INTRODUCED: December 14, 2015

AN ORDINANCE No. 2015-260

To authorize the special use of the property known as 2112 Monteiro Street for the purpose of authorizing a multifamily dwelling with up to 18 dwelling units, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JAN 11 2016 AT 6 P.M.

WHEREAS, the owner of the property known as 2112 Monteiro Street, which is situated in an R-6 Single-Family Attached Residential District, desires to use such property for the purpose of developing a multifamily dwelling with up to 18 dwelling units, which use, among other things, is not currently allowed by section 30-412.1 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

AYES:	9	NOES:	0	ABSTAIN:	
		_			
ADOPTED:	JAN 11 2016	REJECTED:		STRICKEN:	

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 (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 2112 Monteiro Street and identified as Tax Parcel No. N000-0453/001 in the 2015 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing Two Parcels Containing 3.242 Acres of Land Lying North of Vale Street, City of Richmond, Virginia," prepared by Balzer and Associates, Inc., and dated December 3, 2014, 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 18 dwelling units, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "S.U.P. Plans for 2112 Monteiro Street, The Apartments at Terrace Springs," prepared by Landesign of VA, Inc., and Joseph F. Yates, Architect, dated June 17, 2014, and last revised June 22, 2015, 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) A multifamily dwelling with no more than 18 dwelling units shall be permitted, substantially as shown on the Plans.

- (b) Not less than one parking space for every dwelling unit shall be provided, substantially as shown on the Plans.
- (c) Signs permitted on the Property shall be governed by the sign regulations applicable in the R-6 Single-Family Residential Attached zoning district.
 - (d) Landscaping shall be provided, substantially as depicted on the Plans.
 - (e) Lighting shall be provided, substantially as depicted on the Plans.
- § 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 attached 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.

- (e) The Owner shall make improvements to the public alley depicted on the Plans in accordance with the applicable standards of the Department 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, (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.
- (f) 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

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

Intracity Correspondence

Report: a2015 - 1509

DEC 1 0 2015

File Number: a2015 - 1509

OFFISH (CITY / TORNEY

To authorize the special use of the property known as 2112 Monteiro Avenue for the purpose of authorizing a multi-family dwelling with up to eighteen (18) dwelling units, upon certain terms and conditions.

O & R Request

DATE:

November 6, 2015

EDITION:

O & R REQUEST

TO:

The Honorable Members of Oity Council

NOV

9 2015

THROUGH:

Dwight C. Jones, Mayor

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

Chief Administration Office City of Richmond

THROUGH:

Selena Cuffee-Glenn, Chief Administrative Officer 4

THROUGH: Peter L. Do

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

Planning

FROM:

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

RE:

To authorize the special use of the property known as 2112 Monteiro Avenue for the purpose

of authorizing a multi-family dwelling with up to eighteen (18) dwelling units, upon certain

terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 2112 Monteiro Avenue for the purpose of authorizing a multi-family dwelling with up to eighteen (18) dwelling units, upon certain terms and conditions.

REASON: The property is zoned R-6 Single-Family Attached Residential District, which permits single and two-family attached and detached residential uses. Multi-family uses are not permitted and thus the requirement for 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 January 4, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is located on a parcel 3.78 acres in size and is improved with the historic Barton Mansion, which was most recently used as a nursing home. The nursing home closed in 2001. The existing structure is approximately 20,000 square feet in size and is accessed by Monteiro Avenue and East Roberts Street.

The property is zoned R-6 Single-Family Attached Residential District, which permits single and two-family attached and detached residential uses. Multi-family use is not permitted. The applicant proposes to develop 18 multi-family dwelling units, of which 10 would be one-bedroom units, 7 two-bedroom units, and 1 studio unit. The plans show 19 off-street parking spaces serving the dwelling uses. In addition the applicant would subdivide the property into 2 parcels, a 0.818 acre parcel serving the proposed multi-family dwellings and a 2.424 acres parcel to be potentially developed in the future. Any future development would require an

amendment to the proposed special use permit.

The Richmond Master Plan refers recommendations for land use and development to the 1995 Southern Barton Heights Revitalization. The Revitalization Plan designates this property as Residential Single-Family. The Plan also prohibits new multi-family housing in Southern Barton Heights but it does, "Encourage full rehabilitation and occupation of architecturally significant apartment buildings (Wellford Street, Minor Street, and Monteiro Street)" (p. 28). The Plan also encourages decreasing vacancies and increasing owner-occupancies of existing housing to appropriate market levels.

