



## Legislation Details (With Text)

<b>File #:</b>	ORD. 2021-359	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Adopted		
<b>File created:</b>	9/21/2021	<b>In control:</b>	City Council		
<b>On agenda:</b>	3/14/2022	<b>Final action:</b>	3/14/2022		
<b>Title:</b>	To amend and reordain Ord. No. 2010-100-83, adopted May 10, 2010, which authorized the special use of the property known as 200-214 East Leigh Street for the purpose of a multifamily residential use with up to eight dwelling units in an existing carriage house building with the commercial use requirement waived, to additionally authorize the construction of a mixed-use building containing non-dwelling uses and up to 63 dwelling units, upon certain terms and conditions. (As Amended) (6th District)				
<b>Sponsors:</b>	Mayor Stoney (By Request)				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Ord. No. 2021-359, 2. 20220228 Amendment of Ord. No. 2021-359, 3. Staff Report, 4. Application Form, 5. Applicant's Report, 6. Survey, 7. Introduced Plans, 8. Updated Plans, 9. Map, 10. Support Berry, 11. Opposition NPS, 12. 200 E Leigh Street Presentation				

Date	Ver.	Action By	Action	Result
3/14/2022	1	City Council	adopted	Pass
2/28/2022	1	City Council	amended and continued	
2/22/2022	1	Planning Commission		
2/14/2022	1	City Council	continued and referred back	
2/7/2022	1	Planning Commission	recommended for continuance	Pass
1/24/2022	1	City Council	continued and referred back	
1/18/2022	1	Planning Commission	recommended for continuance	Pass
1/10/2022	1	City Council	continued and referred back	
1/3/2022	1	Planning Commission		
12/13/2021	1	City Council	introduced and referred	

To amend and reordain Ord. No. 2010-100-83, adopted May 10, 2010, which authorized the special use of the property known as 200-214 East Leigh Street for the purpose of a multifamily residential use with up to eight dwelling units in an existing carriage house building with the commercial use requirement waived, to additionally authorize the construction of a mixed-use building containing non-dwelling uses and up to 63 dwelling units, upon certain terms and conditions. (As Amended) (6<sup>th</sup> District)

I. That Ordinance No. 2021-100-83, adopted May 10, 2010, be and is hereby amended and reordained as follows:

§ 1. That the property known as 200, 208, 210, 212 and 214 East Leigh Street and 603 North 2<sup>nd</sup>

Street and identified as Tax Parcel [No.] Nos. N000-0040/021 and N000-0040/028, respectively, in the [2010] 2021 records of the City Assessor, together with a private alley, all being more particularly shown on a survey entitled [“Plat of a Parcel of Land Containing 0.868 Acre Situated Between North 2<sup>nd</sup> Street and North 3<sup>rd</sup> Street and on the North Line of East Leigh Street City of Richmond, Virginia,” prepared by Harvey L Parks, Inc., and dated March 9, 1999, reproduced as part of sheet CS of the plans entitled “208 East Leigh Street, Richmond, Virginia, Review Set”, prepared by Architecture Design and dated February 2, 2010,”] “ALTA/NSPS Land Title Survey of No. 214 E. Leigh Street, in the City of Richmond, Virginia.,” prepared by McKnight & Associates, P.C., and dated October 21, 2020, a copy of which is attached to and made a part of this amendatory ordinance, hereinafter referred to as the “Property,” is hereby permitted to be used for the purpose of (i) a [multi-family] multifamily residential use with up to eight [(8)] dwelling units in an existing carriage house building with [the] no requirement for ground floor street frontage commercial use [requirement waived], substantially as shown on sheets CS, A1.1, A1.2, A1.3, A2.1, A3.1, and A3.2 of the plans entitled “208 East Leigh Street, Richmond, Virginia, Special Use Application”, prepared by Architecture Design Office, dated January 11, 2010, and last revised on February 2, 2010, copies of which are attached to and made a part of [this ordinance] Ordinance No. 2010-100-83, adopted May 10, 2010, and (ii) a mixed-use building containing non-dwelling uses and up to 63 dwelling units, substantially as shown on the plans entitled “Special Use Permit Response to City Review Comments, 08-09-2021,” prepared by Architecture Design Office, and undated, with the plans for roman numerals (i) and (ii) hereinafter referred to, collectively, as “the Plans,” copies of which are attached to and made a part of this amendatory ordinance.

