INTRODUCED: September 12, 2016

AN ORDINANCE No. 2016-236

To authorize the special use of the property known as 1400 Roseneath Road for the purpose of a multifamily dwelling with up to 364 dwelling units and commercial uses permitted in the B-6 Mixed-Use Business District, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: OCT 10 2016 AT 6 P.M.

WHEREAS, the owner of the property known as 1400 Roseneath Road, which is situated in a M-1 Light Industrial District, desires to use such property for the purpose of a multifamily dwelling with up to 364 dwelling units and commercial uses permitted in the B-6 Mixed-Use Business District, which use, among other things, is not allowed by section 30-452.1 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), 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

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	JAN 9 2017	REJECTED:		STRICKEN:	
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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 (2015), 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 1400 Roseneath Road and identified as Tax Parcel No. N000-1786/004 in the 2016 records of the City Assessor, being more particularly shown on a survey on sheet 001 of plans entitled "Scott's View, 1400 Roseneath Road, Richmond, Virginia," prepared by SWA Architects-VA, Inc., and dated June 27, 2016, 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 a multifamily dwelling with up to 364 dwelling units and commercial uses permitted in the B-6 Mixed-Use Business District, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Scott's View, 1400 Roseneath Road, Richmond, Virginia," prepared by SWA Architects-VA, Inc., and dated June 27, 2016, 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 use of the property shall be for a multifamily dwelling with up to 364 dwelling units and commercial uses permitted in the B-6 Mixed-Use Business District, and a parking deck, substantially as shown on the Plans.
 - (b) A minimum of 450 parking spaces shall be provided for the uses on the Property.

- (c) Principal uses permitted in the B-6 Mixed-Use Business District shall be permitted on the ground floor. Principal uses permitted in the B-6 Mixed-Use Business District shall be permitted on the optional second story, as shown on the Plans.
- (d) Signs permitted on the Property shall be governed by the sign regulations applicable in the B-6 Mixed-Use Business District.
- (e) All building materials, fenestration, differentiation of the building façades and site improvements, including lighting, fencing, and landscaping, shall be substantially as shown on the Plans, provided that, at the Owner's request, the Director of Planning and Development Review may approve such features that are not substantially as shown on the Plans but that are otherwise consistent with this ordinance, including section 4(e).
- § 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 (2015), as amended, and all future amendments to such laws.
- (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 (2015), 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 (2015), 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 (2015), 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 or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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. **Effective Date.** This ordinance shall be in force and effect upon adoption.



City of Richmond

Intracity Correspondence

Pre Introduction to Council: PRE. 2016-184

900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.richmondgov.com

RECEIVED

AUG 0 1 2016

File Number: PRE. 2016-184

OFFICE OF CITY ATTORNEY

To authorize the special use of the property known as 1400 Roseneath Road for the purpose of a multi-family dwelling with up to 364 dwelling units and commercial uses permitted in the B-6 Mixed-Use Business district, upon certain terms and conditions.

O&R Request

JUL 2 2 2016 4-5442 Chief Administration Office City of Richmond

& R REQUEST

TO:

The Honorable Members of City Council

THROUGH:

Dwight C. Jones, Mayor (Patron: Mayor, by Request)

(This in no way reflects a recommendation on behalf of the May

THROUGH:

Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH:

Peter L. Downey, Deputy Chief Administrative Officer for Economic Development

and Planning

FROM:

Mark A. Olinger, Director, Department of Planning and Development Review

SUBJECT:

Special use permit for a mixed-use development at 1400 Roseneath Road

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1400 Roseneath Road for the purpose of a multi-family dwelling with up to 364 dwelling units and commercial uses permitted in the B-6 Mixed-Use Business district, upon certain terms and conditions.

REASON: The subject property is located in the M-1 Light Industrial zoning district, which does not permit residential uses; therefore, the applicant has requested a special use permit.

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 September 5, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is located in the Scott's Addition neighborhood at the intersection along West Clay Street between Belleville Street and Roseneath Road where the 1-195 exit ramp enters the neighborhood. The property is approximately 2.54 acres and was last used an asphalt processing facility and is currently unimproved.