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: December 14, 2015

CITY COUNCIL PUBLIC HEARING DATE: January 11, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE:

None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, January 4, 2016

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)

RELATIONSHIP TO EXISTING ORDINANCES: None.

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

STAFF: Willy Thompson, Senior Planner Land Use Administration (Room 511)

646-5734

DCD O&R No.15-36



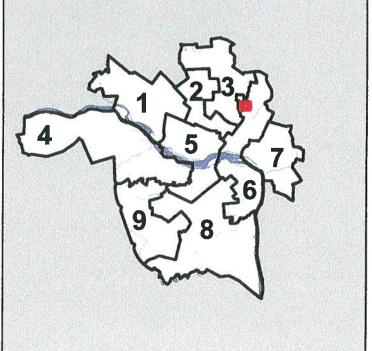
City of Richmond Department of Planning & Development Review

Special Use Permit

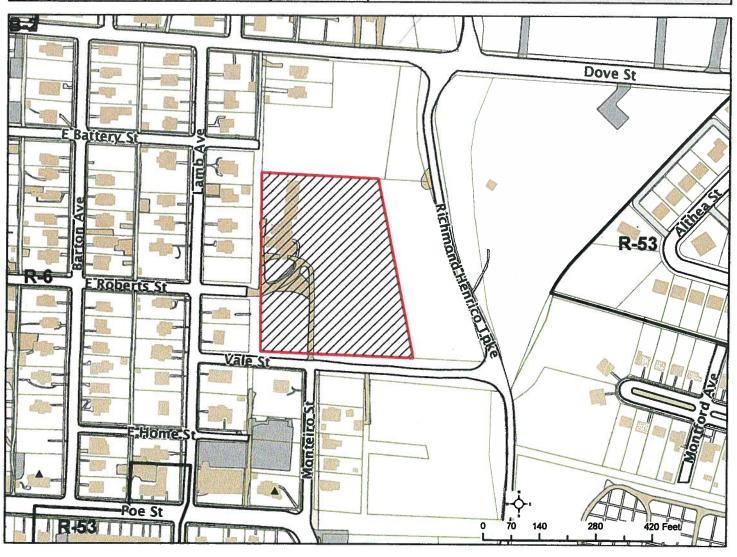
LOCATION: 2112 Monteiro Avenue

COUNCIL DISTRICT: 6

PROPOSAL: To authorize the special use of the property known as 2112 Monteiro Avenue for the purpose of authorizing a multi-family dwelling with up to eighteen (18) dwelling units, upon certain terms and conditions.



For questions, please contact Lory Markham at 646-6309 or Lory. Markham@richmondgov.com

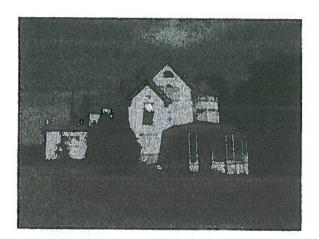




Application for SPECIAL USE PERMIT

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	RECEIVED FEB 06 2015					
Project Name/Location	I AND LISE ADMINISTRATION					
Project Name: The Apartments at Te	LAND USE ADMINISTRATION					
Property Address: ZIIZ Monteino	1 v e Tax Map #:					
Fee: Total area of affected site in acres:(See page 3 for fee schedule, picase make check payable to the "City of Richmond")						
Current Zoning: Non Contorning	Proposed Use Please include a detailed description of the proposed use in the required applicant's report) 18 Residental Units					
If Yes, please list the Ordinance Number: Applicant/Contact Person:						
Company: Barton Mansion 1.1.C						
Mailing Address: 2019 CV / Connection						
City KICHWOULL	State: VA Zin Code: 77777					
telephone Tability BAS 8908	_ Fax: (809) 555-7106					
Email: clark glave @ verizon. Net						
Property Owner: The Barton Mansion LLC						
If Business Entity, name and title of authorized signee:	Clark Glave manaries washes					
Mailing Address: Same as above	real type wear be y					
City:	State: Zip Code:					
Telephone: _()_	Fax: ()					
Email:						
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)						



This abandoned nursing home sitting atop a prominent rise in Barton Heights has been an eyesore and public hazard for many years. Closed for numerous violations by the City in 2001, is has served as a homeless camp and neighborhood dump since. The termite infested, fire hazard, was in danger of collapse by the end of 2013.

