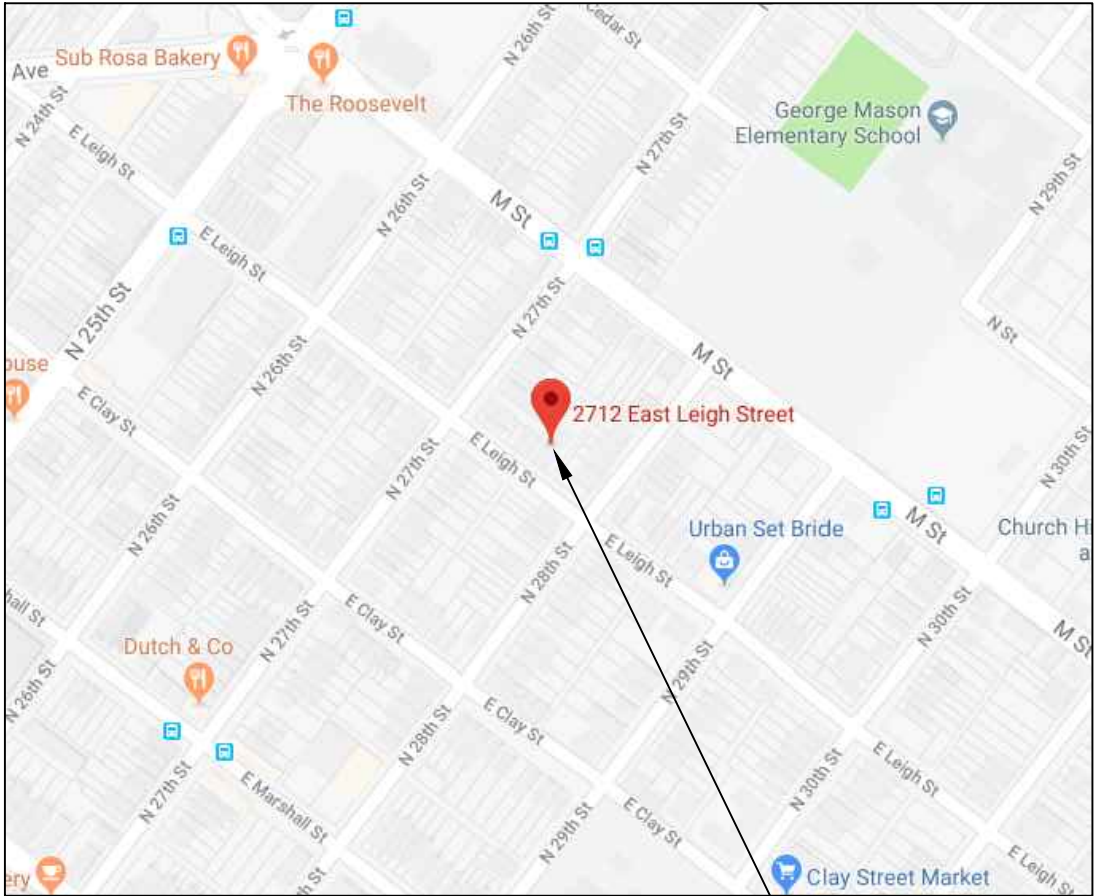
FLOOR AREA:
2570 + 950 = ±3520 SQ FT GROSS

FLOOR AREA RATIO:
3520 / 7580 = 0.465

USABLE OPEN SPACE:
7580 - (3520 + 1385 PARKING) = ±2675 SQ FT

USABLE OPEN SPACE RATIO:
2675 / 7580 = 0.353

VICINITY MAP



SITE

CONTENTS

- C1 COVER SHEET
PROJECT INFO
VICINITY MAP
- A1 EXISTING CONDITIONS PLANS
- A2 EXISTING CONDITIONS PHOTOS
- A3 SITE PLAN
- A4 FLOOR PLANS
- A5 EAST ELEVATION
- A6 WEST ELEVATION
- A7 NORTH AND SOUTH ELEVATIONS

