



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: 1301 N 32nd Street Date: 2/17/2021  
 Tax Map #: E0000801012 Fee: 1,800  
 Total area of affected site in acres: 0.075

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

**Zoning**

Current Zoning: R-6

Existing Use: Community Center (vacant)

**Proposed Use**

(Please include a detailed description of the proposed use in the required applicant's report)  
mixed-use (retail and residential)

Existing Use: Community Center (vacant)

Is this property subject to any previous land use cases?

- Yes  No  If Yes, please list the Ordinance Number: BZA - 58-74

**Applicant/Contact Person:** Mark Baker / Charlie Wilson

Company: Baker Development Resources  
 Mailing Address: 1519 Summit Avenue, Suite 102  
 City: Richmond State: VA Zip Code: 23230  
 Telephone: ( 804 ) 822-5428 Fax: ( )  
 Email: markbaker@bakerdevelopmentresources.com

**Property Owner:** Cava Capital LLC

If Business Entity, name and title of authorized signee: Frank Cava

(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: 5310 Markel Rd, Suite 104  
 City: Richmond State: VA Zip Code: 23230  
 Telephone: ( 804 ) 510-0333 Fax: ( )  
 Email: aschwartz@cavacompanies.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.

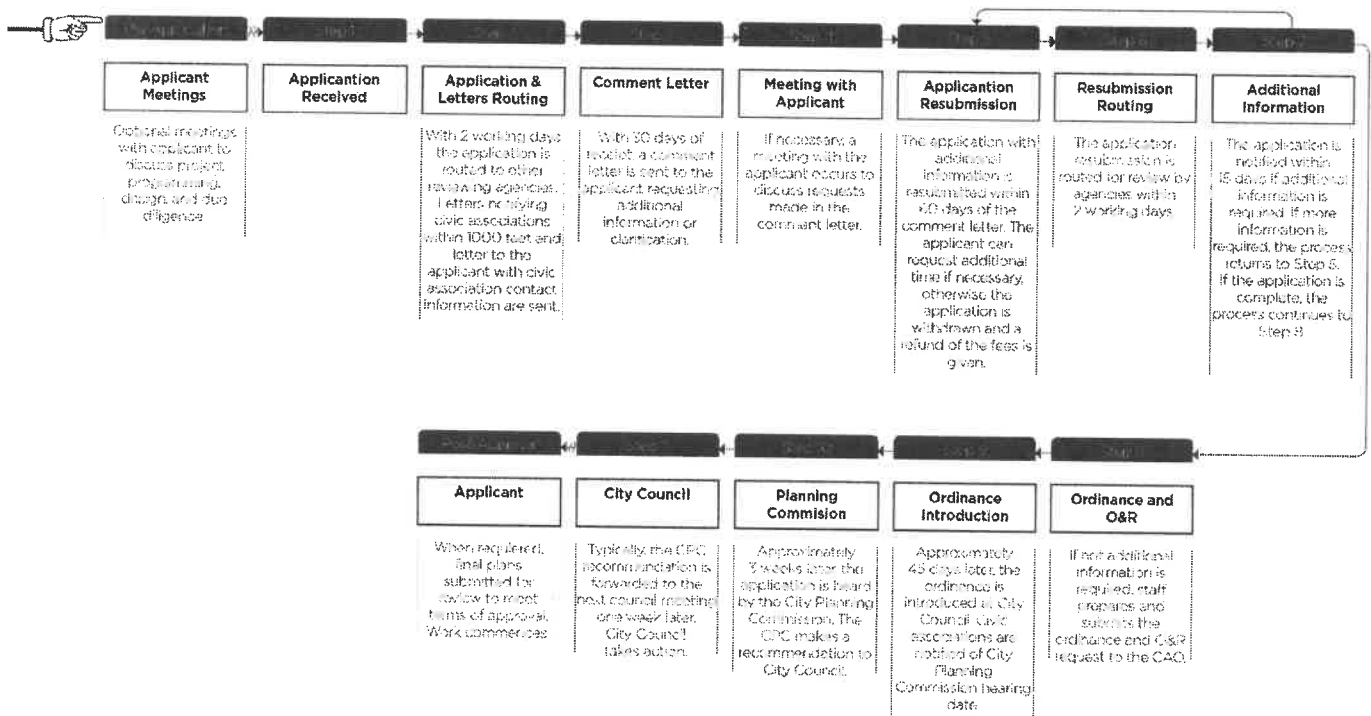
The Division of Land Use Administration circulates the special use permit application materials to appropriate City agencies as determined necessary. City agencies reviewing the proposal may include: Public Works, Building Permits & Inspections, Public Utilities, Water Resources, Zoning Administration, 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
- d.** Landscape Plans
- e.** Signage Plan & Details
- 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	