The Barton Mansion LLC was established in 2014 in order to purchase and preserve this boarded-up, Queen Anne-style structure in Barton Heights. James H. Barton, the developer of the Barton Heights neighborhood, built it as his private residence in 1890. The original structure was altered heavily and expanded from 4200 SF to 12,000 SF in 1920, becoming an Osteopathic medical retreat. In 1929 an institutional wing was added with patient rooms and a new operating room. In the 1950's it was the Terrace Hill Rest Home, and by the 1970's it had morphed into a section 8 nursing home.

Clark Glavé, owner of Ark Construction & Development Corporation, a Richmond-based historic renovation firm has partnered on preservation projects several times with John and Bucci Zeugner, of Richmond Virginia, who share a passion for old houses, historic preservation, and neighborhood revitalization. They have partnered in several state/federal Historic Tax Credit projects, including The Allen Double House on West Main Street built in 1836 (current home of Historic Richmond Foundation) and The Meredith House at 133 West Jackson Street, in Jackson Ward, built in 1813. This renovation received Special Recognition at the Better Housing Coalition's 2013 Golden Hammer Awards and was done in partnership with Historic Richmond.

The 20,000 SF building sits on just under five acres (two parcels), at the intersection of Monteiro and Vale. The land is adjacent to the City of Richmond's Cannon Creek Greenway project, a VDOT-Transportation Enhancement Greenway project with a separated bike path along the Richmond-Henrico Tumpike.

The partners plan to develop the parcels in several phases.

Phase 1 would entail separating the structure and its surrounding property from the rest of the parcel with our allowed lot split which is part of this application. We would develop the new parcel as 18 residential units, using as much of the original floor plan as possible. This, we feel, is more in keeping with the spirit of the R 6 zoning than the previous institutional use. At its peak the nursing home had roughly 70 residents and 15-20 employees. Our proposed use would only have 30-40 residents and one part time

employee. This reduction in density greatly reduces the city services required under the previous use.

The renovation is being done with the acquisition and sale of tax credits as a goal and therefore will be under the review of the Virginia Department of Historic Resources (DHR). Therefore the work will meet or exceed the standards required by DHR for historic renovations. They have approved our part one eligibility.

There will be 10 one-bedroom apartments, 7 two-bedroom apartments, one of which will be ADA compliant, and 1 studio apartment. This mix of units should ensure that the vacancy rate will remain low, since one-bedroom units are easier to rent, and the two bedroom units tend to have longer tenancy. The VA Dept. of Historic Resources has reviewed the proposed development plan.

Rents for the one-bedroom units will range from \$650 to \$950, depending on unit size, orientation within the building, and amenities. Many of the one-bedroom units are large and will most likely rent to couples. The seven 2 bedroom units should rent from \$700 to \$1250 per month, depending again on size. The studio will rent for \$450.

The Phase 1 renovations to the property will cost approximately \$2.1 million.

A construction loan from EVB bank has already been approved. The LLC will also be able to raise some funding by selling the historic tax credits generated by the project.

Since It will take approximately six months to get approval for the special use permit and thus obtain a building permit, Ark Construction & Development Corporation has obtained a permit for stabilization and roof repairs from the City. We have completed stabilization repairs, and will continue to work on improving the exterior of the building and the site while we are awaiting both a special use permit and approval from DHR.

The next phases of the project would likely be more residential infill, and possibly a coffee shop or restaurant at the bottom of Vale street along the bike path. Please refer to the colored plot plan for more detail. We will evaluate the best uses for the remaining 3.5 acres of the site while we are competing the renovation of the existing structure. We can confirm that approximately 2 of those combined acres are unbuildable, and we plan to retain them as a green space for the rest of the development, and a compliment to the Greenway.

In conclusion, our project would be beneficial to the safety and general welfare of South Barton Heights by revitalizing a long neglected parcel. We hope to be a catalyst for more investment and help the neighborhood turn the corner. The foot print of the building does not change and the density is reduced. There is more than adequate parking. We feel this renovation to be a net positive for all involved.