The property is located in the City's M-1 Light Industrial zoning district, which does not permit residential uses. The applicant proposes a special use permit that would authorize the construction of two, six-story, mixed-use buildings containing a total of up to 364 dwelling units. A total of approximately 26,000 square feet of commercial uses consistent with uses permitted in the B-6 Mixed-Use Business zoning district would be authorized on the ground floor of the proposed buildings. The second story would be optional and may be eliminated to provide taller ceiling heights for the commercial uses on the ground floor. If the second story is provided it would be authorized for approximately 24,000 square feet of additional B-6 commercial uses or dwelling units. The buildings would be authorized to contain optional seventh story penthouse units. A two-level parking deck containing a minimum of 450 parking spaces would be required to serve the residential and commercial uses of the property. Two swimming pools and courtyards located above the parking deck are proposed to serve the buildings.

The surrounding properties are all located in the M-1 Light Industrial zoning district and are occupied by a variety of commercial, industrial and residential uses. The properties to the south across West Clay Street were recently converted to residential use after the approval of a special use permit.

According to the Richmond Master Plan, the subject property has an Industrial land use designation. Primary uses for this designation include "a wide variety of manufacturing, processing, research and development, warehousing, distribution office warehouse and service uses. Office, retail and other uses that complement industrial areas are often secondary support uses" (p. 135). Though residential uses are present, the predominant land use of the Scott's Addition neighborhood, in which the subject property is located, is industrial. Moreover, Scott's Addition serves as one of the two largest concentrations of industrial uses in the Near West planning district (p. 225). The proposed 364 dwelling units would establish a residential density of 143 units per acre.

FISCAL IMPACT: The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$2,400 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: July 25, 2016

CITY COUNCIL PUBLIC HEARING DATE: September 12, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, September 5, 2016

September 5, 2010

AFFECTED AGENCIES: Office of Chief Administrative Officer; Law Department (for review of draft ordinance); and City Assessor (for preparation of mailing labels for public notice)

City of Richmond Page 2 Printed on 7/20/16

RELATIONSHIP TO EXISTING ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Plans

STAFF: Willy Thompson, Senior Planner; Land Use Administration (Room 511); 646-5734

PDR O&R No. 16-19



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						
Project Name: Scott's View	Date: 6/27/2016					
Property Address: 1400 Roseneath Road	Tax Map #:NOOO-1786/004					
Fee: \$2,400.00 Total area of affected site in acres: 2.541 (See page 3 for fee schedule, please make check payable to the "City of Richmond")						
Current Zoning: M-1 (F	Proposed Use (Please include a detailed description of the proposed use in the required applicant's report)					
sthis property subject to any previous land use cases? +/- 320 apartments w/parking garage and optional 2 story commercial floor. If Yes, please list the Ordinance Number:						
Applicant/Contact Person: H.L. Salomonsky						
Company: Historic Housing LLC						
Mailing Address: 1553 East Main St.						
City: Richmond						
Telephone: (804) 237 8247	Fax: <u>(804) 782 6810</u>					
Email: hlsalomonsky@swa-co.com						
Property Owner: Asphalt Plant LLC						
If Business Entity, name and title of authorized signee:	member of member					
(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: 1553 East Main Street						
City: Richmond	State: VA Zip Code: 23219					
Telephone: (804) 237 8247	Fax: <u>(804) 782 6810</u>					
Email: hlsalomonsky@swa-co.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	l a application fee (see Filing Procedures for special use per-					

SPECIAL USE PERMIT APPLICANT'S REPORT

DATE: June 27, 2016, 2016 PROJECT NUMBER: 009

SCOTT'S VIEW

1400 ROSENEATH ROAD RICHMOND, VA

SWA ARCHITECTS-VA, INC. 1553 MAIN STREET RICHMOND, VA 23219

To: Department of Planning and Development

The property is located in the M-1, Light Industrial Zoning District, per City of Richmond zoning map. The project site is bounded by Roseneath Road to the east, Belleville Street to the west, and West Clay Street to the south. The site will have two new six-story (plus an optional loft floor) buildings with approximately 320 apartments. A two level parking garage will primarily serve the apartment tenants plus the commercial space fronting Clay Street. The parking deck will provide approximately 450 spaces. The commercial space is two stories. We are reserving the right to add apartments to the second floor if the commercial space does not rent for offices.

