



**City Of Richmond, Virginia
Office of the City Clerk**

Request to Withdraw Legislation

Paper Number: Ord. No. 2015-91

Chief Patron: Mayor Dwight C. Jones (By Request)

Introduction Date: April 13, 2015

Chief Patron Signature: Dwight C. Jones

For Office Use Only

Attestation: [Signature]

Effective Date: 04/15/15

INTRODUCED: April 13, 2015

AN ORDINANCE No. 2015-91

To authorize the special use of the property known as 1031 Fourquarean Lane for the purpose of permitting one or more multifamily dwellings with a total of up to 92 dwelling units for elderly and disabled persons, together with accessory parking, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 11 2015 AT 6 P.M.

WHEREAS, the owner of the property known as 1031 Fourquarean Lane, which was formerly situated in a R-53 Multifamily Residential District but now is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of one or more multifamily dwellings with a total of up to 92 dwelling units for elderly and disabled persons, together with accessory parking, which use, among other things, is not currently allowed by section 114-410.1 of the Code of the City of Richmond (2004), 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

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

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 114-1050.1 of the Code of the City of Richmond (2004), 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 1031 Fourquaren Lane and identified as Tax Parcel No. N000-0803/002 in the 2015 records of the City Assessor, being more particularly shown on a survey entitled “Boundary and Topographic Survey of 2.204 Acre Parcel Located on the South Line of Fourquaren Lane and East of Harold Avenue, City of Richmond, Virginia,” prepared by Bruce Robertson Land Surveying, P.C., and dated August 26, 2008, 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 one or more multifamily dwellings with a total of up to 92 dwelling units for elderly and disabled persons, together with accessory parking, hereinafter referred to as “the Special Use,” substantially as shown on sheets AS1.01, A1.01 and A2.01 of the plans entitled “St. Elizabeth’s School Elderly Housing, 1031 – 1101 Fourquaren Lane, Richmond, Virginia,” prepared by SWA Architects-VA, Inc., and dated August 28, 2014, 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) One or more multifamily dwellings with up to 92 dwelling units shall be permitted, substantially as shown on the Plans. The dwelling units shall be limited to occupancy by handicapped persons or persons of a minimum of 55 years of age.

(b) Up to one parking space for every two dwelling units shall be provided, substantially as shown on the Plans.

(l) Signs permitted on the Property shall be governed by the sign regulations applicable in the R-5 Single-Family Residential District. Location and materials for all signs shall be subject to the approval of a detailed final plan by the Director of Planning and Development Review prior to issuance of any building permit.

(m) Landscaping shall be provided, substantially as depicted on the Plans. Location and landscaping materials shall be subject to the approval of a detailed final plan by the Director of Planning and Development Review prior to issuance of any building permit.

(n) A lighting plan shall be approved by the Director of Planning and Development Review prior to issuance of any building permit.

(o) Exterior building design, materials and colors shall be as shown on the Plans. Alternative design, materials, and colors may be used, subject to the approval of the Director of Planning and Development Review prior to the issuance of a building permit.

§ 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 (2004), 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 114-1220 of the Code of the City of Richmond (2004), 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 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), 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 114-1080 of the Code of the City of Richmond (2004), 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. **Effective Date.** This ordinance shall be in force and effect upon adoption.



City of Richmond

900 East Broad Street
Richmond, VA 23219
www.Richmondgov.com

Intracity Correspondence

Ordinance: TMP-671

O & R REQUEST

FEB 24 2015

File Number: TMP-671

Chief Administration Office
City of Richmond

To authorize the special use of the property known as 1031 Fourqurean Lane for the purpose of permitting up to ninety-two (92) multi-family dwelling units for the elderly and handicapped, together with accessory parking, upon certain terms and conditions.

O & R Request

DATE: February 24, 2015 **EDITION:** 1

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 Mayor)

THROUGH: Christopher L. Beschler, Interim Chief Administrative Officer

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

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

SUBJECT: To authorize the special use of the property known as 1031 Fourqurean Lane for the purpose of permitting up to ninety-two (92) multi-family dwelling units for the elderly and handicapped, together with accessory parking, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 1031 Fourqurean Lane for the purpose of permitting up to ninety-two (92) multi-family dwelling units for the elderly and handicapped, together with accessory parking, upon certain terms and conditions.