Units and Square footage

Ground floor Breakdown:

#1 enter from west parking lot stair down One bedroom one bath 555 SF

#2 same entry One bedroom one bath 642 SF

#3 enter from Rich/Hen Tpke side two bedroom one bath 852 SF

#4 enter from rear 2 bedroom one bath 743 SF

First floor Breakdown:

#5 enter from west parking lot one bedroom one bath 647 SF

#6 enter from front porch, One bedroom one bath 967 SF

#7 enter from old back porch One bedroom One bath 567 SF

#8 enter from rear of front porch One bedroom one bath 1164 SF

#9 enter from rear of front porch One bedroom one bath 642 SF

#10 enter from west parking lot stair up One bedroom one bath 660 SF

#11 enter from west yard stair up 2 bedroom one bath 790 SF

#12 enter from west yard stair up studio one bath 320 SF

#13 enter from rear stair up 2 bedroom one bath 708 SF

Second and third floor are entered through the original front and back doors. The main stair goes to the second floor and the servants stair goes from the basement to the third floor. The entrance hall shall be retained as is.

Second Floor Breakdown:

#14 two bedroom two bath 1110 SF

#15 one bedroom one bath 640 SF

#16 two bedroom two bath 1140 SF

Third Floor Breakdown:

#17 one bedroom one bath 954 SF

#18 two bedroom 1 1/2 bath 1270 SF

Features and fixtures Breakdown:

Each unit shall have its own high efficiency heat pump, dish washer, separate electric, dedicated parking, a storage locker in the basement, on-site laundry facilities, access to the walking paths on unbuildable 2 acres of site, bike rack in entrance hall, perimeter fencing, and on-site maintenance staff.

There are some improvements to the city property surrounding our land that we would request.

Our plan calls for using Roberts Street as the primary entrance / exit for the new apartments. This will require a new Roberts street address. There is another issue regarding Roberts. Currently the three blocks of Roberts that run from North Avenue to our site are one way headed away from our parking lot. We would request that two blocks of Roberts (from us to Lamb, and Lamb to Barton) be made open for two-way traffic.

The remains of a sidewalk and curb along Vale Street can still be seen. We would request the refurbishment of the sidewalk and curb at the top part of Vale and installation of new sidewalk and a parking lane along the lower part of Vale.

Grading and drainage is a huge problem as the western side of the property is downhill from both Barton and Lamb. Consequently flooding and erosion are eating away at the plateau on which the building sits. Battery Street is especially problematic as there is no drain at the bottom to collect the runoff coming from two square blocks. The road connecting the north side of Montiero that was shown on a 1999 survey has been completely washed away.

We would request a storm collector at the bottom of Battery where it dead ends at our property, and intersects with the alley that parallels Lamb. We would also like that same alley reopened and properly graded for the block that borders our land from Battery to Roberts.

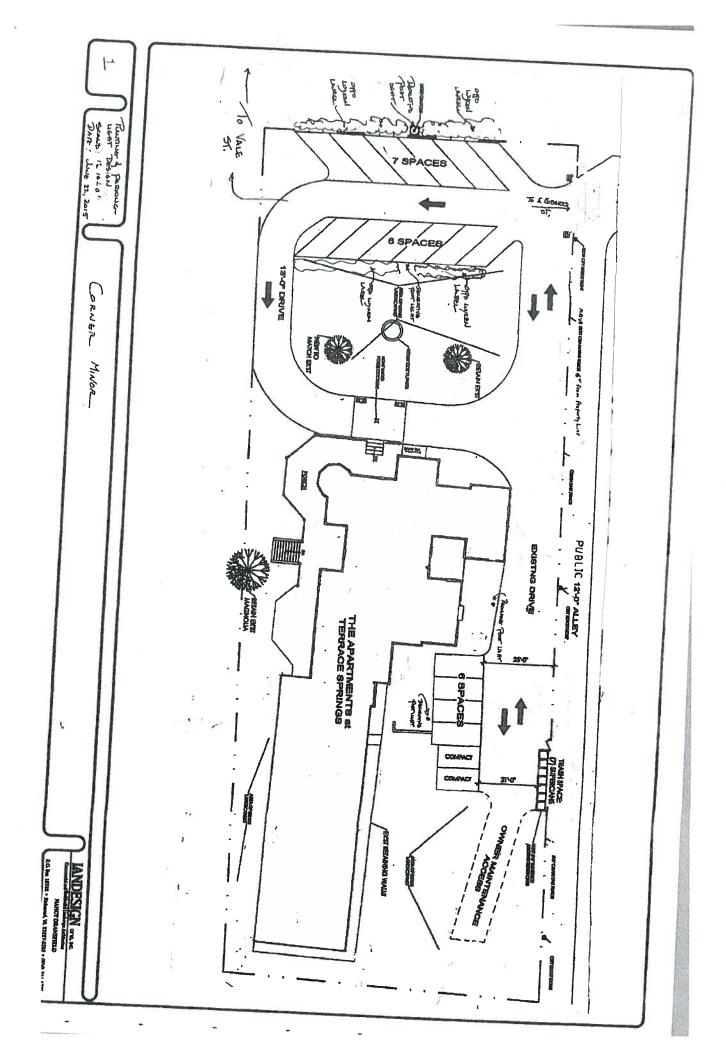
There is a health hazard created by the storm water pipe that dumps onto our property at the bottom corner of Dove and Richmond Henrico tumpike. This pipe runs under Dove and dumps the runoff from the Cannon Creek Greenway onto our land where it sits in a stagnate pool until it evaporates. There is a creek that is fed by a spring on our property, Mitchells Spring, which finds the bottom of the hill a good hundred feet from the storm water. That water runs towards Vale and away from the stagnate pool. The grade is such that there must be 18" of water for the pool and creek to connect. Some re-grading is in order to facilitate proper drainage at the Dove end of the site.