This Special Use Permit Application is to allow two apartment buildings on the property with a recreation space and pool. The multi-family housing component of this project is compatible with the diverse and mixed-use character of the Scott's Addition neighborhood. The site is currently under-utilized and this project will revitalize this block of the neighborhood by bringing more foot-traffic and improvements. Below are additional points in support of this project.

- 1. The proposed parking along West Clay Street will slow the traffic coming from the off-ramp of I-195.
- 2. Proposed vehicular entrances are located away from intersections to avoid traffic congestion.
- 3. Additional foot traffic will created a safer environment to this under-utilized section of Scott's Addition. The additional population from this project is unlikely create overcrowding. And the mixed use nature of the project will create foot traffic during the day and evening in the neighborhood.

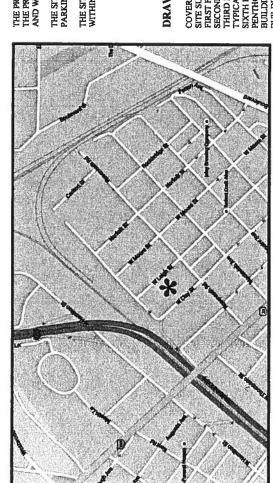
- 4. Improvements such as new sidewalks, street lighting and new vegetation will created a safer and more pleasant urban environment and will not be detrimental to the safely, health, morals and general welfare of the community.
- 5. The large windows in the apartments and new commercial building will provide a safer neighborhood, populating the sidewalks and putting more "eyes on the street".
- 6. The additional introduced commercial (hopefully including a grocery) will provide much needed amenities to Scott's Addition's growing number of residents.
- 7. The developer will work with the city to create a project that does not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

Sincerely

Beau Woodrum AIA

SWA Architects-VA, Inc.

LOCATION MAP:



PROJECT DESCRIPTION:

THE PROPERTY IS IN THE M-1, LIGHT INDUSTRIAL ZONING DISTRICT, PER CITY OF RICHMOND ZONING MAP. THE PROJECT SITE IS BOUNDED BY ROSENEATH ROAD TO THE EAST, BELLEVILLE STREET TO THE WEST, AND WEST CLAY STREET TO THE SOUTH.

THE SITE WILL HAVE TWO NEW SIX-STORY BUILDINGS WITH 316-364 APARTMENTS AS WELL AS TENANT PARKING AND COMMERCIAL SPACES ON THE LOWER TWO LEVELS.

THE SITE IS NOT WITHIN THE 100-YEAR FLOOD PLAIN. CIVIL ENGINEER TO VERIFY THAT THE SITE IS NOT WITHIN THE LIMITS OF CHESAPEAKE BAY PRESERVATION AREAS.

DRAWING INDEX:

COVER SHEET
SITE SURVEY
FRAST FLOOR PLAN (with architectural site fran)
SECOND FLOOR PLAN
THIRD FLOOR PLAN
TYPICAL FLOOR PLAN
SIXTH FLOOR PLAN
SIXTH FLOOR PLAN
BUILDING ELEVATION
BUILDING ELEVATIONS

