

# APPLICANT'S REPORT

*February 3, 2021*

*Special Use Permit*

*2910 Q Street, Richmond, Virginia*

*(Alternate address: 1100 N 30<sup>th</sup> Street)*

*Map Reference Number: E000-0568/014*

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Submitted to:

**City of Richmond**

Department of Planning and Development Review

Land Use Administration

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Richmond, Virginia 23219

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## Introduction

The property owner, Evolve Hld LLC, requests a special use permit (the "SUP") for 2910 Q Street (the "Property"). The current development of the Property with a mixed-use building has already been authorized by a Plan of Development approval ("the POD"). In order to permit flexibility in the occupancy of the corner commercial space within the building, the SUP would authorize relief from several B-2 feature requirements, including: (1) a partial parking waiver and (2) a partial waiver of the radius requirement associated with outdoor dining.

## Existing Conditions

### SITE DESCRIPTION AND EXISTING LAND USE

The Property occupies the northwest corner of the intersection of Q and N 30<sup>th</sup> Streets and is referenced by the City Assessor as tax map number E000-0568/014. The Property consists of 0.221 acres of land area.



The immediate vicinity is characterized by a variety of commercial, institutional, and residential uses of varying intensities and scales. Properties along Q Street between N 30<sup>th</sup> and N 29<sup>th</sup> Streets are primarily commercial in nature. Surrounding this commercial node is primarily one- and two-family dwellings interspersed with commercial and institutional uses.

## **EXISTING ZONING**

The Property is zoned B-2 Community Business which permits small, neighborhood serving businesses in conjunction with multi-family dwellings. The use of the building for mixed-use is permitted by-right in the B-2 district. A reduction in the amount of ground floor commercial area required in conjunction with multi-family dwellings was granted by the Board of Zoning Appeals (BZA-36-18) and a Plan of Development was approved for the physical characteristics of the overall development as is now proposed.

The Property lies within a small B-2 commercial district or node, including properties to the south and west which are bound by N 29th Street, Q Street, N 30th Street, and P Street. Further to the south are properties zoned R-48 Multifamily Residential. Properties to the east and north are zoned R-6 Single-Family Attached Residential. Further to the north along N 29<sup>th</sup> and R Streets, properties are zoned R-63 Multifamily Urban Residential.

## **MASTER PLAN DESIGNATION**

The Richmond 300 plan establishes a “Neighborhood Mixed-Use” land use designation for the Property. This land use 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 use.” The development style for the Neighborhood Mixed-Use designation includes “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.”

# **Proposal**

## **PURPOSE OF REQUEST**

The construction of the proposed mixed-use building has been authorized for the Property pursuant to the POD which was approved on March 11, 2019. This request would permit some flexibility in the occupancy of the corner commercial space that was approved in conjunction with the POD. Specifically, the SUP would authorize: (1) a partial parking waiver and (2) a partial waiver of the radius requirement associated with outdoor dining.

## **PROJECT SUMMARY**

The proposed building would include approximately 8,349 square feet of residential floor area and 1,214 square feet of first-floor commercial area. The building's first floor contains the commercial space at the corner of Q and N 30<sup>th</sup> Streets as well as three residential dwelling units. Ten dwelling units are located on the upper two floors.

### *Parking*

The POD authorized the construction of the mixed-use building with the provision of a permitted principal use(s) (commercial uses) at the corner of Q and N 30<sup>th</sup> Streets. That approval relied on the use of 13 parking spaces (5 off-street and 8 on-street) in order to satisfy the parking

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requirements for the Property, including the commercial space. Zoning permits the 8 parking spaces that can be provided in portions of the right-of-way abutting the Property's frontages on N 30<sup>th</sup> and Q Streets to be credited toward required parking as though they were off street spaces located on the premises.

The 13 available parking spaces were sufficient to permit the construction of the building but the available parking limits the occupancy of the commercial space to a less intense use such as office. This request would vary the parking requirement in order to allow for flexibility in the permitted uses which could occupy the commercial space. The requested relief would encourage the development of the commercial space with neighborhood-serving uses that are more likely to generate the desired pedestrian traffic and activity within this corridor. It is requested that the overall parking requirement is fixed at 13 parking spaces with any resulting deficiency based on final occupancy being varied by the special use permit.

There is precedent for the requested parking relief in recent policy and through the implementation of R-63 zoning in the vicinity. The R-63 district supports the establishment of commercial uses that serve many of the day-to-day convenience needs of neighborhood residents and the provision of opportunities for residents to live and work within the same neighborhood by permitting small scale corner commercial uses without the provision of parking. In the same way, this project is envisioned as a walking destination providing neighborhood-focused services. It is also envisioned as a "live-near-work" development with commercial tenants or employees seeking residences within the project or in nearby residential neighborhoods. In both instances, the focus is on walkability rather than the auto. A reduced parking requirement would allow the development to better address the goals of the Master Plan while remaining consistent with the intent of the B-2 District. It would provide for an active first floor use, a better pedestrian experience, and enhanced pedestrian connections within the district and to nearby neighborhoods.

#### *Radius Requirement for Outdoor Dining*

In the B-2 District, where restaurants are concerned, Section 30-433.11(22)(a.) requires that "no deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district". A patio is proposed at the corner of N 30<sup>th</sup> and Q Streets, which could be utilized for the purpose of outdoor dining. Based on measurements scaled from the City's GIS system, this area is located approximately 50 feet from the closest Property located within an R district. The requested waiver of approximately 50 feet would allow for the development to better engage the prominent corner of the site with an active use, visible to both the North 30<sup>th</sup> and Q Street corridors.

## **Findings of Fact**

The following are factors indicted in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- *Be detrimental to the safety, health, morals and general welfare of the community involved.*

The proposed special use permit will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed development would offer needed services to the community and a safe, convenient and economically viable pedestrian environment, thereby providing positive impacts in terms of safety, welfare, etc.

- ***Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.***

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The proposal is designed be consistent with the Property's master-plan recommendation for pedestrian-oriented development which is designed for walkability. The existing street grid will tend to minimize any traffic impacts. Further, the Property owner has contacted the City of Richmond regarding out of use parking regulation signs in the neighborhood which, after being removed by the City of Richmond, has created additional parking for the neighborhood.

- ***Create hazards from fire, panic or other dangers.***

The Property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- ***Tend to overcrowding of land and cause an undue concentration of population.***

The proposed special use permit will not tend to over crowd the land or create an undue concentration of population. The proposed density and urban form is appropriate to the Property's location and consistent with the recommendations of the Master Plan and ongoing planning guidance.

- ***Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.***

The special use permit would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development. This benefit can be attributed to the significant investment in the property, taxes related to the commercial use of the first floor and the anticipated absence of school-age children residing within the complex, who require substantial City spending in schools and playground facilities.

- ***Interfere with adequate light and air.***

The light and air available to adjacent properties will not be affected.

## Summary

The physical development of the site is permitted by virtue of an approved Plan of Development. The applicant is only seeking relief from parking requirements and radius requirements relating to outdoor dining in order to allow flexibility in the occupancy of the corner commercial use within the building. The development is an ideal, small-scale urban infill development at this location.

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The SUP would permit the occupancy of the commercial space with an active first floor use that would be neighborhood serving while providing a better pedestrian experience and enhancing pedestrian connections within the district and to nearby neighborhoods. This would better address the goals of the Master Plan while remaining consistent with the intent of the B-2 District.