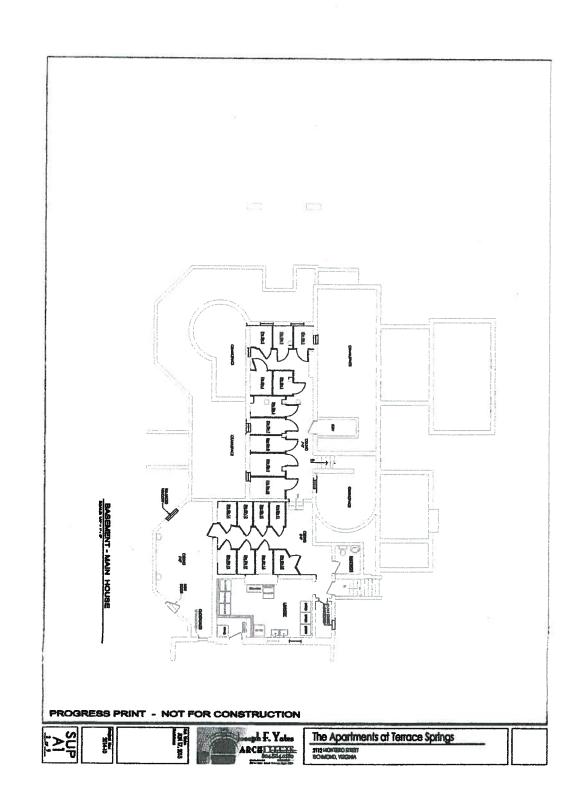
There is a drain on city property near Vale where the water from the spring is taken underground into a pipe. Should the height of this drain be raised 18 inches to 2 feet it would accomplish several worthy goals. It would permanently flood the area of the stagnate pool and allow water to circulate thus eliminating this health hazard. It would flood the creek area from Dove to Vale and create about a fifteen-foot wide body of water. The site is over run with bamboo and this would serve as a barrier to keep it contained. Raising the drain at the vale end of the creek would crate a small pond about 100 feet across. This we believe would greatly enhance the Greenway and create some public value with the water our property produces. Please see the accompanying colored site plan for more detail. The cost to raise the drain would be minimal and we would be willing to do the work ourselves.

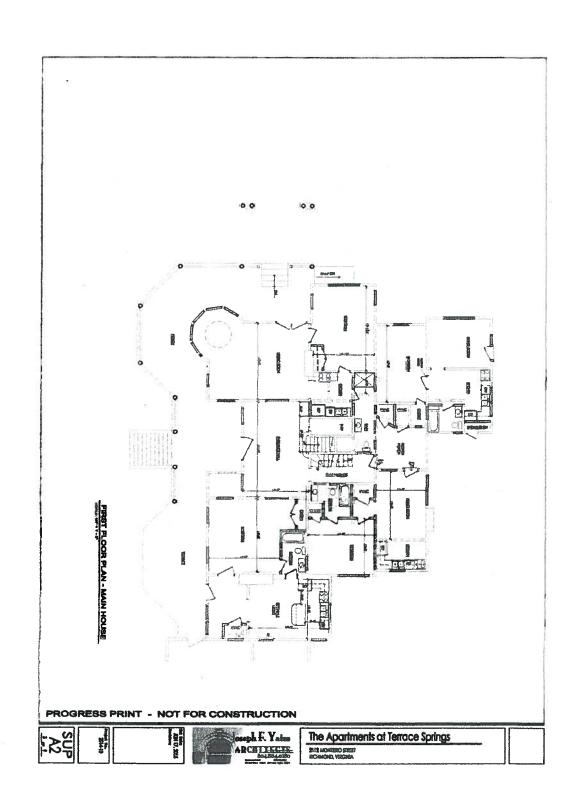
S. U. P plans for 2112 Monterio Street The Apartments at Terrace Springs Table of Contents