REASON: In 2012, City Council authorized a conditional rezoning of the subject property (Ord. No. 2012-13-24), which zoned the property R-53 Multifamily Residential District Conditional. The applicant does not intend to develop the property according to the approved proffer statement, and thus, has requested to rezone the property from the current R-53 zoning back to the R-5 Single Family Residential district. The R-5 District does not permit multi-family dwellings and thus requires 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 April 20, 2015, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council

following that meeting.

BACKGROUND: The proposed development would be for up to 92 multi-family dwelling units, developed over 2 phases. Phase 1 would involve developing 56 units within the existing building located on the site and Phase 2 would be for an additional 36 units within a proposed addition to the existing building. All the units would be limited to occupancy by handicapped persons and/or persons of a minimum age of fifty-five years of age. Not less than one parking space for every two dwelling units would be provided, which is consistent with the normal zoning requirements for elderly housing.

The property is located in the North Planning District as defined by the 2000-2020 citywide Master Plan, which recommends "Single-family (Low-Density)" uses for the property. The Plan defines the primary use for this land use designation as "single-family detached dwellings at densities up to seven units per acre" (page 133). This designation includes support uses such as schools, places of worship, and parks, among others.

Several of the "Guiding Land Use Principles" for the North District are applicable to the subject property, beginning with the statement that "the predominant residential character of the District should be kept intact" (page 255). This same section of the Plan also states that "residential infill development should be similar in density, architectural character, and use to what currently exists in the surrounding area and should enhance the character and quality of the neighborhoods". On a similar note, another principle is that "infill development and redevelopment should match the scale and architectural character of the existing buildings" (page 255).

Of the type of development proposed for the site, the Plan states that "Additional multi-family development should be limited to managed senior housing along major transportation corridors, except Chamberlayne Avenue, where access cannot impact single family residential areas" (page 255).

For more detailed land use and development information regarding the Highland Park Southern Tip area, the Master Plan defers to the 1996 Highland Park Southern Tip (Chestnut Hill) Neighborhood Revitalization Plan, a joint effort of the Highland Park Southern Tip Neighborhood Association and the City, adopted by the City's Planning Commission in March 1996 and City Council in April 1996 as Ordinance No. 96-54-53. The Highland Park Southern Tip neighborhood, as defined by the Plan, is bounded by Valley Road to the south, Richmond-Henrico Turnpike to the west, Magnolia Street to the north, and Interstate 64/6th Avenue to the east (page 4). It is unclear if the subject property is included in the boundaries of the study area; in several of the maps (Major Crimes and Existing Land Use) information on the subject property is not provided, however, in the Land Use Plan recommendations map it is. This detailed map, in conjunction with the plan, indicates that "Multi-family is prohibited throughout the neighborhood except in existing built-up multi-family residential areas or as a Special Use for elderly housing in selected locations" and makes note of a "Multi-family elderly proposal as Special Use (Fourquaren Lane)" on page 27.

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: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: March 23, 2015

CITY COUNCIL PUBLIC HEARING DATE: April 27, 2015

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, April 20, 2015

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

RELATIONSHIP TO EXISTING ORDINANCES: None.

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

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

PDR O&R No. 14-40



RECEIVED Application for SPECIAL USE PERMIT

JUN 06 2014

LAND USE ADMINISTRATION

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: ST. ELIZABETH'S ELDERLY HOUSING Date: 5/29/14

Property Address: 1031-1101 FOURGUREAN LN Tax Map #: N0000803002

Fee: \$2000.00 Total area of affected site in acres: 2.02
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R.53

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Existing Use: VACANT BUILDING

Is this property subject to any previous land use cases?

Yes No

If Yes, please list the Ordinance Number.

ELDERLY HOUSING

Applicant/Contact Person: VICTOR L. DAVIS

Company: CANAAN HOUSING FOUNDATION

Mailing Address: 1701 LANCAESHIRE DR

City: RICHMOND

State: VA Zip Code: 23235

Telephone: (804) 539-4659

Fax: (804) 643-1756

Email: ROSKRIVIC@AOC.COM

Property Owner: [Signature] / CANAAN HOUSING FOUNDATION
(Contract Purchaser)

If Business Entity, name and title of authorized signee: [Signature], President

(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: 1701 LANCAESHIRE DR

City: RICHMOND

State: VA Zip Code: 23235

Telephone: (804) 539-4659

Fax: (804) 643-1756

Email: ROSKRIVIC@AOC.COM

Property Owner Signature: [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)

Applicant's Report

June 2, 2014

Special Use Permit for St. Elizabeth's School
Elderly Housing
1031-1101 Fourquarean Lane
Richmond, VA 23223

RECEIVED

JUN 06 2014

LAND USE ADMINISTRATION

The following is an applicant's report requesting a special use permit for the construction of an affordable housing complex for the elderly.