P 804.358.4993
F 804.358.8211
1901 WEST CARY STREET
RICHMOND, VA 23220

JOHANNAS DESIGN GROUP

REVISIONS

2712 EAST LEIGH ST

SHEET TITLE

COVER SHEET

DATE

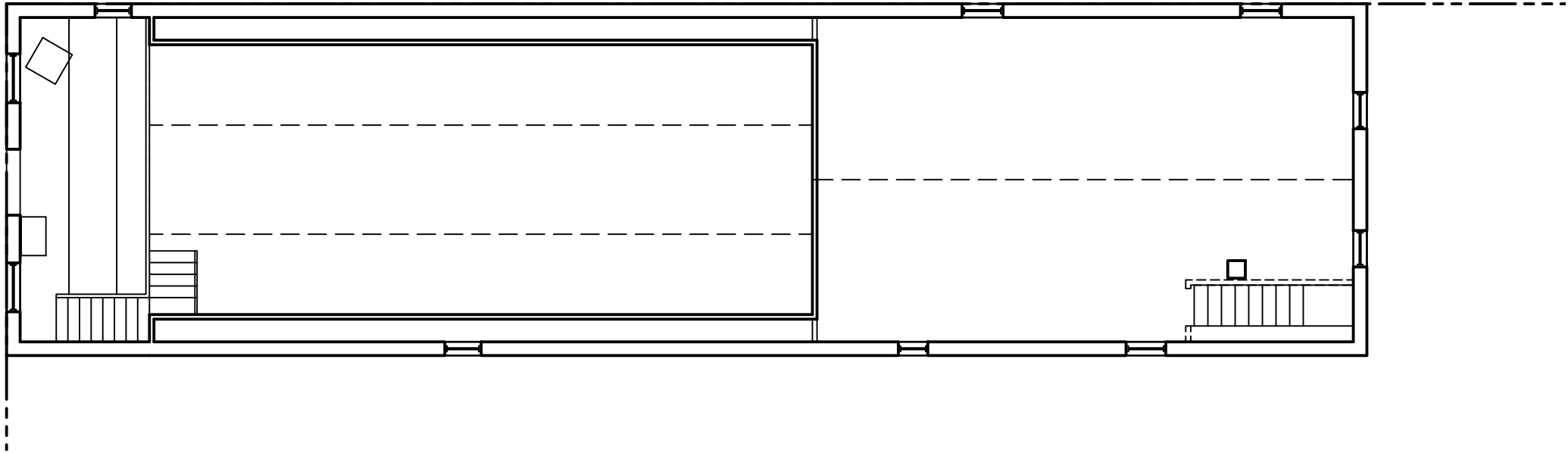
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PROJECT NO.

1752

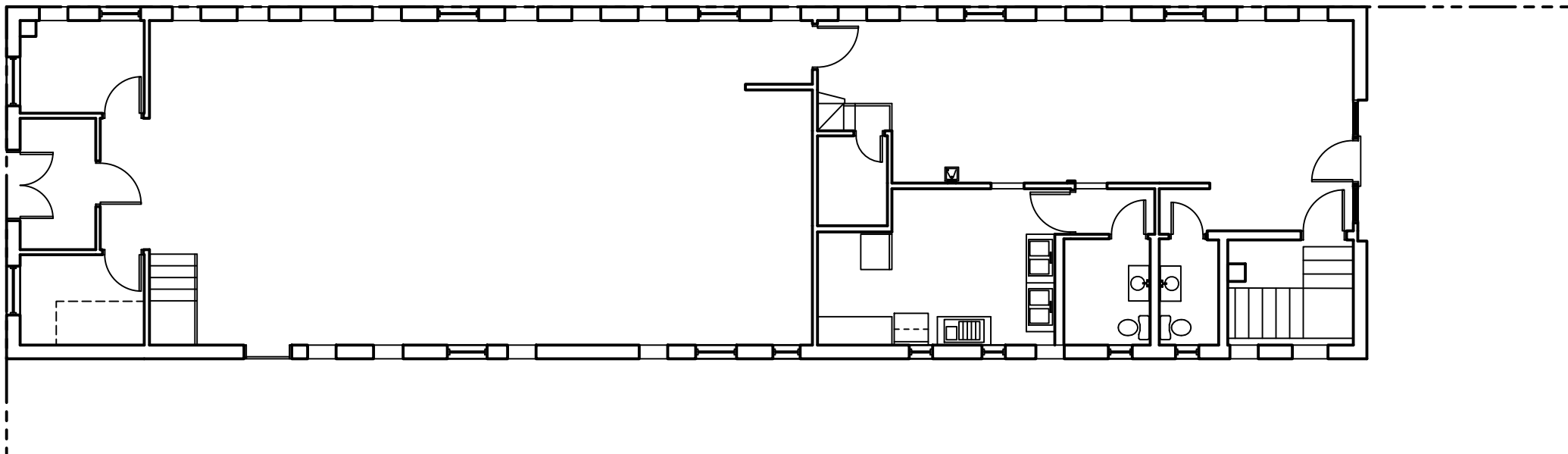
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C1