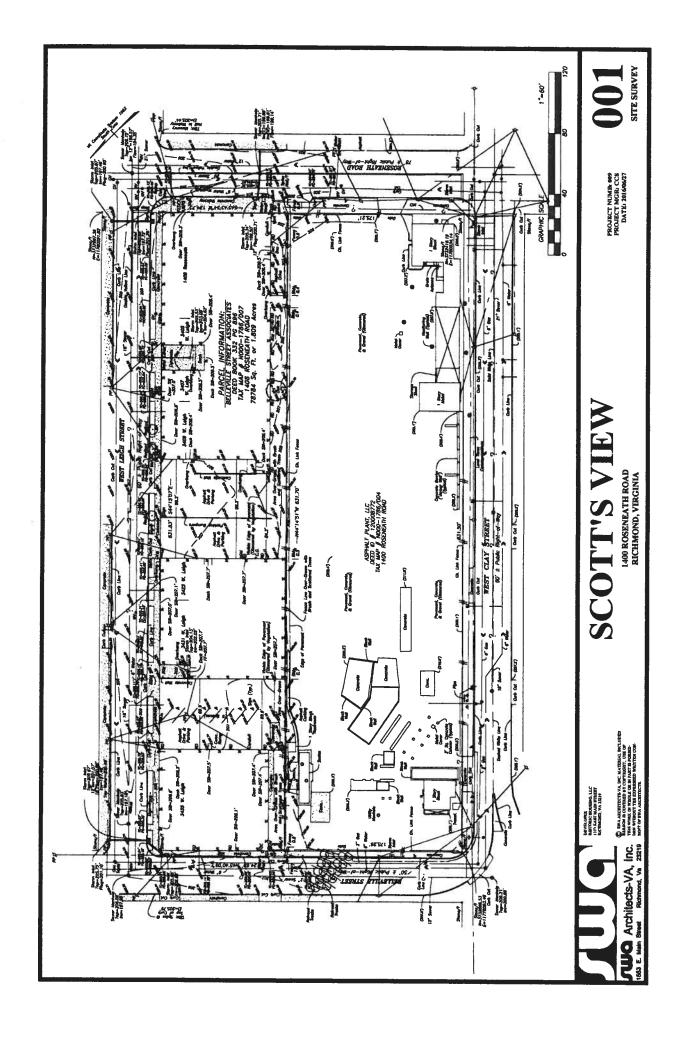
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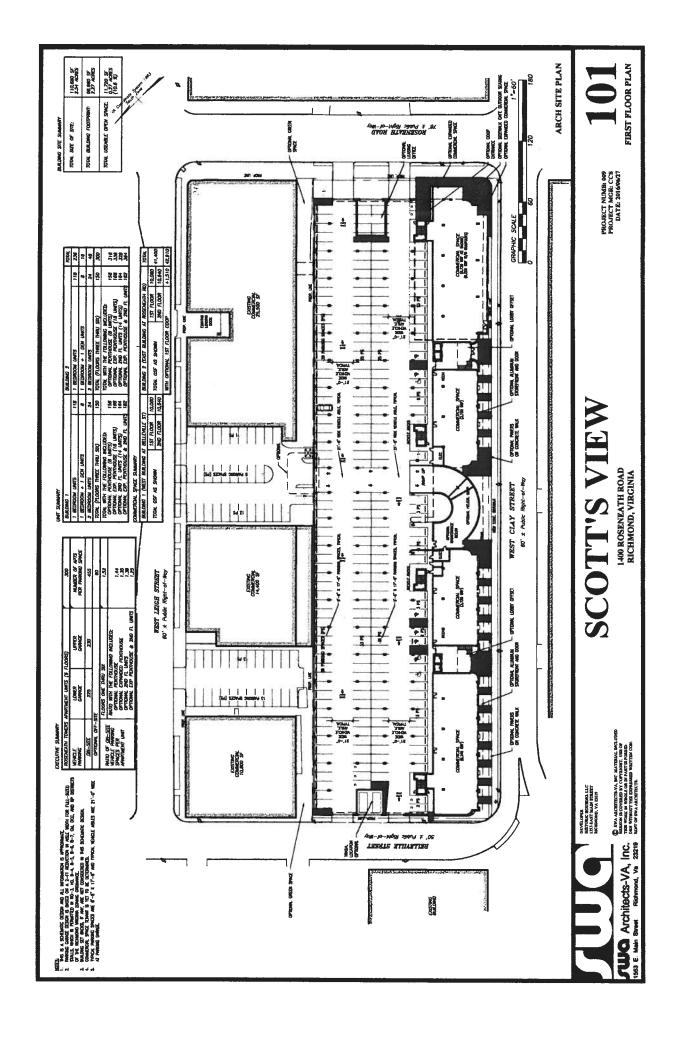
PROJECT NUMBI 609 PROJECT MGR: CCS DATE: 2016/06/27

