



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2015-258: To amend Ord. No. 2000-218-231, adopted May 22, 2000, which authorized the property known as 1000 Carlisle Avenue for the purpose of the conversion and occupancy of the existing building as an arts center and performance and reception facility, together with accessory off-street parking, substantially in accordance with the attached site plan and floor plans, to authorize up to 62 multi-family dwelling units and commercial uses and to remove part of 1021 Carlisle Avenue, part of Rear 901 State Street, and 910 Goddin Street, and reduce the required accessory off-street parking, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: January 4, 2016

PETITIONER

Margaret Freund
Fulton Hill Properties
1000 Carlisle Avenue
Richmond, VA 23231

LOCATION

1000 Carlisle Avenue and a portion of 1000 A Carlisle Avenue

PURPOSE

To amend an existing special use permit for the historic Fulton Hill School to authorize multi-family use with up to 62 dwelling units and commercial uses in addition to the previously authorized uses, reduce the required parking and remove properties from the special use permit.

SUMMARY & RECOMMENDATION

The subject properties are comprised of one property owned by Fulton Hill Properties, LLC and a portion of the property owned by Fulton Hill Properties that was formerly a public right-of-way known as Orleans Street. Together the properties are approximately 1.9 acres and are currently improved with a surface parking area and the historic Fulton Hill School building that is currently used as artist studios and offices.

Fulton Hill Properties proposes to develop the properties and the surrounding properties for multifamily uses and accessory parking, which requires approval of a special use permit, this special use permit amendment, the closure of Northampton Street, the sale of two City-owned properties, a Utility Agreement and a Performance Agreement by City Council.

This special use permit amendment would authorize multi-family dwelling units and commercial uses in the historic Fulton Hill School building in addition to the previously approved office, arts center and performance and reception uses. The subject properties are zoned R-5 Single-Family Residential, which does not permit multi-family use or the previously authorized office and event uses.

The total number of dwelling units would be limited to 62 and the total floor area devoted to commercial uses permitted in the R-63 Multi-family Urban Residential District would be limited to 16,000 square feet. The uses permitted by the existing ordinance would be retained in the amended ordinance. This includes indoor and outdoor assembly uses for up to 500 persons.

The proposed conversion of the historic Fulton Hill School building for up to 62 units would require the conversion of the third floor into habitable space with the inclusion of windows that do not currently exist on the third floor. The addition of these windows would require either the approval of the Department of Historic Resources or the Director of Planning and Development Review. If the windows are not approved, no dwelling units would be permitted on the third floor given the requirement in the ordinance for each unit to have a minimum of one window.

The amended ordinance would require a total of 69 parking spaces for the multi-family, office, commercial and event uses of the property. The previous ordinance required a total of 150 parking spaces to serve the uses and limited the number of people at the authorized events by the number of parking spaces. The limit on the number of attendees would be removed from the amended ordinance and the required parking would be reduced from 150 to 69 spaces.

The ordinance includes a condition, which would regulate the access and control of the privately owned portions of former Carlisle Avenue and former Northampton Street. In part, the condition states that, "The Roads may remain private, however, the Owner shall permit public pedestrian and vehicular access, subject to the reasonable control of the Owner to revoke such access to individuals on a case-by-case basis, and the Owner shall not gate or otherwise barricade the Roads against such public access except as provided herein." In addition, the applicant will not be permitted to post signs forbidding access. The applicant will, however, have a right to temporarily gate the private streets, though for no more than three calendar days in any given calendar week, no more than six calendar days in any given calendar month, and no more than 40 calendar days in any given calendar year. Staff believes these conditions are unenforceable.

The Richmond Master Plan Land Use Map recommends "public and open space" for the subject properties. The Master Plan's Public Facilities Map specifically recommends a proposed public park for the subject properties, including parts of the subject properties in a contiguous park space, connecting Powhatan Park and Gillies Creek Park. In addition, the Community Unit Plan for the Fulton Redevelopment Area, showed much of the subject area within in the Project Boundary and identified as Public Space. However, the Master Plan does recognize that in the East Planning District structures deemed appropriate for rehabilitation should be revitalized in order to maintain as much of the area's stock of architecturally significant buildings as possible and improve the neighborhoods (page 169).

Staff finds that the property contains a significant historic structure worthy of preservation and active use, which is supported by the Master Plan's recommendation for the reuse of architecturally significant buildings. Departing from normal zoning to allow for residential use of the school building would also be a benefit to the community, recognizing the potential value of investing in the Fulton neighborhood with new housing opportunities. However, staff maintains several concerns related to the proposed development:

1. In 2000, the surrounding community and Planning Commission held concerns for the potential impacts of large assembly uses in the old school and on the grounds. However, because the applicant agreed to provide additional on-site parking and purchased contiguous lands to act as a buffer that are now proposed to be developed, the Planning Commission, after determining the mitigation efforts adequate, recommended approval. With the request to develop 204 dwelling units in two new buildings, renovate the old school building for an additional 62 units, and still maintain rights to assembly uses for up to 500 persons, the applicant is offsetting previous efforts to mitigate impacts.
2. Carlisle Avenue and Northampton Street should be open and accessible to all citizens of the community. Carlisle Avenue, as it runs across the subject properties, provides a critical automobile and pedestrian connection from upper Fulton to lower Fulton. Leaving control of access--with a very difficult to enforce maximum number of days closed--to the discretion of the property owner does not positively contribute to the general welfare of the community

FINDINGS OF FACT

Site Description

The subject properties are comprised of one property owned by Fulton Hill Properties, LLC and a portion of the property owned by Fulton Hill Properties that was formerly a public right-of-way known as Carlisle Avenue. Together the properties are approximately 1.9 acres and are currently improved with a surface parking area and the historic Fulton Hill School building that is currently used as artist studios and offices.

The previous special use permit included several other properties, which will be removed under this proposed amendment. Those properties are either currently unimproved or provided surface parking required by the previous special use permit. The removal of these properties under the proposed amendment would reduce the lot area subject to this special use permit from 6.1 acres to 1.9 acres.

Proposed Use of the Property

This special use permit amendment would authorize multi-family dwelling units and commercial uses in the historic Fulton Hill School building in addition to the previously approved office, arts center and performance and reception uses. The subject properties are zoned R-5 Single-Family Residential, which does not permit multi-family use or the previously authorized office and event uses.

The total number of dwelling units would be limited to 62 and the total floor area devoted to commercial uses permitted in the R-63 Multi-family Urban Residential District would be limited to 16,000 square feet.

The uses permitted by the existing ordinance would be retained in the amended ordinance. This includes the following uses:

- 1) Non-medical office uses, artist studios, and performance and recreation events;
- 2) Occupancy of the building of up to 500 persons;

- 3) Hours that the building may be occupied for events with excess of 60 persons from 7:00 a.m. to 11.00 p.m. Sundays through Thursdays and 8:00 a.m. to 12:30 a.m. on Fridays and Saturdays.
- 4) Outdoor events with an attendance in excess of 60 persons up to 25 calendar days per year,
- 5) Outdoor events with an attendance in excess of 60 persons with outdoor amplified entertainment up to 10 days per calendar year,

The development of the properties for multifamily uses and accessory parking requires approval of a special use permit, this special use permit amendment, the closure of Northampton Street, the sale of two City-owned properties, a Utility Agreement and a Performance Agreement by City Council. The required papers are outlined below:

Companion Papers

910 Goddin St., etc. SUP (Studio Row)

This special use permit would authorize a multi-family development with up to 204 dwelling units and accessory parking in the existing R-5 Single-Family Detached zoning district. The 204 units would be authorized in two five-story buildings fronting on former Carlisle Avenue. Garage parking on the ground floor of the buildings would provide 111 parking spaces and 95 surface parking spaces would be provided in surface parking areas throughout the site. *Requires Planning Commission recommendation.*

Northampton Street Closure

This is a request to close, to public use and travel, a portion of Northampton Street, located between Carlisle Avenue and Goddin Street and consisting of 0.23 acres. This paper would transfer Northampton Street to Fulton Hill Properties for use as accessory parking for the proposed multifamily development for \$5,000. *Requires Planning Commission recommendation.*

Sale of 910 Goddin Street and 1000 Goddin Street

This is a request to authorize the sale of two City owned properties comprising approximately 2 acres to Fulton Hill Properties, LLC for \$80,000. *Requires Planning Commission recommendation.*

Performance Agreement

The City will provide a \$750,000 grant to Fulton Hill for the development of at least ten affordable housing units (current rent would be ~\$780 per month for a one bedroom), ten workforce housing units (current rent would be ~\$1,040 per month for a one bedroom), and a \$30,400,000 net new taxable investment. *Requires only City Council approval.*

Utility Agreement

A permanent easement is required by the City for a project separating a combined sewer for approximately 37 acres in the Fulton Hill area. There is an existing easement on the property to be developed. The City will abandon the existing easement on Fulton Hill Properties' property in exchange for a new easement in former Carlisle Avenue. The City will also repair/replace the cobblestones in the private street, construct two sanitary sewer manholes and stub pipes for the new development, and provide water service in close proximity to the development. *Requires only City Council approval.*

Master Plan

The Richmond Master Plan Land Use Map recommends “public and open space” for the subject properties. Included in this designation are environmentally sensitive areas and scenic areas where urban development should not occur such as the steep slopes found on the subject properties (p.135). It further recommends “expansion of the Gillies Creek Park to create a contiguous public park space with Powhatan Hill Park, Libby Hill Park, and a portion of the land at East Richmond Road landfill, and Great Shiplock Park (p. 173).”

The Master Plan’s Public Facilities Map specifically recommends a proposed public park for the subject properties, including parts of the subject properties in a contiguous park space, connecting Powhatan Park and Gillies Creek Park. In addition, the Community Unit Plan for the Fulton Redevelopment Area, showed much of the subject area within in the Project Boundary and identified as Public Space.

Zoning

The properties are zoned R-5 Single-Family Residential, which does not permit the existing uses authorized in the 2000 ordinance or the proposed multi-family use and accessory parking. The R-5 zoning allows for a density of up to 8.7 units per acre for single-family uses. The proposed development would create a density of approximately 32.6 units per acre.

The proposed conversion of the historic Fulton Hill School building for up to 62 units would require the conversion of the third floor into habitable space with the inclusion of windows that do not currently exist on the third floor. The addition of these windows would require either the approval of the Department of Historic Resources or the Director of Planning and Development Review. If the windows are not approved, no dwelling units would be permitted on the third floor given the requirement in the ordinance for each unit to have a minimum of one window.

The ordinance includes a condition, which would regulate the access and control of the privately owned portions of former Carlisle Avenue and former Northampton Street. In part, the condition states that, “The Roads may remain private, however, the Owner shall permit public pedestrian and vehicular access, subject to the reasonable control of the Owner to revoke such access to individuals on a case-by-case basis, and the Owner shall not gate or otherwise barricade the Roads against such public access except as provided herein.” In addition, the applicant will not be permitted to post signs forbidding access. The applicant will, however, have a right to temporarily gate the private streets, though for no more than three calendar days in any given calendar week, no more than six calendar days in any given calendar month, and no more than 40 calendar days in any given calendar year.

In 2000, City Council adopted Ordinance No. 2000-218-231, which authorized the use of the former Fulton Hill public school at 1000 Carlisle Avenue for non-medical office uses, an arts center, and a performance and reception facility with both indoor and outdoor events. The special use approved in 2000, required a minimum of 150 parking spaces be provided to serve the uses of the property and limited the occupancy of the events by the

number of parking spaces provided. The 2000 ordinance included part of 1021 Carlisle Avenue and 910 Goddin Street in order to provide the parking spaces required. Those properties will be removed from Ord. No. 2000-218-231 as part of this special use permit amendment. The proposed amendment will also reduce the parking requirement from 150 spaces to 69 spaces due to the removal of those two properties.

The required parking proposed for the adjacent 204 dwelling units under a companion special use permit, will be exclusively reserved for the 204 dwelling units, meaning they cannot be used to support any of the uses permitted in the 1000 Carlisle Avenue ordinance, including the approved assembly and event uses for up to 500 persons.

The normal parking requirement cannot be determined until the actual proposed uses are determined.

Surrounding Area

All of the surrounding properties are zoned R-5 and are occupied by single-family detached residences to the east and west. Powhatan Park, a City-owned park and its facility is located to the south and the property to the north is also City-owned is classified as undeveloped park property.

Neighborhood Participation

Staff has contacted 7th District Council Representative, Cynthia Newbille, and the Greater Fulton Hill Civic Association. Staff has received four letters of support and one phone call from an adjacent property owner who expressed concern over the proposed development.