EXISTING SECOND FLOOR PLAN

3/32" = 1'-0"



EXISTING FIRST FLOOR PLAN

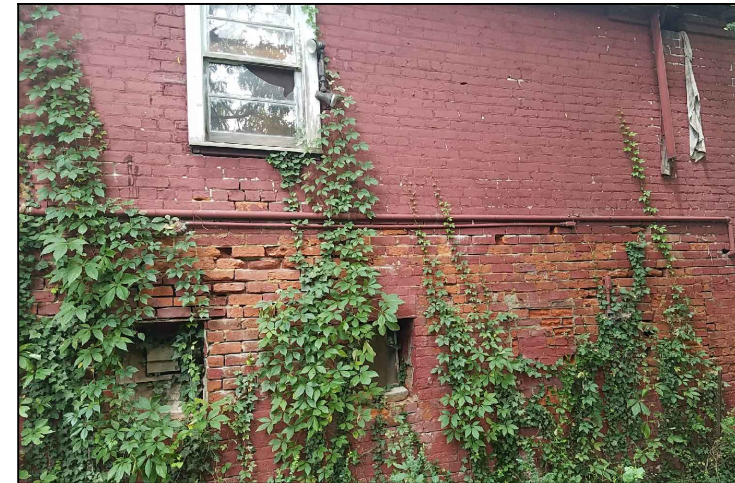
3/32" = 1'-0"