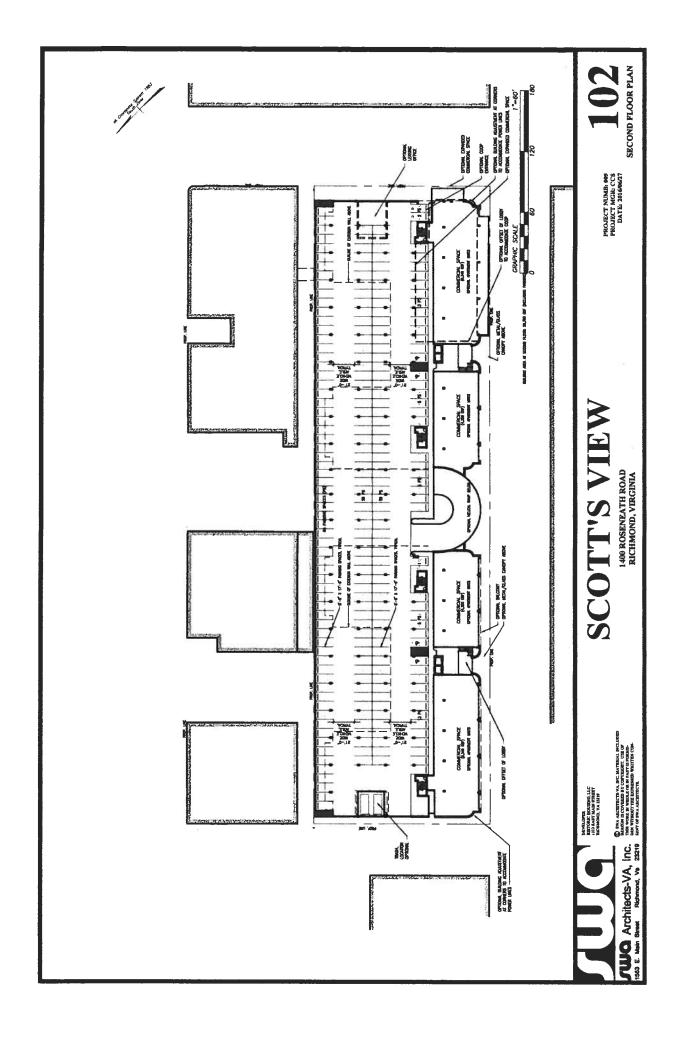
CUIC Architects-VA, Inc. 1965 E. Noin Street Partmond, Va 22219

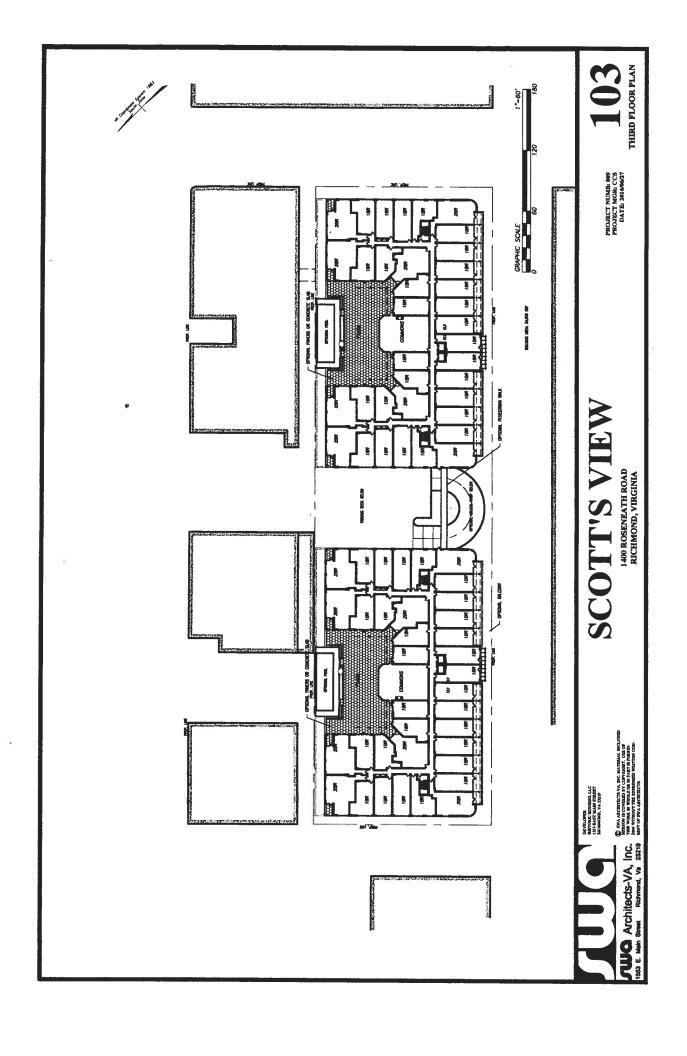
SCOTT'S VIEW 1400 ROSENEATH ROAD RICHMOND, VIRGINIA