1031-1101 Fourquarean Lane is located in the East Highland Park community. Formerly known as the St. Elizabeth's School, it is now a vacant and deteriorating property. The building has been vacant for a number of years and has become blight on the surrounding neighborhoods. In its current derelict condition, it presents a nefarious site in an otherwise thriving community.

It is our intent to completely renovate the facility into an affordable housing unit for the elderly. Our ultimate goal is to do this in two phases. Phase 1 would involve the construction of 56 units, followed by phase 2 with the addition of 36 units. We seek to renovate this historic structure through the use of historic tax credits in accordance with guidelines set forth by the Secretary of the Interior.

We have successfully complete two similar projects in the city of Richmond – 608 N. 26th Street and 815 N. 35th Street in the Church Hill community. Therefore, we anticipate that the outcome of this project will also result in an asset that will contribute to the tax base of this city. In addition, we feel that a vital dwelling will also deter illegal activity in this area. We will provide a safe and secure residence for senior tenants.

In accordance with the requirements of the applicant's report we would like to address the following concerns:

1. The safety, health, morals, and general welfare of the community will be protected by the building meeting the current requirements of the applicable codes and ordinance created to protect the users of the property.
2. Congestion along the streets, alleys, and public ways is not a problem as the use intensity of the building can easily be accommodated by the existing public facilities.
3. Fire, panic, and other risks are protected by a sprinkler system in the building and means of ingress and egress required by the building code.
4. The site will not be overcrowded and have an undue concentration of people because all apartments are of a size to meet good living standards. Additionally, the proposed project

will be located on a 2 acre site of land which will prove more than adequate for the proposed project.

5. The project will not adversely affect public schools and other public facilities because the land use intensity of the project is small and all other public facilities are adequate in scope and size.