WEST FACADE



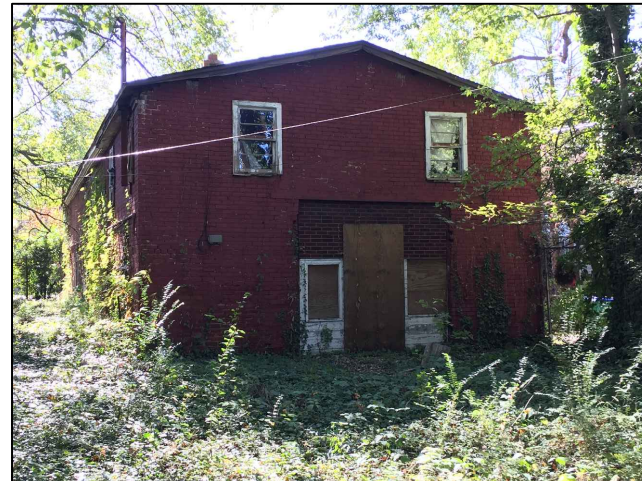
EAST FACADE



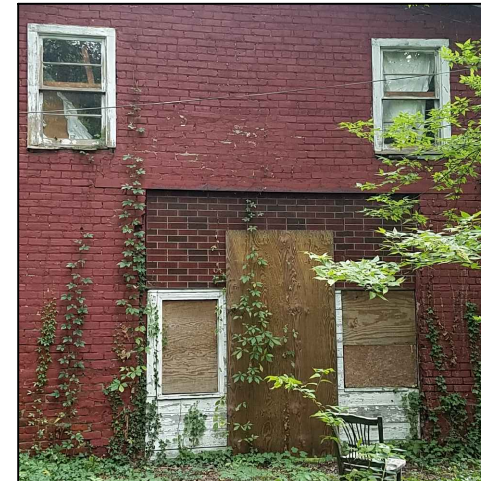
DETERIORATION DETAIL



SOUTH FACADE



NORTH FACADE



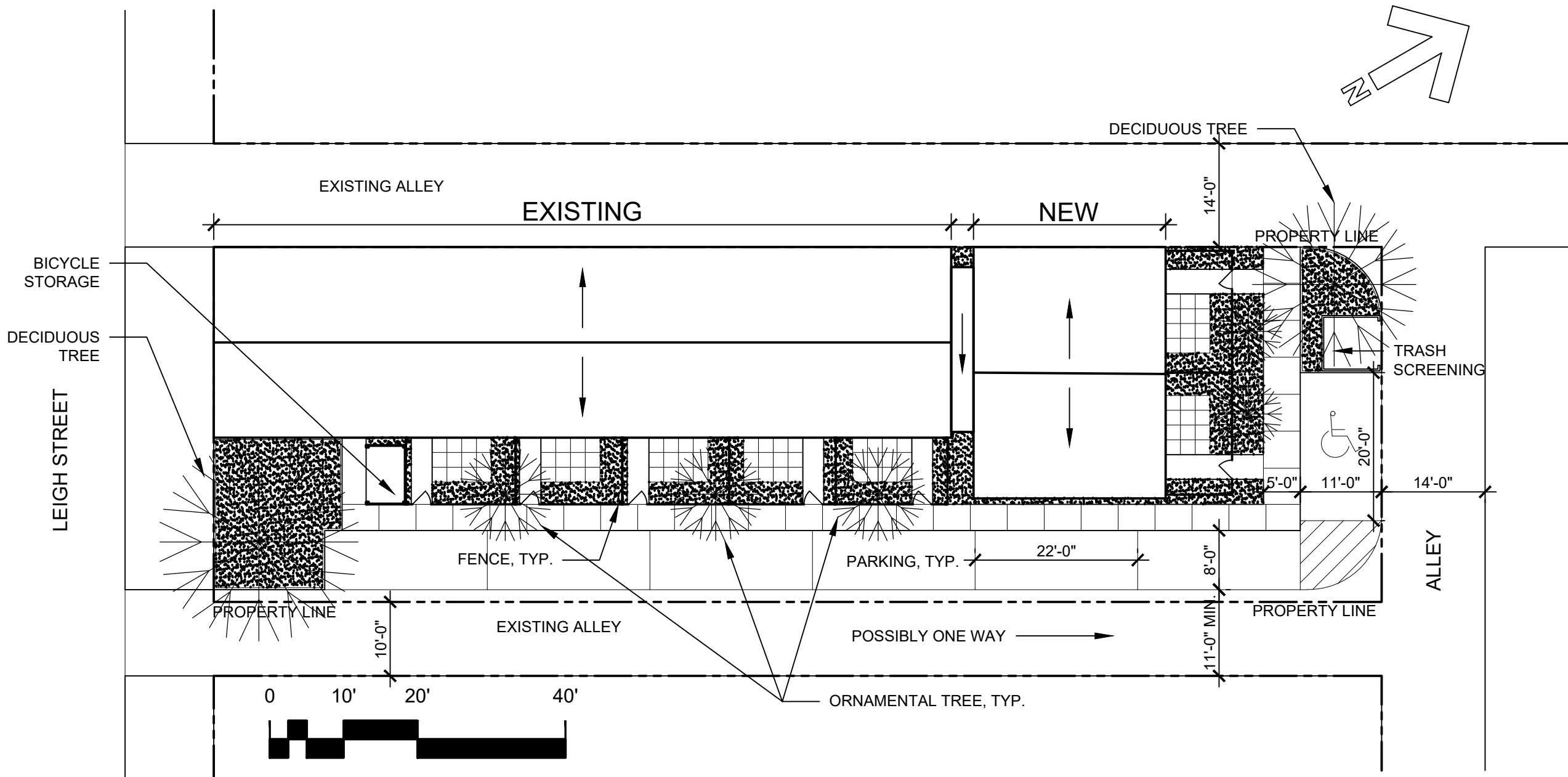
DETERIORATION DETAIL



EXISTING FIRST FLOOR



EXISTING SECOND FLOOR



SITE & ROOF PLAN

1/16" = 1'-0"