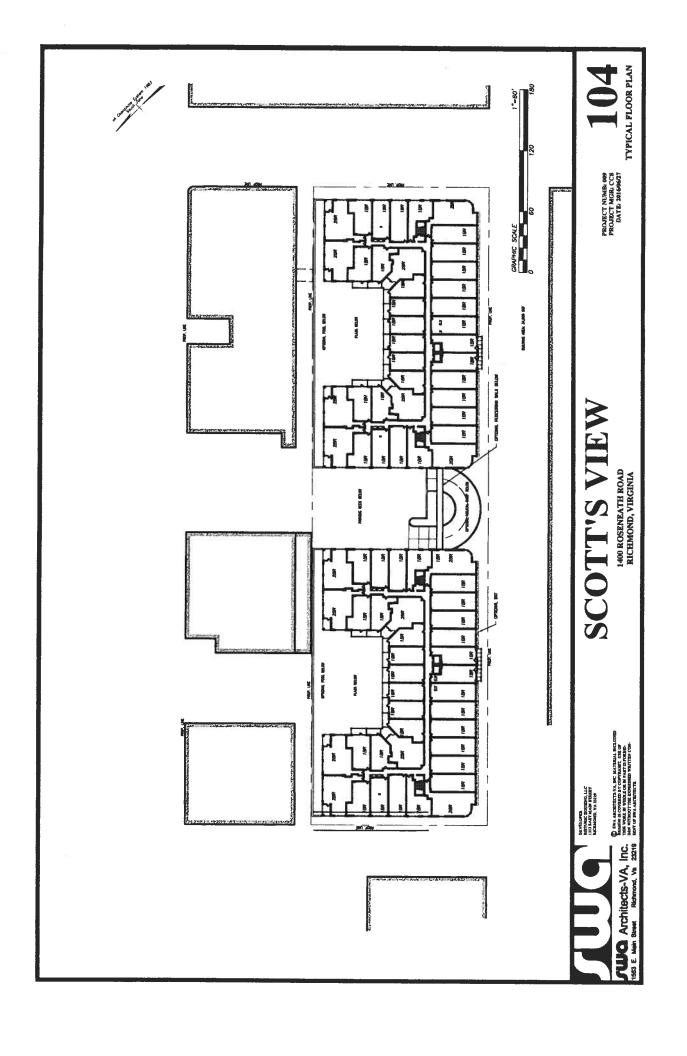
COVER SHEET

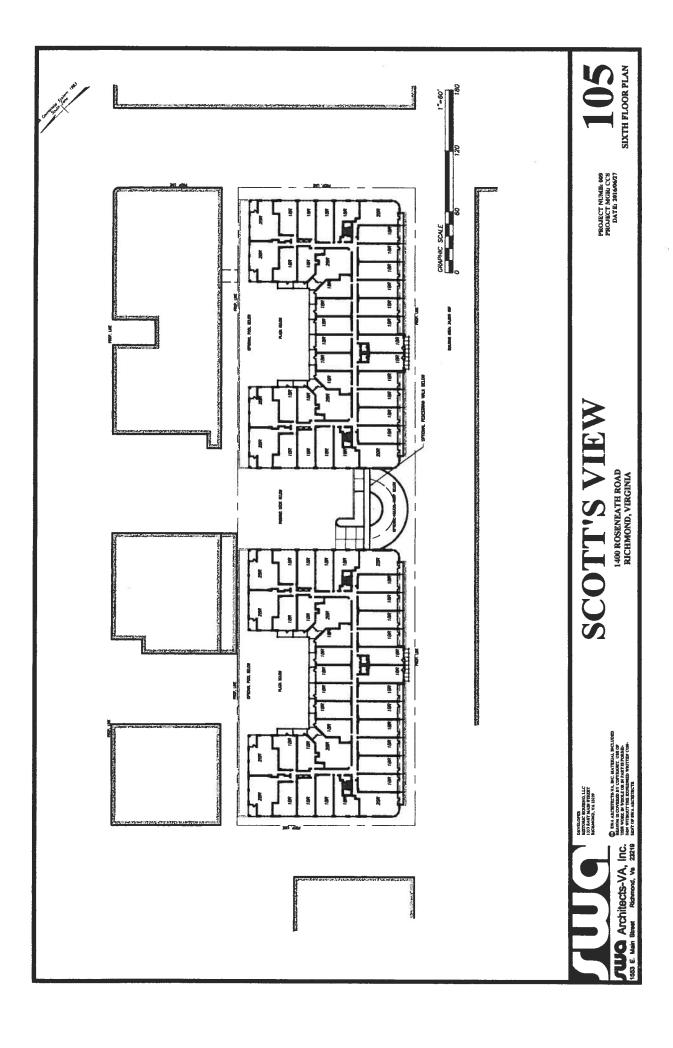


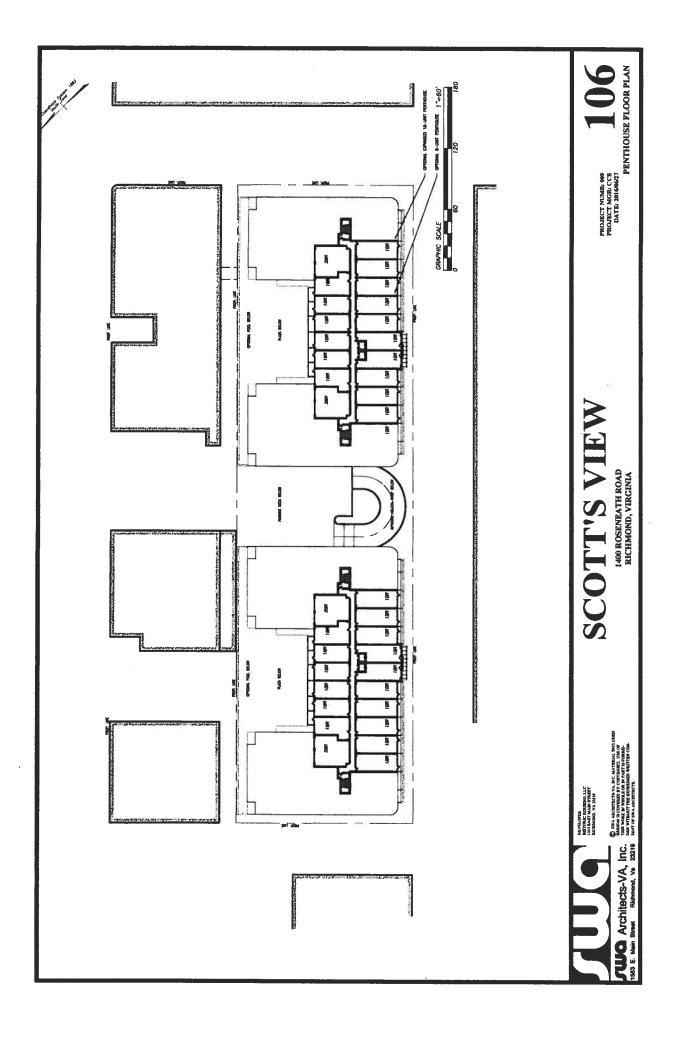


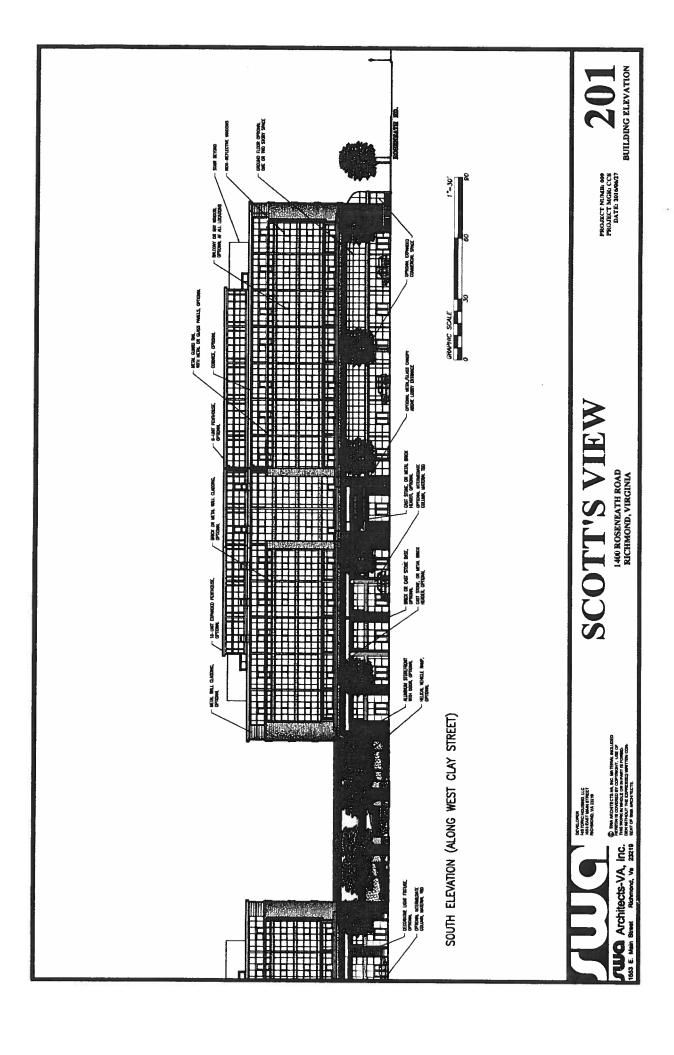