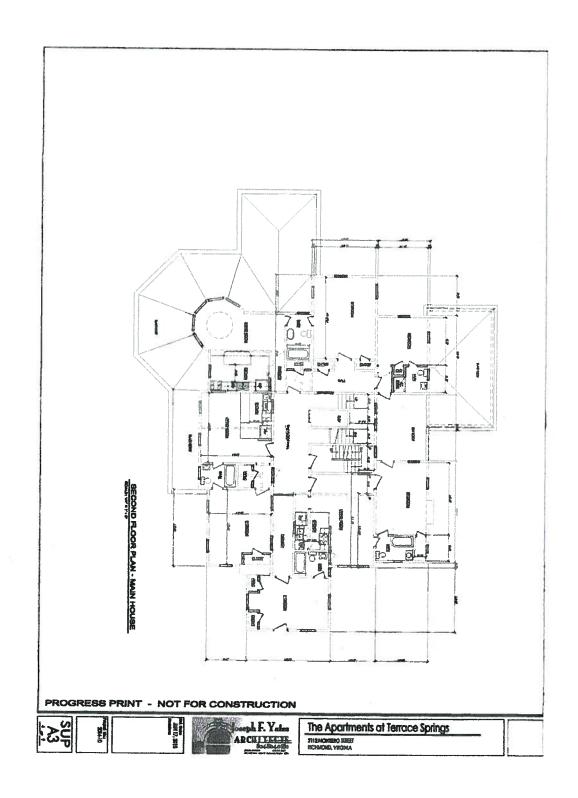
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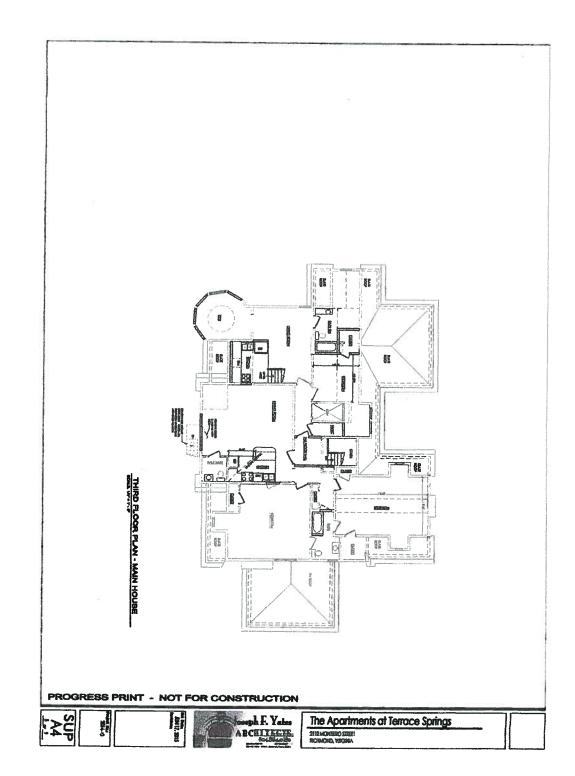
- 1) Site Plan
- 2) Basement Main Building
- 3) First Floor
- 4) Second Floor
- 5) Third Floor
- 6) Basement of Addition
- 7) First Floor of Addition
- 8) Main Building Elevations
- 9) Addition Elevations
- 10) Lot Split Site Survey
- 11) Colored Site Plan











PROGRESS PRINT - NOT FOR CONSTRUCTION The Apartments at Terrace Springs PHANOMERO STREET BOWNING STREET PROGRESS PRINT - NOT FOR CONSTRUCTION The Apartments of Terrace Springs