§ 2. That the adoption of this ordinance shall constitute the granting of a special use permit for the [property] Property, which shall be transferable from the owner of the [property] Property to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and which shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of the [property] ~~P~~

(a) The owner of the ~~[property]~~ Property shall be bound by, shall observe, and shall comply with all other laws, ordinances, rules and regulations applicable to the ~~[property]~~ Property, except as otherwise provided in this ordinance.

(b) An application for a building permit for the mixed-use building authorized by this amendatory ordinance shall be made within ~~[twenty-four (24) months]~~ 730 days from the effective date of this amendatory ordinance. This building permit shall expire and shall become null and void if any necessary construction has not commenced within ~~[one hundred eighty (180)]~~ 180 days from the date of the building permit or if construction is suspended or abandoned for a period of ~~[one hundred eighty (180)]~~ 180 days at any time after such construction has commenced, as provided in any applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within ~~[twenty-four (24) months]~~ 730 days after the effective date of this amendatory ordinance or should the building permit expire and become null and void after the expiration of the ~~[twenty-four (24) month]~~ 730-day time period for making application for the building permit, the privileges granted by this amendatory ordinance shall terminate and the amendments it makes to the special use permit shall become null and void.

(c) 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 ~~[subject property]~~ Property have been paid.

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

(e) 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]~~ Property so as not to adversely affect or damage adjacent property or public streets and the use thereof.

(f) 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.

(g) The use of Building A, as identified on sheet CS of the ~~[attached]~~ plans attached to Ordinance No. 2010-100-83, adopted May 10, 2010, shall be consistent with the principal and accessory uses authorized by the underlying zoning district within which the ~~[subject property]~~ Property is located.

(h) The use of Building B, as identified on sheet CS of the ~~[attached]~~ plans attached to Ordinance No. 2010-100-83, adopted May 10, 2010, shall be as a maximum of eight ~~[(8)]~~ dwelling units substantially configured and arranged as shown on the ~~[attached]~~ plans attached to Ordinance No. 2010-100-83, adopted May 10, 2010.

(i) The use of the building labelled “212 E Leigh St Proposed 5 Story Masonry/Framed” on sheet CS01 of the Plans shall be as (i) non-dwelling uses authorized by the underlying zoning district within which the Property is located and (ii) up to 63 dwelling units, substantially as shown on the Plans.

~~[(i)]~~ (j) A minimum of ~~[one (1) off-street]~~ 50 parking ~~[space]~~ spaces shall be provided ~~[for each of the dwelling units in Building B. Said parking spaces shall be provided in accordance with Article VII of Chapter 114 of the Code of the City of Richmond (2004), as amended, except that the spaces may be located within a five hundred (500) foot radius of the property, as measured from the main entrance of the building]~~ on the Property, 37 of which shall be provided substantially as shown for the building labeled as “212 E Leigh St Proposed 5 Story Masonry/Framed” on sheet CS01 of the Plans and as shown on sheet A100 of the Plans. Parking for the multifamily use of the buildings shall be as required for dwelling units in the B-2 Community Business District pursuant to section 30-710.1 of the of the Code of the City of Richmond (2020), as amended. No parking shall be required for any non-dwelling use of the Property, provided that the parking required for the multifamily use may be shared with non-dwelling uses pursuant to section 30-710.2:3(a) of the of the Code of the City of Richmond (2020), as amended.

(k) A minimum of 15 covered long-term bicycle parking spaces shall be provided on the Property, substantially as shown on the Plans.

(l) All building materials and site improvements, including, but not limited to, building finishes and landscaping, shall be substantially as shown on the Plans.

~~[(j)]~~ (m) Any encroachment existing, shown 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 ~~[(2004)]~~ (2020), as amended.

~~[(k)]~~ (n) ~~[Signage]~~ Signs for the ~~[building]~~ buildings shall be consistent with the requirements authorized by the underlying zoning district ~~[for]~~ within which the ~~[subject property]~~ Property is located ~~[within]~~.

§ 4. ~~[That the]~~ The privileges granted by this ordinance may ~~[under certain circumstances]~~ be revoked~~[. Upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit] pursuant to the provisions of sections [114-1050.7] 30-1050.7 through [114-1050.11] 30-1050.11 of the Code of the City of Richmond [(2004)] (2020), as amended, [if (a) the property owner does not abate the violation within thirty (30) days of the issuance of the notice or (b) three (3) notices of violation are issued to the property owner within any twelve (12) month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner.] Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section [114-1080] 30-1080 of the Code of the City of Richmond [(2004)] (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.~~

§ 5. ~~[That when]~~ When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, ~~[or when use of the premises is abandoned for a period of twenty-four (24) consecutive months], whether as a result of the owner relinquishing this special use permit in a writing to the Director of Planning and Development Review or otherwise,~~ use of the ~~[property]~~ Property shall be

governed thereafter by the zoning regulations prescribed for the district in which the [property] Property is then situated.