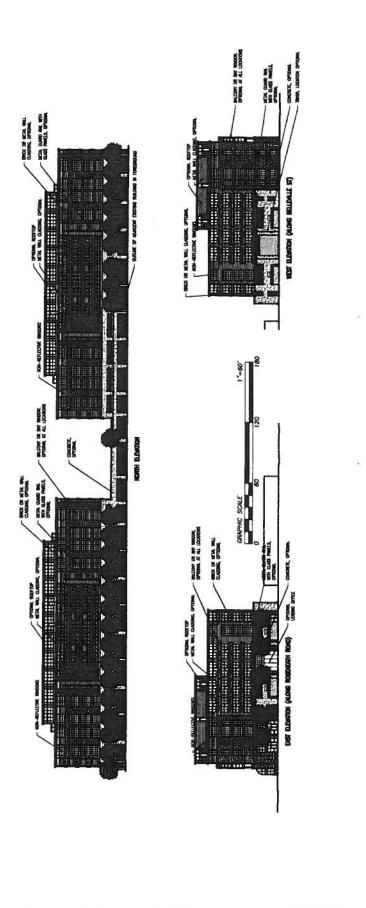












SCOTT'S VIEW

DRIVELDINGS HESTORIC HOUSING, ILC 1643 EAST MAIN STREET RECHEICHO, VA 221 19

SULO Architects-VA, Inc. 1959 E. Main Breet Richmond, vs. 22219

1400 ROSENEATH ROAD RICHMOND, VIRGINIA

202

PROJECT NUMB: 999
PROJECT MGR: CCS
DATE: 2016/96/27

BUILDING ELEVATIONS