P 804.358.4993 F 804.358.8211
JOHANNAS DESIGN GROUP 1901 WEST CARY STREET RICHMOND, VA 23220

REVISIONS
08-28-18
added parking
dimensions

2712 EAST LEIGH ST

SHEET TITLE

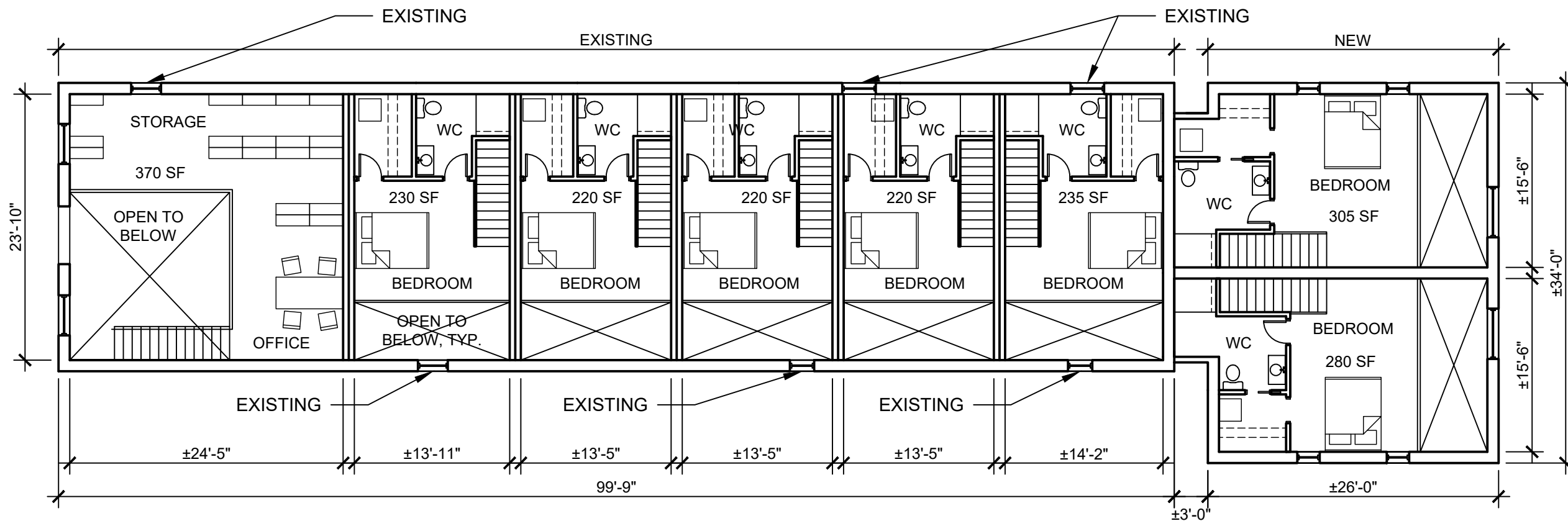
SITE
PLAN

DATE
08-27-18

PROJECT NO.
1752

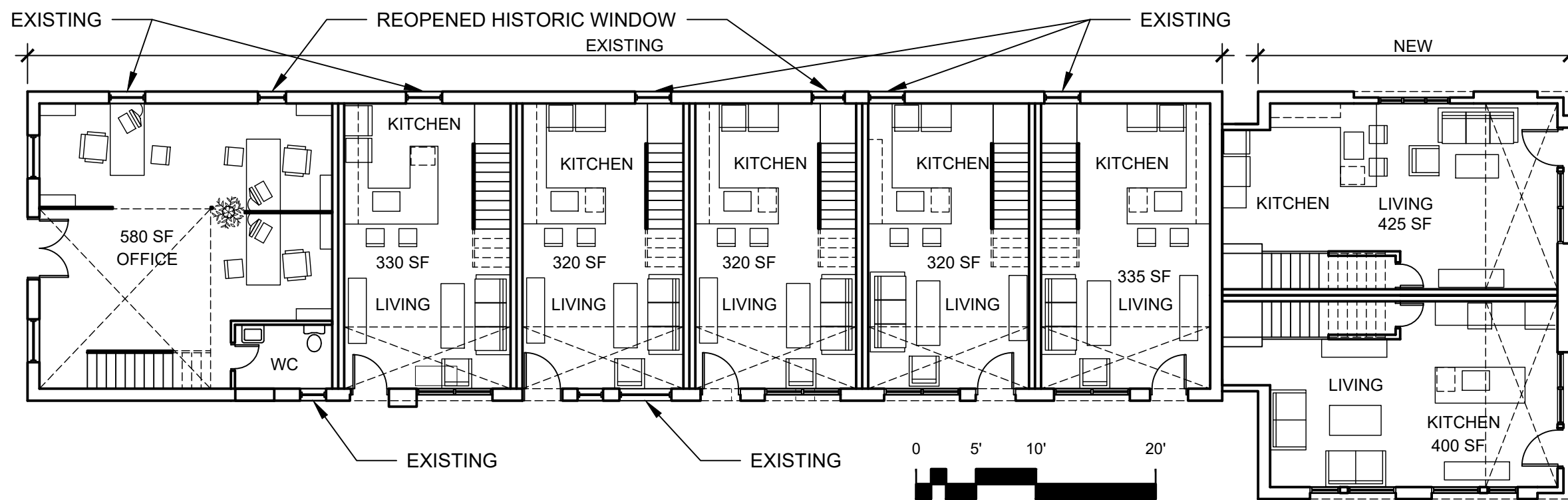
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A3