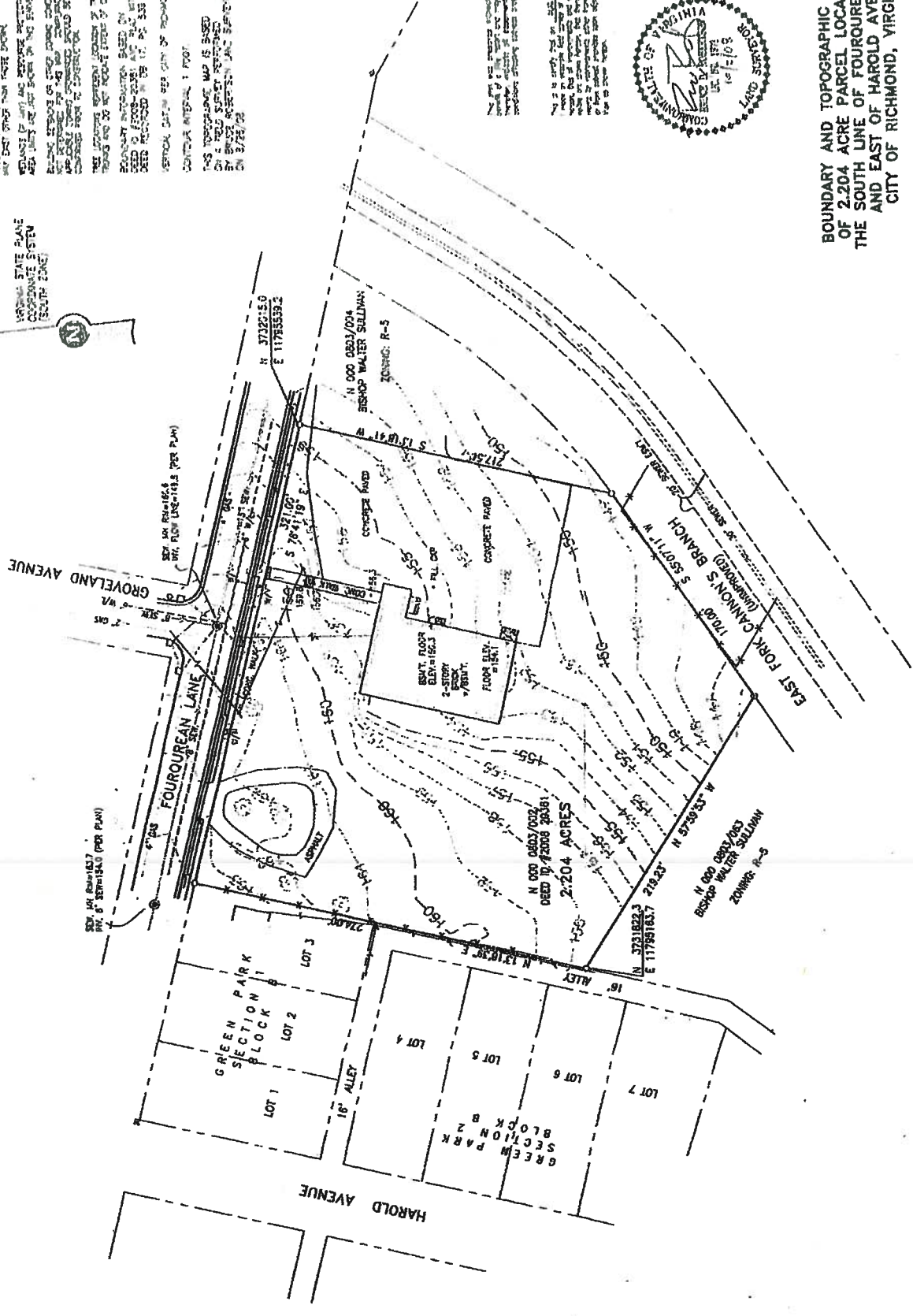
6. The light, air, and a ventilation of the spaces in the project are met by the design of windows or and ventilation required by the building code.

Respectfully submitted by:



Dr. V. L. Davis, President
Canaan Housing Foundation

LOCATION OF ALL LOTS AND BLOCKS IN THIS SURVEY IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) AND THE 1983 DATUM. THE BOUNDARY INFORMATION IS BASED ON THE SURVEY DATA AND THE 1983 DATUM. THE BOUNDARY INFORMATION IS BASED ON THE SURVEY DATA AND THE 1983 DATUM. THE BOUNDARY INFORMATION IS BASED ON THE SURVEY DATA AND THE 1983 DATUM.



THIS TOPOGRAPHIC MAP IS BASED ON THE SURVEY DATA AND THE 1983 DATUM. THE BOUNDARY INFORMATION IS BASED ON THE SURVEY DATA AND THE 1983 DATUM. THE BOUNDARY INFORMATION IS BASED ON THE SURVEY DATA AND THE 1983 DATUM.



BOUNDARY AND TOPOGRAPHIC SURVEY OF 2.204 ACRE PARCEL LOCATED ON THE SOUTH LINE OF FOUROUREAN LANE AND EAST OF HAROLD AVENUE CITY OF RICHMOND, VIRGINIA

