



## CITY OF RICHMOND

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

**Ord. No. 2021-111:** To authorize the special use of the property known as 1005 Westover Hills Boulevard for the purpose of a mixed-use building, containing up to twelve dwelling units and commercial space, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** May 17, 2021

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#### **PETITIONER**

Zach Kennedy

#### **LOCATION**

1005 Westover Hills Boulevard

#### **PURPOSE**

To authorize the special use of the property known as 1005 Westover Hills Boulevard for the purpose of a mixed-use building, containing up to twelve dwelling units and commercial space, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The applicant wishes to construct a mixed-use building including multi-family and commercial uses within an R-5 Single-Family Residential District. The proposed uses are not permitted uses in this district. A Special Use Permit is therefore required.

Staff finds that the proposed special use is generally consistent with the recommendations and designations of the Master Plan for this area, specifically pertaining to Community Mixed Use areas, the Westover Hills Neighborhood Node, and Great and Major Mixed-Use Streets.

Staff finds the proposed special use would be consistent with the Plan's Objective 4.1: Create and preserve high-quality, distinctive, and well-designed neighborhoods and Nodes throughout the city. The proposed use and its design addresses several of the strategies within this Objective including the following: "Allow and encourage a variety of architectural styles", and "Increase building permeability by requiring new buildings to have functioning entrances from the sidewalk and restricting blank walls at ground level", among others (p. 100).

Staff finds that the special use supports the vision for the Plan's Westover Hills Neighborhood Node, including "...encouraging urban form with buildings that are closer to the street and parking located in the rear in shared lots." (p. C-6) The proposed mixed-use building demonstrates the

continued investment in the Westover Hills Neighborhood Node that is consistent with the Master Plan, which includes the recently completed project at 4910 Forest Hill Avenue.

Staff finds that the proposed height of the mixed-use building is generally consistent with the recommendations of the Master Plan and well as the underlying R-5 zoning of the subject property and the adjacent B-2 district.

Staff finds that the proposed mixed-use building will not pose an undue burden on the availability of on-street parking due to the provision of off-street parking and bicycle parking on the property, and the property's proximity to mass transit.

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 request.

## **FINDINGS OF FACT**

### **Site Description**

The property is located in the Forest Hill Terrace neighborhood on Westover Hills Boulevard and Dunston Avenue, between West 49th and 48th Streets. The property is currently an unimproved 10,252 sq. ft. (.24 acre) parcel of land.

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

Mixed-use with commercial, residential, and off-street parking.

### **Master Plan**

The City's Richmond 300 Master Plan designates a future land use for the subject property as Community Mixed-Use. This designation is defined as a "Cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions." The building size, density, and zoning districts for these areas may vary significantly depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Uses may be mixed horizontally in several buildings on a block or vertically within the same building. Developments continue or introduce a gridded street pattern to increase connectivity. Ground floor uses engage with, and enliven, the street. Monolithic walls are discouraged, while windows, doors, storefronts, and other features that allow transparency and interaction between building and street are encouraged. Pedestrian, bicycle, and transit access are prioritized and

accommodated. Bike parking is provided. Driveway entrances are required to be off alleys whenever possible; new driveways are prohibited on priority and principal streets. Parking areas are located within the structure and to the rear of buildings and require screening; shared parking requirements are encouraged. Buildings generally ranging from two to six stories, based on street widths and depending on the historic context and stepping down in height adjacent to residential areas, as necessary. New buildings that are taller than historical buildings should step back from the build to line after matching the height of the predominant cornice line of the block.

Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space.

Secondary Uses: Single-family houses, institutional, and government. (p. 58)

The property is also located in the Westover Hills Neighborhood Node. The vision for the node is: Westover Hills has a village-like quality with small retail, services, and restaurant offerings that serve primarily the surrounding neighborhoods, but does attract outside visitors. Over the next twenty years, the Westover Hills Node could be enhanced by 1) discouraging suburban development pattern (where buildings are pushed back with parking in front of them) and encouraging urban form with buildings that are closer to the street and parking located in the rear in shared lots, and 2) utilizing a Complete Streets approach to street design to ensure pedestrians, bicyclists, and transit users are adequately and safely accommodated in the public right-of-way. Additionally, the four corners of the Westover Hills/Forest Hill intersection can be improved by bring buildings to the corner and introducing landmark public art.

Growth Potential: Low - while this is an important neighborhood Node in this area of the city and there are parcels that could be redeveloped and improve the walkability and placemaking of this Node, the overall growth potential, as compared to other Nodes city-wide, is low.