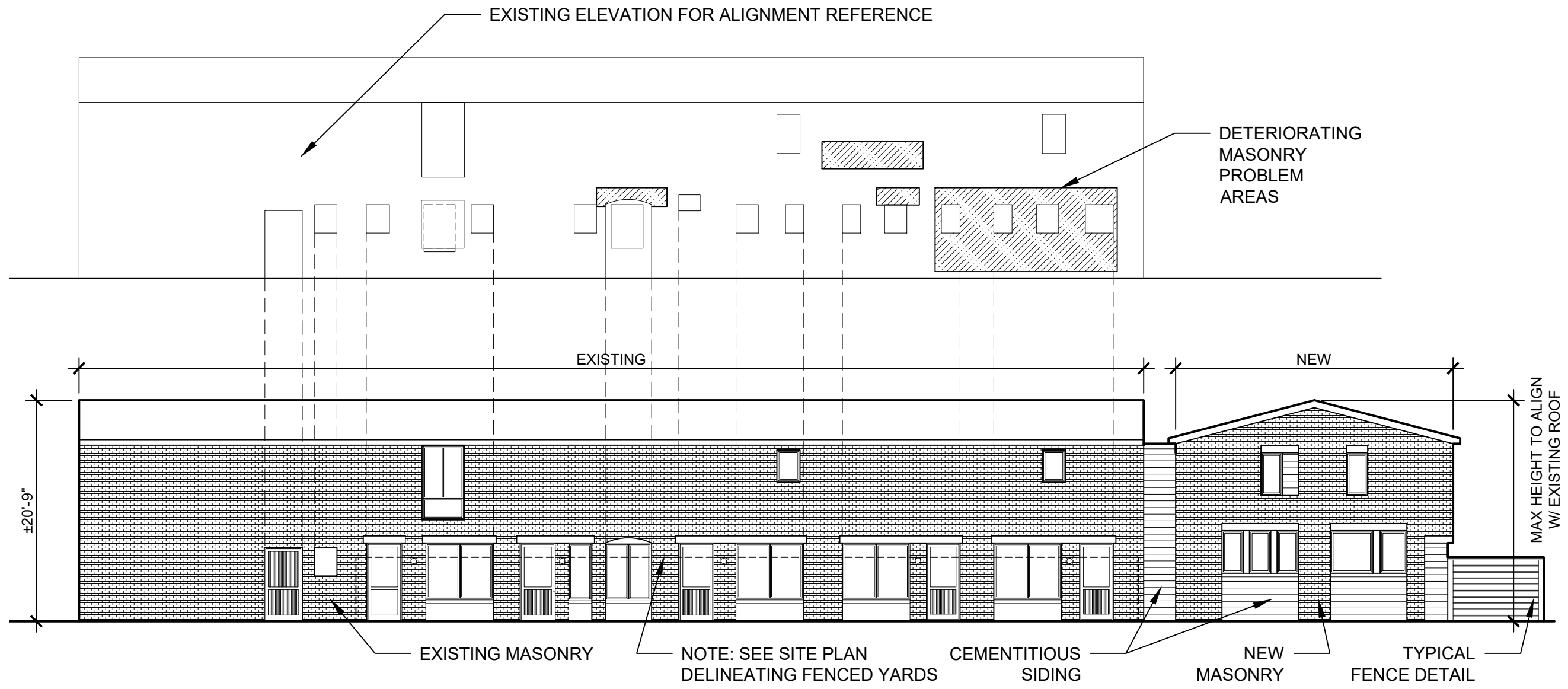
SECOND FLOOR PLAN

3/32" = 1'-0"