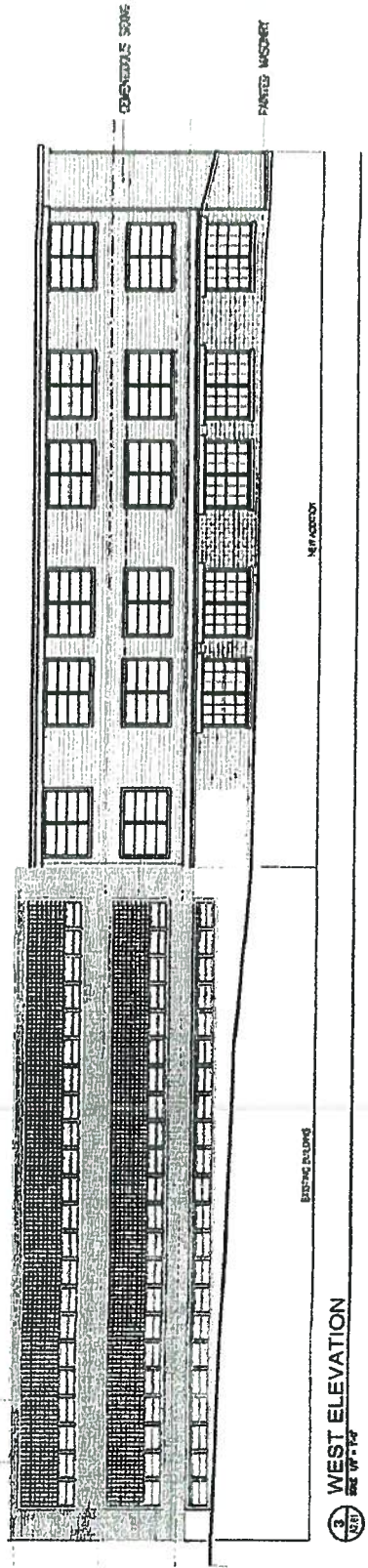
Bruce Robertson Land Surveying, P.C.
 P.O. Box 3311, Richmond, Virginia 23218-0311
 (804) 353-1801

ST. ELIZABETH'S SCHOOL
 1031 - 1101 Fourqueman Lane
 Richmond, Virginia

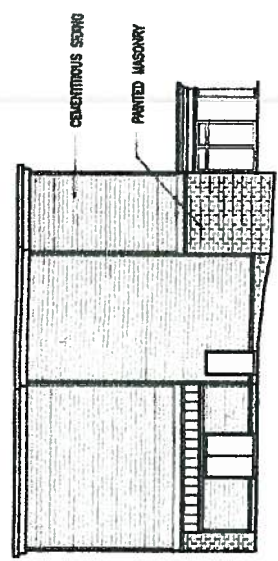


SWG ARCHITECTS, INC.
 1000 N. 10th Street, Suite 100
 Arlington, VA 22201
 (703) 525-1100
 www.swgarchitects.com

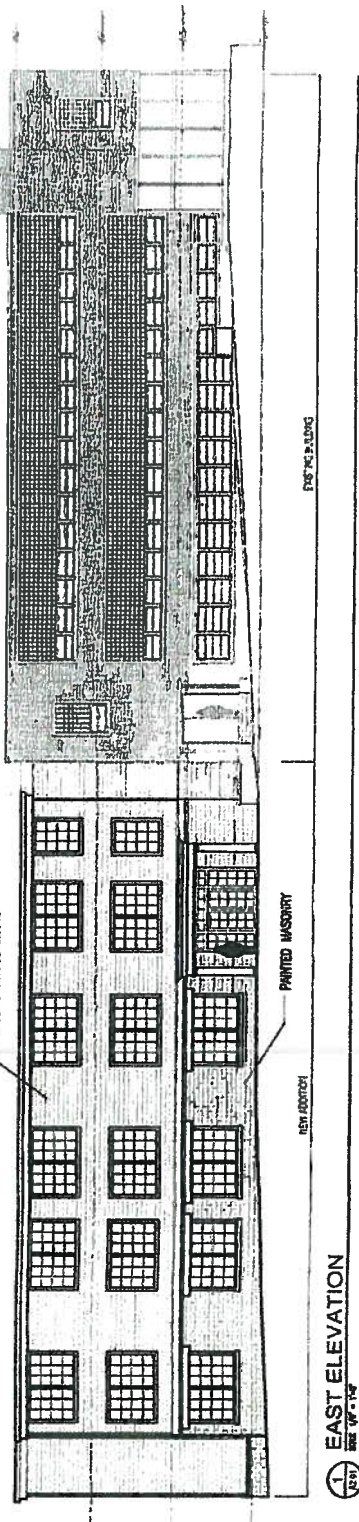
A2.01



WEST ELEVATION
 SEE WP-102



SOUTH ELEVATION
 SEE WP-102



EAST ELEVATION
 SEE WP-102





ST. ELIZABETH'S SCHOOL
 ELDERLY HOUSING
 1031 - 1101 Fourcorean Lane
 Richmond, Virginia



DATE: 10/15/10
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: [Number]

EXISTING BUILDING GROSS SQ. FT. CALC	
TERRACE FLOOR	3,378
FIRST FLOOR	3,854
SECOND FLOOR	17,289
TOTAL	24,521

NEW ADDITION GROSS SQ. FT. CALC	
TERRACE FLOOR	5,337
FIRST FLOOR	3,298
SECOND FLOOR	3,228
TOTAL	11,863

EXISTING BUILDING RENTABLE SQ. FT. CALC	
TERRACE FLOOR	3,780
FIRST FLOOR	4,100
SECOND FLOOR	3,112
TOTAL	10,992

NEW ADDITION RENTABLE SQ. FT. CALC	
TERRACE FLOOR	2,871
FIRST FLOOR	4,508
SECOND FLOOR	4,502
TOTAL	11,881

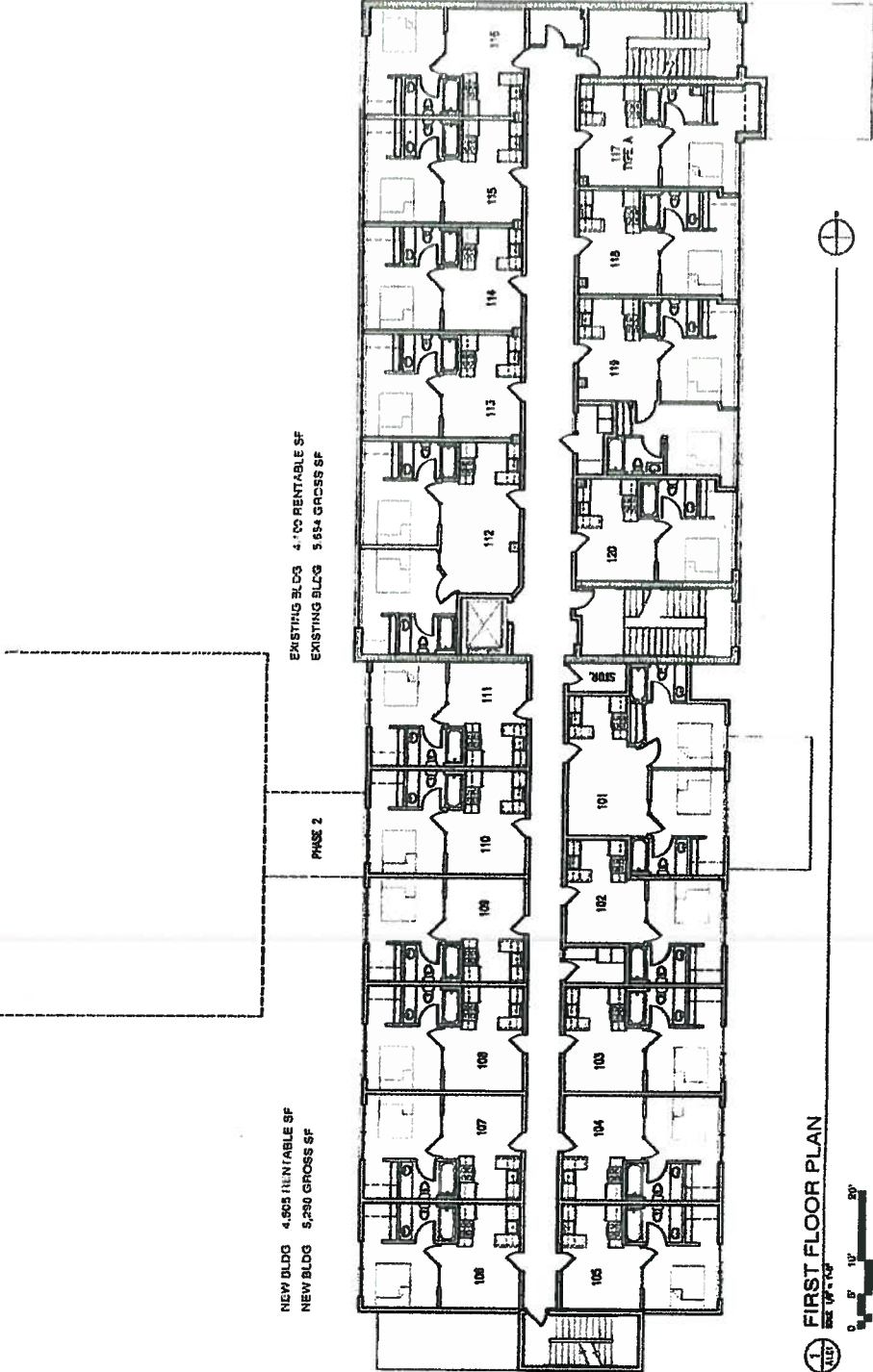
1
 10/15/10
SITE PLAN
 1" = 40'-0"
 0.10' 30' 50' 100'

ST. ELIZABETH'S SCHOOL
 ELDERLY HOUSING
 1031 - 1101 Fourgreen Lane
 Richmond, Virginia



PROJECT NO. 1031-1101
 DATE 10/15/04
 DRAWN BY J. B. BROWN
 CHECKED BY J. B. BROWN
 PROJECT NO. 1031-1101
 DATE 10/15/04
 DRAWN BY J. B. BROWN
 CHECKED BY J. B. BROWN

A1.01



NEW BLDG 4,505 RENTABLE SF
 NEW BLDG 5,290 GROSS SF

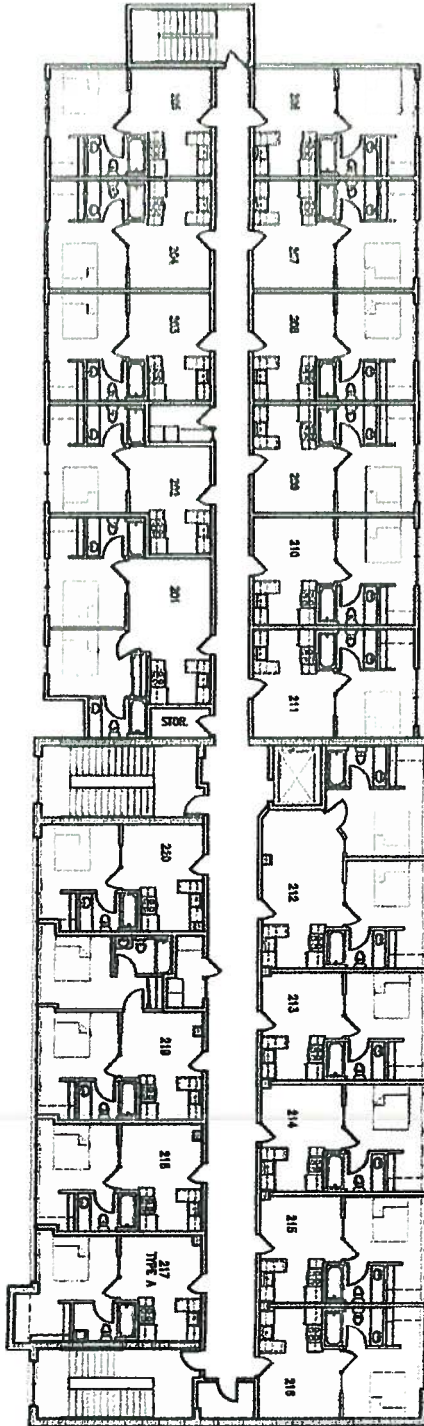
EXISTING BLDG 4,100 RENTABLE SF
 EXISTING BLDG 5,654 GROSS SF

PHASE 2

1 FIRST FLOOR PLAN
 1/8" = 1'-0"



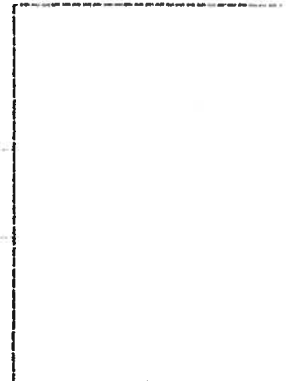
SECOND FLOOR PLAN



NEW BLDG 4 506 RENTABLE SF
 NEW L.D.G 5 228 32028 SF

PHASE 2

EXISTING BLDG 4 100 RENTABLE SF
 EXISTING BLDG 5 614 GROSS SF



St. ELIZABETH'S SCHOOL
 ELDERLY HOUSING
 1031 - 1101 Fourquaren Lane
 Richmond, Virginia

swg

SWANSON GROUP, INC.
 10110 Lee Road
 Richmond, VA 23231
 804-771-1100

PROJECT: St. Elizabeth's School Elderly Housing
 DATE: 11/11/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

Second Floor
 Unit
 Numbers
 A1.02