**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 Rezoning, 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.

Fees went into effect upon adoption of Ordinance No. 2014-260-2015-10 by City Council on January 12, 2015.

# APPLICANT'S REPORT

*February 15, 2021*

*Special Use Permit Request  
1301 North 32<sup>nd</sup> Street, Richmond, Virginia  
Map Reference Number: E000-0801/012*

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Submitted to:	<b>City of Richmond</b> Department of Planning and Development Review Land Use Administration 900 East Broad Street, Suite 511 Richmond, Virginia 23219
Submitted by:	<b>Baker Development Resources</b> 1519 Summit Avenue, Suite 102 Richmond, Virginia 23230

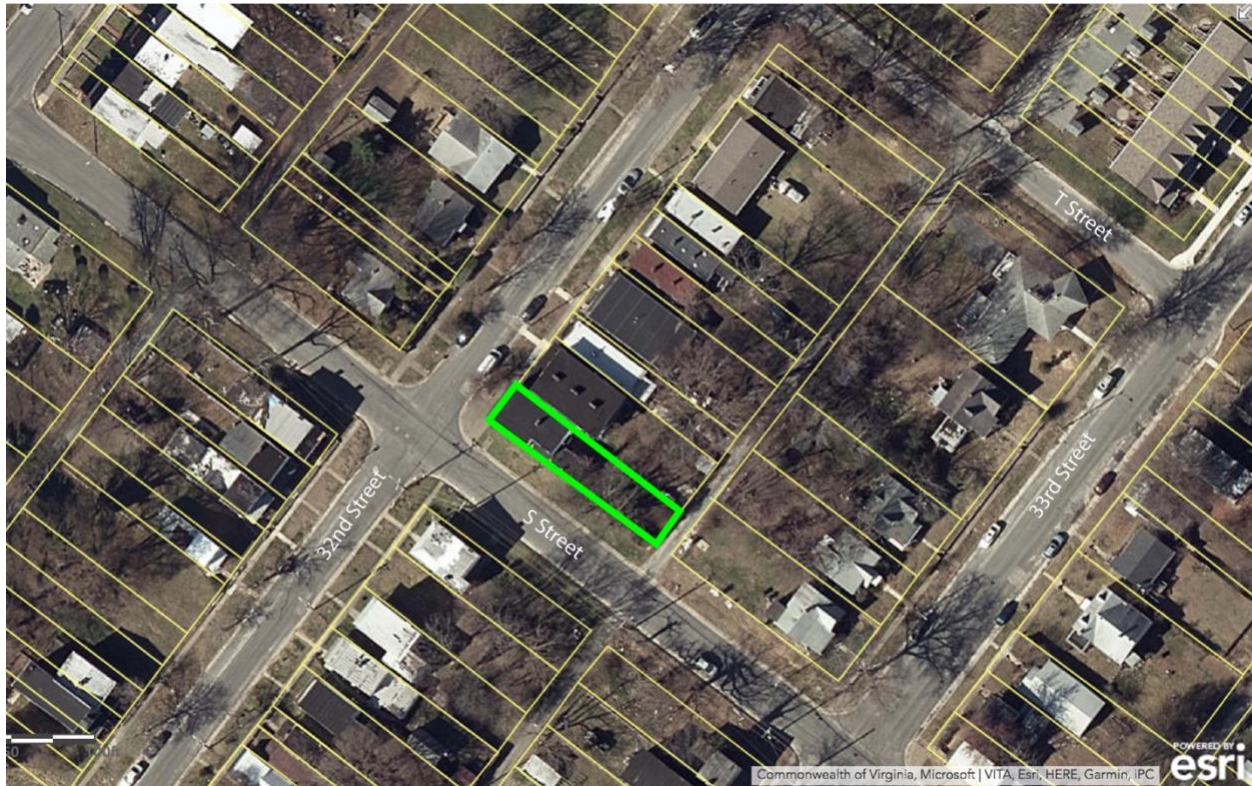
## Introduction

The property owner is requesting a special use permit (the "SUP") for 1301 North 32nd Street (the "Property"). The SUP would authorize the construction of a mixed-use building including a corner commercial use and two dwelling units which do not conform to the underlying R-6 Single-Family Attached Residential district zoning requirements applicable to the Property.

## Existing Conditions

### SITE DESCRIPTION AND EXISTING LAND USE

The Property is located at the northeast corner of North 32<sup>nd</sup> Street and S Street. The Property is referenced by the City Assessor as tax parcel E000-0801/012. The Property is roughly 26' wide by 124' in depth and contains approximately 3,267 square feet of lot area.



The Property is currently improved with a two-story building that has a storefront ground-floor and residential upper floor. According to City Assessor's records, the building includes 2,600 square feet of floor area. In this original configuration, the building was occupied by a first-floor corner commercial use and one dwelling unit on the upper floor; the ground floor grocery store was converted to a dwelling unit



in 1974 based on BZA case #58-74 and the subsequent building permit on file. The building's façade was historically improved with a full storefront. The building is currently vacant.

Immediately to the north of the Property lies a four-family dwelling. Along the subject block face there are two two-family dwellings further to the north. The block face across N. 32<sup>nd</sup> Street is largely vacant with the exception of some existing single-family detached dwellings; however, there are currently a number of new dwellings currently under construction in varying stages of completion. Additionally, a special use permit was recently issued to authorize a mixed-use development at 1301 North 31<sup>st</sup> Street that is comparable to this request.

## **EXISTING ZONING**

The Property is zoned R-6 Single Family Attached Residential. The surrounding properties are also zoned R-6. Within a block of the Property also lie the R-5 Single Family Residential and R-53 Multifamily Residential districts.

## **MASTER PLAN DESIGNATION**

The proposed development is consistent with the Richmond 300 Master Plan (the "Master Plan"), which recommends "Neighborhood Mixed-Use" for the Property. This 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 uses." The Master Plan also recommends a development style that "feature[s] a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics." The request is consistent with Objective 4.1 of the High-Quality Places chapter, to "create and preserve high-quality, distinctive, and well-designed neighborhoods and nodes throughout the City," as it seeks to compliment the historic development pattern and mixture of uses found in the greater Church Hill neighborhood. Lastly, the Inclusive Housing chapter, Objective 14.5, to "encourage more housing types throughout the City" supports this request, as it is a more efficient use of the Property than could be achieved by-right in the R-6 zoning district.

# **Proposal**

## **PROJECT SUMMARY**

The proposed development includes the removal of the existing building and construction of a new structure with a corner commercial use and two dwelling units, consistent with the original use of the property.

## **PURPOSE OF REQUEST**

The Property was originally developed in 1910, prior to zoning, with a ground floor commercial use and two dwelling units. Over the years, the immediate vicinity was zoned for and developed primarily for residential uses rendering the commercial use as nonconforming. The current R-6 zoning does not permit the original and proposed use of the Property. Because the building has been vacant for well over two years, any nonconforming rights associated with that use have been lost. The owner evaluated retaining the existing building and pursuing an SUP for its use. However, the buildings existing condition and configuration render it infeasible for rehabilitation as desired. The owner now proposes to remove the

existing building and to construct a structure with a corner commercial use and two dwelling units. This is consistent with the original use of the Property while permitting new, higher quality dwellings and commercial uses. Due to the nature of the configuration that is being put forward, the SUP is required in order to permit the proposed development.

In exchange for the SUP, the intent of this request is to provide two high-quality market rate dwellings and a neighborhood-serving commercial use. The project would remain consistent with historic use of the property while allowing for the removal of a vacant and blighted structure which will be replaced with a structure that compliments the neighborhood fabric. The quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right. They would also ensure an appropriately scaled commercial use that is compatible with and complementary to the surrounding residential neighborhood.

## **PROJECT DETAILS**

The existing two-story building would be removed and replaced with a new building containing a first-floor commercial use and two dwelling units. The new building would contain 3,097 square feet of finished floor area. The building façade was designed in order to respect the original building design including fenestration and storefront configuration and Italianate architectural style. The building would be clad in cementitious siding.

One dwelling unit would be a two-story unit located at the rear of the structure and would contain 1,080 square feet of floor area. This dwelling unit would be a two bedroom, 1 ½ bathroom unit that would consist of a living and dining area on the first floor and the two bedrooms on the second floor. The second unit would be located on the second story of the structure and be accessed by a staircase opening onto S Street. This unit would be a one bedroom, one bathroom dwelling and would contain 1,025 square feet of floor area. The dwellings would be high quality, desirable units with spacious and modern floor plans with open living areas.

The first-floor commercial space would total 993 square feet and would be upgraded to meet the expectations of high-quality commercial tenants in today's market. The space is intended to be occupied consistent with the intent of the R-63 zoning district regulations which were designed to permit small scale commercial uses that serve day-to-day convenience needs of neighborhood residents. Consistent with the R-63 regulations, the proposed commercial use would be limited in type and scale and would be intended to provide for the convenience of 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 a neighborhood.

At 993 square feet the proposed commercial space would be scaled down significantly and even less impactful when compared to the 1,500 square foot corner commercial uses that are permitted in the R-63 district as a matter of right. To ensure compatibility, the use of the commercial tenant space would be limited to active neighborhood-serving commercial uses, including: retail; office; art galleries; barber shops and beauty salons, including manicure, spa, tanning and similar services; and specialty food and beverage stores (including retail bakery); laundromats and laundry and dry-cleaning pick-up; and restaurants and other food and beverage establishments. As an alternative, the commercial tenant space could be occupied as a live/work unit. The grocery/convenience store use is not proposed as a part of this request.

## **Findings of Fact**

The following are factors indicted in Section 17.11 of the Charter and Section 114-1050.1 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.

- ***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 negligible traffic generation associated with two dwelling units and a 993 square foot commercial tenant space will create no congestion on streets, roads, alleys or any other public right of way. The proposed commercial use would be limited in size, type and scale and would be intended to provide for the convenience of neighborhood residents within walking distance and to avoid any traffic or parking concerns.

- ***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.

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

The proposed 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.

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

The light and air available to the subject and adjacent properties will not be affected. The building is of compatible massing to many of the existing buildings in the vicinity, which are in many cases attached, and will not interfere with the provision of adequate light and air to the adjacent buildings.

## Summary

In summary we are enthusiastically seeking approval for this SUP, which would permit the construction of a small-scale, neighborhood-serving, mixed-use development. The proposed building has been designed in order to replace the current vacant, blighted, and deteriorating structure with a high-quality new building

that is consistent in character. The proposed development represents a respectful re-use of this corner lot which has historically served this roll, which is a preferable alternative to exiting vacant and boarded building and continued underutilization of the Property.

The request offers compatibility with goals contained within the City's Richmond 300 plan and is consistent with the historic use of the property. The request would contribute to the ongoing revitalization of the neighborhood, upgrading the Property while: maintaining a desirable variation in housing style and density in the vicinity; providing for continued economic diversity in housing options within the neighborhood; and allowing for a walkable neighborhood serving commercial use as a compliment to surrounding residential uses. It will help encourage a pedestrian friendly urban streetscape in the vicinity. This would contribute to the vibrancy of the block through the provision of addition street life in the form of pedestrian traffic and restored pedestrian-scaled store-front fenestration. Finally, the quality assurances and improvements and conditions related to the renovation and commercial tenant space as defined by the SUP would guarantee a higher quality development than might otherwise be developed by right and would ensure a modern and appropriately scaled neighborhood-serving commercial use.