FIRST FLOOR PLAN

3/32" = 1'-0"



EAST ELEVATION
3/32" = 1'-0"

JOHANNAS DESIGN GROUP

P 804.358.4993

F 804.358.8211

1901 WEST CARY STREET

RICHMOND, VA 23220

REVISIONS

2712 EAST LEIGH ST

SHEET TITLE

EAST ELEV

DATE

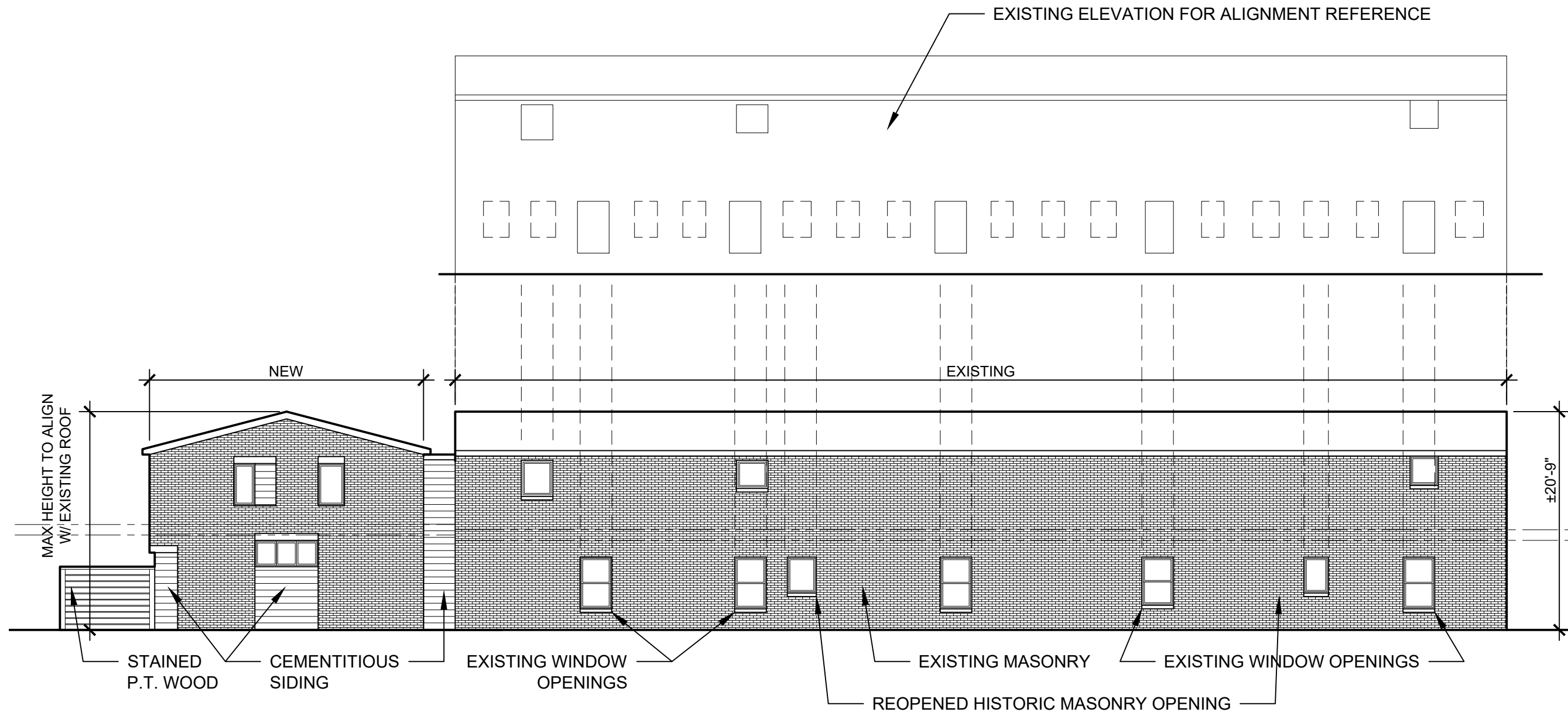
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PROJECT NO.

1752

SHEET NO.

A5



EAST ELEVATION
3/32" = 1'-0"