§ 6. This ordinance shall be in force and effect upon adoption.

II. This amendatory ordinance shall be in force and effect upon adoption.

### **O & R Request**

**DATE:** October 8, 2021

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)  
(This in no way reflects a recommendation on behalf of the Mayor)

**THROUGH:** J.E. Lincoln Saunders, Acting Chief Administrative Officer

**THROUGH:** Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

**FROM:** Kevin J. Vonck, Director, Dept. of Planning and Development Review

**RE:** To amend and reordain Ord. No. 2010-100-83, adopted May 10, 2010, which authorized the special use of the property known as 200-214 East Leigh Street for the purpose of a multi-family residential use with up to eight (8) dwelling units in an existing carriage house building with the commercial use requirement waived and to authorize the construction of a mixed-use building containing commercial uses and up to sixty-three (63) dwelling units, upon certain terms and conditions.

### **ORD. OR RES. No.**

**PURPOSE:** To amend and reordain Ord. No. 2010-100-83, adopted May 10, 2010, which authorized the special use of the property known as 200-214 East Leigh Street for the purpose of a multi-family residential use with up to eight (8) dwelling units in an existing carriage house building with the commercial use requirement waived and to authorize the construction of a mixed-use building containing commercial uses and up to sixty-three (63) dwelling units, upon certain terms and conditions.

**REASON:** The applicant is requesting to amend the existing special use permit (Ord. No. 2010-100-83) to authorize the construction of a five-story building that exceeds the height limit permitted by the underlying zoning district, which is 35'. Additionally, the front yard (setback) requirement is not met along either of the two street frontages with the proposal.

**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 6, 2021 meeting.

**BACKGROUND:** The subject property consists of a two parcel of land and a private alley that collectively contain a lot area of 39,976 square feet (0.92 acres) and is currently improved with two buildings that contain a combined 22 dwelling units, 3,340 square foot commercial space and a parking area containing fifty-street parking spaces. The property is located in the Jackson Ward neighborhood at the northeast corner of East Leigh Street and North 2nd Street.

The subject property is located within the B-2 Community Business District. The height of the proposed building (61'4") exceeds the height permitted under the B-2 district regulations, which is 35'. Additionally, the front yard setback (which is 25' or the same as an adjacent building, whichever is less) is not met for either street frontages as the building is proposed to have zero setback at the corner.

Richmond 300 recommends a future land use of "Neighborhood Mixed-Use" for the property. The primary uses recommended for Neighborhood Mixed-Use are single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units) and open space. Secondary uses include large multi-family buildings (10+ units), retail/office/personal service, institutional, cultural and government. The intensity recommended for Neighborhood mixed-use is typically two to four stories, with more height permissible along major streets. The development style should be compatible with the existing context. Setbacks, plazas and parks can help create a sense of place and community gathering areas. New developments on larger parcels should continue or introduce a gridded street pattern. In historic neighborhoods, small-scale commercial buildings should be introduced. Ground floors should engage the street with features such as street-oriented facades. Appropriate setbacks, open space, front porches, elevated ground floors and other features that provide a sense of privacy should be provided for residential uses. Pedestrian, bicycle, and transit access must be accommodated, and bike parking must be provided.

The subject property also falls within the "Downtown-Jackson Ward" priority growth node as shown on the land use map of Richmond 300. The plan envisions this area to continue to be predominantly residential with non-residential uses scattered throughout at corners and along major roads. New infill development is encouraged to incorporate high-quality architecture and complement the character of historic buildings.

Both of the property's street frontages are designated as "Major Mixed-Use" street on the Street Typologies map in Richmond 300, and the portion of East Leigh Street that abuts the property is shown as being planned for high frequency transit on the Enhanced Transit Map in Richmond 300.

A variety of uses surround the property, including the Maggie L Walker Historic site to the west, Third Street Bethel AME Church and The Bethel Center to the east, two- and three-unit dwellings and the Eggleston Plaza mixed-use building to the south and the Mocha Temple lodge to the north.

**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 8, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** December 13, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
December 6, 2021

**AFFECTED AGENCIES:** Office of Chief Administrative Officer  
Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Amendment to Ord. No. 2010-100-83

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

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

**STAFF:** Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646-5648

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: