Legislation Details (With Text)

File #:	ORD. 2022-147	**Version:**	2	**Name:**	
Type:	Ordinance			**Status:**	Adopted
File created:	3/9/2022			**In control:**	City Council
On agenda:	6/6/2022			**Final action:**	6/13/2022
Title:	To authorize the special use of the property known as 2516 East Leigh Street for the purpose of (i) an age-restricted multifamily dwelling containing up to 62 dwelling units and an accessory parking area and (ii) up to nine single-family attached dwellings, upon certain terms and conditions, and to repeal Ord. No. 95-151-153, adopted Jun. 26, 1995. (7th District)				
Sponsors:	Mayor Stoney (By Request)				
Indexes:					
Code sections:					
Attachments:	1. Ord. No. 2022-147, 2. Staff Report, 3. Application, 4. Applicant's Report, 5. Survey, 6. Plans, 7. CHA-RVA Support Letter				

Date	Ver.	Action By	Action	Result
6/13/2022	2	City Council		
6/6/2022	2	Planning Commission	recommended for approval	
5/9/2022	2	City Council	introduced and referred	

To authorize the special use of the property known as 2516 East Leigh Street for the purpose of (i) an age-restricted multifamily dwelling containing up to 62 dwelling units and an accessory parking area and (ii) up to nine single-family attached dwellings, upon certain terms and conditions, and to repeal Ord. No. 95-151-153, adopted Jun. 26, 1995. (7th District)

WHEREAS, the owner of the property known as 2516 East Leigh Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of (i) an age-restricted multifamily dwelling containing up to 62 dwelling units and an accessory parking area and (ii) up to nine single-family attached dwellings, which use, among other things, is not currently allowed by sections 30-419.5, concerning lot area and width, and 30-710.1, concerning number of spaces required for particular uses, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), 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 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 (2020), 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 2516 East

Leigh Street and identified as Tax Parcel No. E000-0382/006 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled "Plat of the Property Situated on the Western Line of 26th Street, Between Leigh Street and M Street. Richmond, VA.," prepared by Steven B. Kent & Associates, P.C., and dated May 12, 1997, 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 (i) an age-restricted multifamily dwelling containing up to 62 dwelling units and an accessory parking area, and (ii) up to nine single-family attached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Bowler Senior Housing Town Homes, 2516 E. Leigh Street, Richmond, Virginia," prepared by SWA Architects-VA, Inc., and dated April 12, 2022, and 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 (i) an age-restricted multifamily dwelling containing up to 62 dwelling units and an accessory parking area, and (ii) up to nine single-family attached dwellings, substantially as shown on the Plans.

(b) The lots identified as Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, and Lot 9 on the Plans shall each be provided with at least one off-street parking space. The lots identified as Lot 1 and Lot 2 on the Plans shall not be required to provide off-street parking.

(c) The multifamily use shall be provided with a minimum of 17 off-street parking spaces,

substantially as shown on the Plans.

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

(e) All building materials, elevations, and site improvements shall be substantially as shown on the Plans, subject to the issuance of a Certificate of Appropriateness by the Commission of Architectural Review.

(f) A brick trash enclosure shall be provided as shown on the Plans, subject to the issuance of a Certificate of Appropriateness by the Commission of Architectural Review.

(g) The minimum age for residents living in the multifamily use shall be 62 years of age.

(h) Signs on the Property shall be limited to a maximum of two signs, with an aggregate sign area not exceeding 12 square feet, subject to the issuance of a Certificate of Appropriateness by the Commission of Architectural Review. Any freestanding sign shall not be located within five feet of the street line and shall not be greater than eight feet in height. Such sign or signs may be illuminated, provided that the source of illumination is not visible from adjoining properties or public streets. The existing "Bowler School" sign on the building may remain in addition to the signs herein permitted.

(i) Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of up to ten residential lots, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats and deeds among the land records of the Clerk of the Circuit Court of the City of Richmond.

§ 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 (2020), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way, including the replacement of the existing curb cut to the existing parking area off of M Street with a brick sidewalk, substantially as shown on the Plans, 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.

(e) 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 (2020), 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 (2020), 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 (2020), 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. **Repeal of Prior Ordinance.** That Ordinance No. 95-151-153, adopted June 26, 1995, shall be repealed upon issuance of a building permit for the Special Use.

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

O & R Request

DATE: March 14, 2022 **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, 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 authorize the special use of the property known as 2516 East Leigh Street for the purposes of a) an age-restricted multi-family dwelling containing up to 62 dwelling units and an accessory parking area, and b) up to nine single-family attached dwellings, upon certain terms and conditions, and to repeal Ord. No. 95-151-153, adopted June 26, 1995.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 2516 East Leigh Street for the purposes of a) an age-restricted multi-family dwelling containing up to 62 dwelling units and an accessory parking area, and b) up to nine single-family attached dwellings, upon certain terms and conditions, and to repeal Ord. No. 95 -151-153, adopted June 26, 1995.

REASON: The applicant is requesting to authorize the special use of the property known as 2516 East Leigh

Street for the purpose of constructing nine single family attached dwellings on newly created parcels and retain the existing age-restricted multifamily use on the reciprocal parcel. Ord. No. 95-151-153, which allowed the current building to be used for 63 multifamily dwelling units for the "elderly and handicapped", is requested to be repealed; the age-restricted multifamily use will be incorporated into the new ordinance. The property is located in an R 63 Single Family Residential District. Lot area and parking requirements are not met for neither the multi-family use nor the single-family attached dwellings. Therefore, a special use permit is necessary to authorize subdivision of the property and construction of the nine single family attached dwellings.

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 May 2, 2022, meeting.

BACKGROUND: The subject property consists of a single parcel of land that has a lot area of approximately 54,000 square feet (1.2 acres) and is improved with a two-story senior apartment building that was originally constructed as a school. The property is located in the Church Hill neighborhood, and is bound by East Leigh Street to the south, North 26th Street to the east, M Street to the north, and single-family dwellings are located to the west that front onto North 25th Street.

The subject property is located within the R 63 Multifamily Urban Residential District. The proposed multi-family and single-family attached uses do not meet the minimum lot area requirements for the district. Additionally, the minimum parking requirement for two of the single-family attached dwellings and the age-restricted multi-family dwelling are not met.

Richmond 300 recommends a future land use of "Community Mixed-Use" for the property. The primary uses recommended for Community-Mixed are commercial, multi-family residential, cultural, and open space. Secondary uses include single-family houses, institutional, and government. The development style for Community Mixed-Use is varied depending upon historic densities and neighborhood characteristics. Future development should continue or introduce a gridded pattern of development. Buildings are generally two to six stories, based on street with and historic context. New buildings that are taller than historical buildings should incorporate step backs after matching the predominant cornice link of a block. The property is also located within the "Jefferson, Marshall & 25th" neighborhood node. This area is envisioned as being strengthened by new development on vacant parcels, increased connectivity, and re imaged institutional and park uses. New development should be in keeping with the existing character of the area.

The portion of East Leigh Street that abuts the property is designated as a "Major Mixed-Use Street."

Single-family uses are located to the west and east of the subject property. A mix of religious, single-family, and multifamily uses are located to the south, and a government building is located to the north. Properties to the south and east are also located within the R-63 Multifamily Urban Residential District. Properties to the north are located within the RO2-PE2 Residential Office-Parking Exempt District and properties to the west are located in both the R-63 District and the UB-PE4 Urban Business-Parking Exempt District.

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: April 11, 2022

CITY COUNCIL PUBLIC HEARING DATE: May 9, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
May 2, 2022

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

RELATIONSHIP TO EXISTING ORD. OR RES.: Repeal Ord. No. 95-151-153

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: