

INTRODUCED: January 14, 2019

AN ORDINANCE No. 2019-011

To amend and reordain Ord. No. 2001-262-248, adopted Sept. 10, 2001, as previously amended by Ord. No. 2015-250-244, adopted Dec. 14, 2015, which authorized the special use of the property known as 3101 Kensington Avenue for the conversion of the existing building for either 40 or 42 multifamily dwelling units and accessory parking, upon certain terms and conditions, to reflect the subdivision of the property into two parcels, now known as 3101 Kensington Avenue and 3131 Kensington Avenue, and to remove the condition that all dwelling units shall be converted to condominiums within five years of the issuance of the certificate of occupancy, to remove from the ordinance the provisions pertaining to 3131 Kensington Avenue, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 11 2019 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2001-262-248, adopted September 10, 2001, as previously amended by Ordinance No. 2015-250-244, adopted December 14, 2015, be and is hereby amended and reordained as follows:

§ 1. That the [~~properties~~] property known as 3101 Kensington Avenue [~~and 3131 Kensington Avenue~~], located on the block bounded by Cleveland Street, Kensington Avenue and

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 11 2019 REJECTED: _____ STRICKEN: _____

Belmont Avenue and identified as Tax Parcel [~~Nos.~~] No. W000-1411/023 [~~and W000-1411/024~~] in the [~~2015~~] 2019 records of the City Assessor, being more particularly [~~described as follows:~~ *beginning* ~~at the point of intersection of the south right of way line of Kensington Avenue and the west right of way line of Belmont Avenue; thence extending in an southerly direction 179.83 feet along the west right of way line of Belmont Avenue to a point on the north right of way line of an east west 20.00 foot wide public alley; thence extending in a westerly direction along said alley line 115.00 feet to a point along a property line; thence extending in a southerly direction 62.83 along the west right of way line of a north south 10.00 wide public alley to a point on the north right of way line of east west 10.00 foot public alley; thence extending 216.26 feet along said right of way line to a point on the east line of a north south 10.00 foot wide public alley; thence extending in a northerly direction along the east right of way line of said alley to a point on the north right of way line of an east west 20.00 foot wide public alley; thence extending in a westerly direction along the north right of way line of said alley to a point on the east right of way line of Cleveland Street; thence extending in a northerly direction 179.83 feet along said right of way to a point on the south right of way line of Kensington Avenue; thence extending in an easterly direction 391.44 foot along said right of way line to the point of *beginning*] shown on a survey entitled “Condominium Survey of Lee School Lofts, Situated at #1301 Kensington Avenue, City of Richmond, Virginia,” prepared by Shadrach & Neal, Inc., and dated February 3, 2003, is hereby permitted to be used for the purpose of converting the existing building for either forty (40) multi-family dwelling units and accessory parking, substantially as shown on the site plan, the floor plans, and the elevation drawing entitled “Lofts at Lee School,” prepared by Freeman Solt, PLLC, dated May 31, 2001, consisting of sheets SU-1 through SU-10, or forty-two (42) multi-family dwelling units and accessory parking, substantially as shown on the site~~

plan entitled “Lofts at Lee School,” prepared by Freeman Solt, PLLC, dated May 31, 2001, consisting of sheets SU-1 through SU-5; the floor plans entitled “Lofts at Lee School Alternated Floor Plans July 3, 2001,” prepared by Freeman Solt, PLLC, dated May 31, 2001, consisting of sheets SU-6 through SU-9; and the elevation drawing entitled “Lofts at Lee School,” prepared by Freeman Solt, PLLC, dated May 31, 2001, consisting of sheet SU-10, copies of which are attached and made a part of Ordinance No. 2001-262-248, adopted September 10, 2001.

§ 2. That the adoption of this ordinance shall constitute the granting of a special use permit for the [~~properties~~] property, which shall be transferable from the owner of the [~~properties~~] property to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and which shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of the [~~properties~~] property a building permit in accordance with the above-referenced plans for such purposes, subject to the following terms and conditions:

(a) The owner of the [~~properties~~] property shall be bound by, shall observe, and shall comply with all other laws, ordinances, rules and regulations adopted pursuant thereto, applicable to the properties, except as otherwise provided in this ordinance; and

(b) That either forty (40) multi-family dwelling units and accessory parking, substantially as shown on the site plan, the floor plans, and the elevation drawing entitled “Lofts at Lee School,” prepared by Freeman Solt, PLLC, dated May 31, 2001, consisting of sheets SU-1 through SU-10, or forty-two (42) multi-family dwelling units and accessory parking, substantially as shown on the site plan entitled “Lofts at Lee School,” prepared by Freeman Solt, PLLC, dated May 31, 2001, consisting of sheets SU-1 through SU-5; the floor plans entitled “Lofts at Lee School Alternate Floor Plans July 3, 2001,” prepared by Freeman Solt, PLLC, dated May 31, 2001,

consisting of sheets SU-6 through SU-9; and the elevation drawing entitled “Lofts at Lee School,” prepared by Freeman Solt, PLLC, dated May 31, 2001, consisting of sheet SU-10, shall be established on the [~~properties~~] property. In both instances, units with a minimum of 675 square feet shall be permitted within the existing building, with renovations and amenities substantially as depicted on the plans attached to Ordinance No. 2001-262-248, adopted September 10, 2001, including a building security system, HVAC, ceiling fans, dishwashers, and disposals in each unit. The existing auditorium space may be used for dwelling units or as common space for the exclusive use of the tenants; and

(c) That no fewer than sixty-three (63) parking spaces shall be provided. Parking spaces shall be paved with an all weather dust free surface, and parking spaces shall be delineated on the pavement surface. All driveway entrances shall be in accordance with the requirements of the Director of Public Works and shall be designed so as to permit continued access to the north-south 10.00 foot wide public alleys. The parking area shall be landscaped substantially as depicted on the plans attached to Ordinance No. 2001-262-248, adopted September 10, 2001. A final lighting plan, fencing plan and landscaping plan must be approved by the Director of Planning and Development Review prior to the issuance of a building permit; and

(d) The 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 as not to be visible from adjacent properties and public streets; and

(e) That final grading and drainage plans, if required, shall be approved by the Director of Planning and Development Review prior to the issuance of building permits; and

(f) That storm or surface water shall not be allowed to accumulate on the land and adequate facilities for drainage of storm or surface water from the land and building shall be

provided and maintained at all times by the owner at its costs and expense so as not to adversely affect or damage adjacent property or public streets and the use thereof; and

(g) Signage shall be in accordance with the applicable underlying zoning regulations.

(h) That the property known as 3131 Kensington Avenue be removed from this ordinance and be subject to the regulations of the underlying zoning district.

§ 4. That the privileges granted by this ordinance may be revoked pursuant to the provisions of sections [~~114-1050.7~~] 30-1050.7 through [~~114-1050.11~~] 30-1050.11 of the Code of the City of Richmond [~~(2004)~~] (2015), as amended, and all future amendments to such laws. Failure to comply with the terms of this ordinance shall constitute a violation of section [~~114-1080~~] 30-1080 of the Code of the City of Richmond [~~(2004)~~] (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the [~~properties~~] property is abandoned for a period of twenty-four (24) consecutive months, use of the [~~properties~~] property shall be governed thereafter by the zoning regulations prescribed for the district in which the [~~properties are~~] property is then situated.

§ 6. This ordinance shall be in force and effect upon adoption.

II. This amendatory 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

RECEIVED
Item Request

File Number: PRE.2018.492
JAN 08 2019

O & R REQUEST

OFFICE OF CITY ATTORNEY

4-8445
DEC 19 2018

Office of the
Chief Administrative Officer

O & R Request

DATE: December 19, 2018

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic
Development and Planning

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

RE: To amend and reordain Ord. No. 2015-250-244 adopted, December 14, 2015, which authorized the special use of the property known as 3101 Kensington Avenue for the conversion of the existing building for either 40 or 42 multifamily dwelling units and accessory parking, upon certain terms and conditions, to reflect the subdivision of the property into two parcels, now known as 3101 Kensington Avenue and 3131 Kensington Avenue, and to remove the condition that all dwelling units shall be converted to condominiums within five years of the issuance of the certificate of occupancy, and to remove the property now known as 3131 Kensington Avenue from this ordinance.

ORD. OR RES. No. _____

PURPOSE: To amend and reordain Ord. No. 2015-250-244 adopted, December 14, 2015, which authorized the special use of the property known as 3101 Kensington Avenue for the conversion of the existing building for either 40 or 42 multifamily dwelling units and accessory parking, upon certain terms and conditions, to reflect the subdivision of the property into two parcels, now known as 3101 Kensington Avenue and 3131 Kensington Avenue, and to remove the condition that all dwelling units shall be converted to condominiums within five years of the issuance of the certificate of occupancy, and to remove the property now known as 3131 Kensington Avenue from this ordinance.

REASON: The existing Special Use Permit originally included 3131 Kensington Avenue, parcel no. W0001411024. The application wishes to remove this parcel from the regulations attached to ordinance no. 2015-250-244, in order to develop the property under the current R-6 Residential zoning designation.

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 February 4, 2019 meeting.

BACKGROUND: The subject property consists of a 11,979 SF, or .28 acre unimproved parcel of land, and is a part of the Museum District neighborhood in the Near West Planning District.

The City of Richmond's current Master Plan designates the subject property for Single Family Medium Density. Primary uses are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-5A, R-6 and R-7. (City of Richmond, Master Plan, p. 133)

The current zoning for this property is R-6 Residential (Single Family Attached) as are much of the adjacent and nearby properties.

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

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

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: January 14, 2019

CITY COUNCIL PUBLIC HEARING DATE: February 11, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, February 4, 2019.

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 ORD. OR RES.: Amend Ordinance No. 2015-250-244

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Survey, Map

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646-5734



SUP-042927-2018

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.richmondva.gov/

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

Property Address: 2131 Kensington Avenue Date: 06/19/2018
Tax Map #: WOOD-1411/023 Fee: \$1,500
Total area of affected site in acres: 0.273 acres

(See page 6 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: RA

Existing Use: Vacant lot

Proposed Use

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

Future single-family rld

Existing Use: Vacant lot

Is this property subject to any previous land use cases?

Yes No
[checked] [] If Yes, please list the Ordinance Number: 2013-250-344

Applicant/Contact Person: Lory Marthen

Company: Marthen Planning
Mailing Address: 2314 W Main Blvd
City: Richmond State: VA Zip Code: 23220
Telephone: (804) 244-2561 Fax: ()
Email: lory@marthenplanning.com

Property Owner: BKM, LLC

If Business Entity, name and title of authorized signee: Robin Miller

(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: 116 East Franklin Street
City: Richmond State: VA Zip Code: 23219
Telephone: (804) 338-3409 Fax: ()
Email: robin.miller@bkmvillereassociates.com

Property Owner Signature: [Signature] MANAGER BKM LLC

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)



September 19, 2018

Mr. Mark Olinger, Director
Department of Planning & Development Review
900 East Broad Street, Suite 511
Richmond, VA 23219
Mark.Olinger@richmondgov.com

RE: Applicant's Report for Special Use Permit Amendment Application at 3131 Kensington Avenue

Dear Mr. Olinger,

Please accept this letter as the Applicant's Report for the Special Use Permit Amendment (SUP) application for the property at 3131 Kensington Avenue. With this application, BKM, LLC is petitioning the City Council for an amendment to the existing SUP (Ord. No. 2015-250-244) to remove the existing vacant lot from the regulations applied to the adjacent property under the original SUP.

Site

The property is located at the northeast corner of Kensington Avenue and Cleveland Street. The property has a land area of 11,979 square feet and is zoned in the R-6 (Single-Family Attached Residential) District. The property is also located in the West of the Boulevard Design Overlay District and any new construction visible from the street would be subject to the standards established for the district and the review of the Urban Design Committee. The property is currently unimproved.

Zoning and SUP Ordinance Conditions

The property is currently subject to a SUP that was originally adopted in 2001 for both the subject property and the adjacent historic school building. At the time, the properties were under common ownership. The original SUP authorized the conversion of the adjacent school building to up to 42 residential dwelling units with accessory parking. Since the adoption of the original SUP, the building was converted and the properties have been separated and are no longer under common ownership.

Proposal

We proposed to amend the existing SUP to only remove the vacant lot at 3131 Kensington Avenue from the regulations, which prohibit it from being developed. No changes are proposed for the existing residential building that was authorized by the original SUP and would continue to be regulated

MARKHAM PLANNING
2314 West Main Street · Richmond, Virginia 23220
(804) 248-2561

by the proposed amendment. While there are no specific plans for development on the vacant lot at 3131 Kensington Avenue, removing it from the SUP would allow it to be developed in accordance with the underlying R-6 Zoning District. Given the lot size and these regulations, three single-family attached homes could be built on the vacant lot. Should any additional homes be proposed in the future, another SUP would be required to authorize the variance from the R-6 regulations.

Master Plan

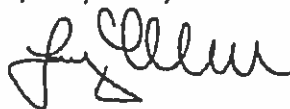
The City's Master Plan recommends Single-Family (Medium Density) land uses for the property. This land use is defined as primary uses including single- and two-family detached and attached dwellings at densities of 8 to 20 units per acre, and includes residential support uses such as schools, places of worship, and neighborhood parks. The underlying zoning of R-6 meets this land use recommendation found in the Master Plan.

City Charter Conditions

We trust that you will agree with us that this proposed SUP Amendment meets the City Charter criteria for the granting of SUPs as the project 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.

Thank you for your consideration of this application. Please feel free to contact me at lory@markhamplanning.com or (804) 248-2561 if you have any questions or require additional materials to process the application.

Very Truly Yours,



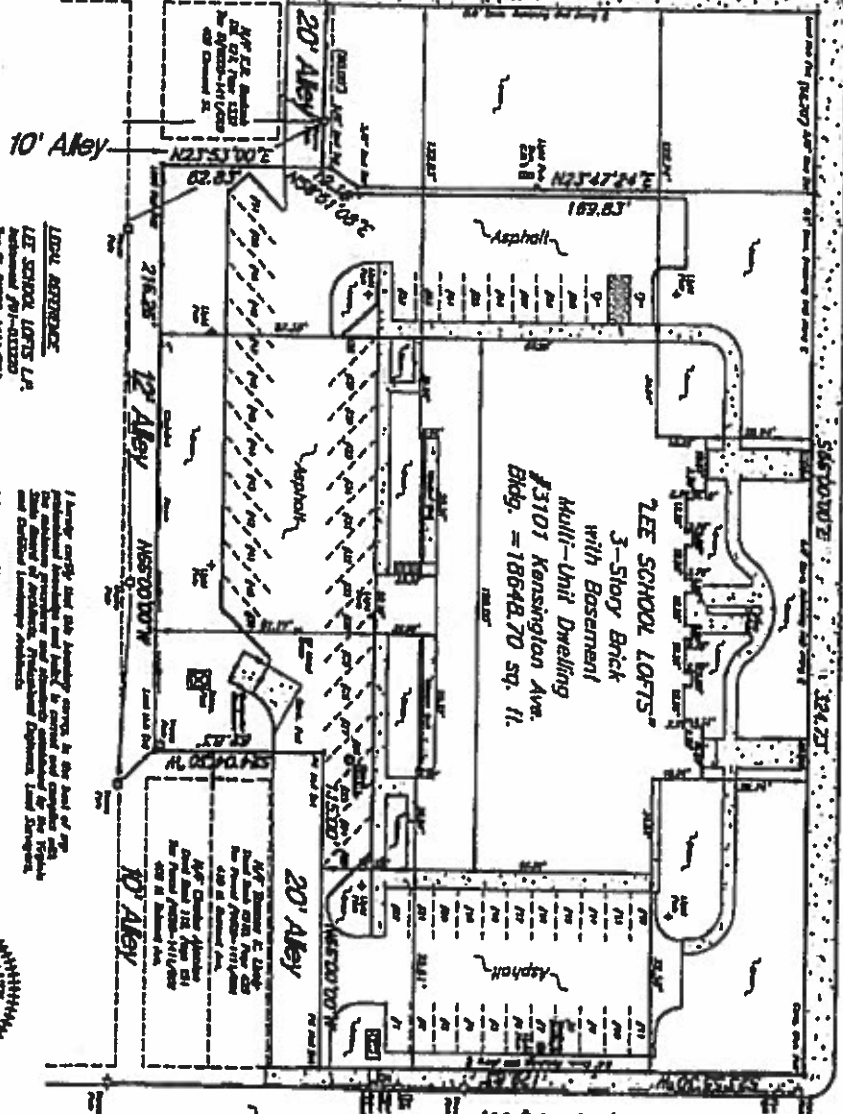
Lory Markham

Enclosures

cc: The Honorable Andreas Addison
Matthew Ebinger, Secretary to the City Planning Commission

Cleveland Avenue
(150' R/W)

Kensington Avenue
(66' R/W)



LOCAL ADDRESS:
LEE SCHOOL LOTS L.P.
11501 Kensington Ave.
Arlington, VA 22204

1. Property owner shall be responsible for the cost of the...
2. The owner shall be responsible for the cost of the...
3. The owner shall be responsible for the cost of the...
4. The owner shall be responsible for the cost of the...
5. The owner shall be responsible for the cost of the...



North Belmont Avenue
(150' R/W)

- Legend**
- 1. The Property
 - 2. The Survey
 - 3. The Easement
 - 4. The Right-of-Way
 - 5. The Alley
 - 6. The Building
 - 7. The Foundation
 - 8. The Foundation
 - 9. The Foundation
 - 10. The Foundation
 - 11. The Foundation
 - 12. The Foundation
 - 13. The Foundation
 - 14. The Foundation
 - 15. The Foundation
 - 16. The Foundation
 - 17. The Foundation
 - 18. The Foundation
 - 19. The Foundation
 - 20. The Foundation



- Notes:**
1. The subject property... and to be located within the... of the 100 Year Flood Plain... as defined by the Federal Insurance Administration... dated 10/10/2002.
 2. The survey shall represent a current and accurate field survey of the subject property... dated 12/22/2002.
 3. The survey was made... the amount of 1/2" per foot.
 4. Dimensions shown upon City of Richmond 1999 Council's District... map.
 5. Any error and inaccuracy in a field or finished condition... to the surveyor.

CONCRETE SLAB OF
LEE SCHOOL LOTS
SITuated AT 11501 KENSINGTON AVENUE
CITY OF RICHMOND, VIRGINIA
DATE FEBRUARY 1, 2003

Scale: 1" = 30'

Shadrach B. Neal, Inc.
LAND SURVEYING
11501 Kensington Ave.
Arlington, VA 22204