Primary Next Steps:

- Rezone the area to allow for residential uses by-right in the mixed-use area (see Goal 1 and Goal 14)
- Implement design standards to create a high-quality and well-designed neighborhood Node and explore the creation of signature public art (see Goal 4 and Goal 17)
- Improve pedestrian, bike, and transit infrastructure to/from this Node (see Goal 4 and Goal 8)
- Implement high-frequency transit along Forest Hill Avenue and Westover Hills Boulevard (see Goal 8)(p. C-6)

The Master Plan's Street Typologies Map designates the portion of Westover Hills Boulevard on which the subject property fronts as a Great Street and Major Mixed-Use Street.

Great Streets are significant entrances to the city and serve as major connectors between city destinations. Great Streets are roadways that require robust attention to make them prominent promenades to the city.

Major Mixed-Use Streets are categorized as:

- Carry high volumes of vehicles, pedestrians, and bicycles, through commercial and mixed-use areas
- Prioritize use and density-scaled sidewalks and crosswalks
- Require form elements, such as buildings to the street with parking in the rear, as well as building windows and entrances on the street
- Incorporate streetscape features, such as trees, benches, and trash receptacles
- Ideal locations for transit routes and transit stops
- Prioritize the curbside for walking, bicycling, transit, and short-term parking access and loading for local shops and restaurants

### **Zoning and Ordinance Conditions**

The current zoning for the parcels is R-5, Single-Family Residential. The following zoning regulations are not being met by the proposal, warranting special use permit approval:

1. The SUP is required because commercial uses and multi-family uses are not permitted in the R-5 zoning district. Ref. Sec. 30-410.1 and 30-402.1.
2. The SUP does not meet yard (setback) requirements of Sec. 30-410.5
3. Parking requirements not met- # of spaces- Sec. 30-710.1(4)a and 30-710.1 (no specific commercial use identified)
4. Parking space dimension requirements of Sec. 30-710.3:1 (stall depth and drive aisle width deficient)
5. Parking- Landscape buffer along Dunston Ave- Sec. 30-710.13
6. Freestanding sign not permitted per Sec. 30-506.
7. Height requirement is met assuming this is an elevator overrun.

Additional conditions will be imposed by the special use permit ordinance, including:

3(a) The Special Use of the Property shall be as a mixed-use building containing up to 12 dwelling units and commercial space, substantially as shown on the Plans. The areas labeled as “Tenant 1 Unassigned,” “Tenant 2 Unassigned,” and “Tenant 3 Unassigned” shall be permitted to contain

medical or dental offices and principal uses permitted on corner lots in the R-63 Multifamily Urban Residential District, pursuant to section 30-419.3(a) of the Code of the City of Richmond (2020), as amended. Outdoor dining use of the patio areas may also take place on the Property in accordance with section 30-419.3(a)(5) of the Code of the City of Richmond (2020), as amended.

(b) No fewer than ten off-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.

(c) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans.

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

(e) In addition to signage permitted in all districts, pursuant to section 30-505 of the Code of the City of Richmond (2020), as amended, a freestanding sign shall be permitted on the Property, substantially as shown on the Plans.

(f) No fewer than eight bicycle parking spaces shall be provided on the Property, substantially as shown on the Plans.

4(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.

(e) The Owner shall make improvements within the right-of-way, including the installation of seven new street trees along Westover Hills Boulevard, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works.

### **Affordability**

The median household income for the Richmond region is currently \$67,703. The affordability threshold is 30% of household income which equates to \$20,311 or \$1,693 per month or less to avoid a housing cost burden.\* Based upon the median household income for the Richmond region and the estimated price of units provided by the applicant, the housing units are projected to be affordable to households making above and below the Area Median Income (AMI).\*\*

\*(U.S. Census Bureau, 2018 American Community Survey 1-Year Estimates)

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

### **Surrounding Area**

Adjacent properties to the east and south are located within the same R-5 Residential Zone. Properties to the north along Westover Hills Boulevard are zoned B-2 Community Business District. Properties to the west are zoned R-5 and B-2. Residential and institutional land uses are located to the east and south of the subject property. Commercial and office uses are located to the north of the subject property, along Westover Hills Boulevard and Forest Hill Avenue.

### **Neighborhood Participation**

Staff notified the Forest Hill Neighborhood and Westover Hills Neighborhood Associations and area residents and property owners about this application. Staff has received a letter of no opposition from the Westover Hills Neighborhood Association, a letter of support from the Forest Hill Neighborhood Association as well as letters of support and opposition from individuals.

**Staff Contact:** Jonathan Brown, PDR, Land Use Administration, 804-646-5734