INTRODUCED: June 9, 2014

AN ORDINANCE No. 2014-141-136

To authorize the special use of the property known as 3200 West Clay Street for the purposes of a multifamily dwelling with up to ninety (90) units and accessory parking, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JULY 14 2014 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

A VEC.

§ 1. That the property known as 3200 West Clay Street, identified as Tax Parcel No. N000-1715/001 in the 2014 records of the City Assessor, being more particularly shown on a plat entitled "Plat of Property Bounded by W. Leigh Street, High Point Avenue, W. Clay Street and MacTavish Avenue, City of Richmond, Virginia," prepared by Stephen B. Kent & Associates, PC, and dated April 19, 2013, a copy of which is attached to and made a part of this ordinance, is hereby permitted to be used for the purposes of a multifamily dwelling with up to ninety (90) units and accessory parking, substantially as shown on sheets A.0, A.101, A.201 through A.211, A.303, A.304, A.401, A.402, and A.706 though A.709 of the plans entitled "3200

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West Clay Street, Richmond, Virginia," prepared by Walter Parks Architect, and dated June 3, 2014, a copy of which is attached to and made a part of this ordinance.

- § 2. That the adoption of this ordinance shall constitute the granting of a special use permit for the property, which shall be transferable from the owner of the 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 property a building permit substantially in accordance with the plans referred to above for the aforementioned purposes, subject to the following terms and conditions:
- (a) The owner of the property shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the property, except as otherwise provided in this ordinance.
- (b) An application for a building permit for the plans referred to above shall be made within twenty-four (24) months from the effective date of this ordinance. This building permit shall expire and shall become null and void if any necessary construction has not commenced within one hundred eighty (180) days from the date of the building permit or if construction is suspended or abandoned for a period of one hundred eighty (180) days at any time after such construction has commenced, as provided in any applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within twenty-four (24) months after the effective date of this ordinance or should the building permit expire and become null and void after the expiration of the twenty-four (24) month time period for making application for the building permit, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

- (c) 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 subject property have been paid.
- (d) All required final grading and drainage plans, together with all easements made necessary by such plans, shall be approved by the Director of Public Utilities prior to the issuance of building permits.
- (e) 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 adjacent property or public streets and the use thereof.
- (f) 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.
- (g) The uses of the property shall be a multifamily dwelling containing up to ninety (90) dwelling units, interior amenity space, useable open space, including exterior open areas and rooftop decks and pool, and accessory parking serving the multifamily dwelling, substantially as shown on the plans attached to this ordinance.
- (h) All dwelling units shall be provided with a window that penetrates an exterior wall of the building, a window to the interior open air corridor of the building, a skylight, or a roof monitor. Where the plans attached to this ordinance depict such windows, skylights or roof monitors, at a minimum those windows, skylights or roof monitors shall be provided substantially in accordance with those plans.
- (i) A minimum of ninety (90) parking spaces shall be provided for use by the multifamily dwelling. A minimum of eighty-five (85) parking spaces shall be provided on the

subject property, substantially as shown on the plans attached to this ordinance. A minimum of five (5) parking spaces shall be provided off-site within a radius of 1,000 feet from the entrances to the building.

- (j) Exterior parking area lighting shall be limited to a height of twenty-four (24) feet.
- (k) Final landscaping plans for the outdoor ground level open areas and parking areas at 3200 West Clay Street and the off-site parking area shall be submitted for review and approval by the Director of Planning and Development Review. The approved landscaping shall be installed prior to the issuance of any certificate of occupancy.
- (l) Signage on the property shall be limited to two (2) wall mounted signs indicating the multifamily use of the property, each being up to thirteen (13) square feet in area, substantially as shown on the plans attached to this ordinance.
- (m) Any encroachments existing, proposed on the plans attached to this ordinance 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.
- (n) In order to ensure that the special use permitted by this ordinance (i) will not be detrimental to the safety, health, and general welfare of the community involved, (ii) will not create hazards from dangers in streets, roads, alleys and other public ways and places in the area involved and (iii) will not adversely affect or interfere with public requirements, conveniences and improvements, the owner shall make improvements within the right-of-way, including but not limited to sidewalk improvements and the installation of street trees, substantially as shown on the plans attached to this ordinance, which may be completed in one or more phases as approved by the Director 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.

- (o) In all other respects, the use of the property shall be in accordance with the applicable underlying zoning regulations.
- § 4. That the privileges granted by this ordinance may under certain circumstances be revoked. Upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit pursuant to the provisions of sections 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), as amended, if (a) the property owner does not abate the violation within thirty (30) days of the issuance of the notice or (b) three (3) notices of violation are issued to the property owner within any twelve (12) month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner. 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, 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 property is abandoned for a period of twenty-four (24) consecutive months, use of the property shall be governed thereafter by the zoning regulations prescribed for the district in which the property is then situated.
 - § 6. This ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND & RREQUEST

INTRACITY CORRESPONDENCE

JUN 04 2014

Chief Administration Office

O&R REQUEST

DATE:

June 3, 2014

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 May

THROUGH:

Byron C. Marshall, Chief Administrative Off

THROUGH:

Peter H. Chapman, Deputy Chief Administrative Of

FROM:

Mark A. Olinger, Director of Planning and Development Review

SUBJECT:

To authorize the special use of the property known as 3200 West Clay Street for

the purpose of a multi-family dwelling with no more than ninety (90) units and

accessory parking, upon certain terms and conditions.

ORD. OR RES. No._____

PURPOSE: To authorize the special use of the property known as 3200 West Clay Street for the purpose of a multi-family dwelling with no more than ninety (90) units and accessory parking, upon certain terms and conditions.

REASON: The subject property is located in an M-1 Light Industrial zoning district which does not permit residential uses. The applicant is proposing to convert the existing industrial building for use as a multi-family dwelling with up to 90 units. The applicant is therefore requesting a special use permit that would authorize multi-family use of the property.

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 once it has been introduced to City Council. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is located in the City's Scott's Addition neighborhood and the Scott's Addition National Historic District. It comprises the block bound by W. Clay Street, W. Leigh Street, Highpoint Avenue and MacTavish Avenue. The 2.4 acre property is improved with a former retail-warehouse facility constructed in 1941 with a gross building area of 118,197 square feet that covers most of the parcel.

The current proposal does not contain a commercial component and the unit count is 90 dwelling units being served by 85 on-site parking spaces and 5 off-site spaces provided within 1000' of the subject property. Of the 90 units proposed, a little over half of the units (48) are provided with traditional windows to the exterior of the building. The remaining 47% of the proposed units are

O&R Request June 3, 2014 Page 2 of 3

provided only with skylights, elevated windows that are not within the main living area of the units, or windows to the building's interior open air courtyards.

According to the Richmond Master Plan, the subject property has an Industrial land use designation. Primary uses for the Industrial designation include "a wide variety of manufacturing, processing, research and development, warehousing, distribution office-warehouse and service uses. Office, retail and other uses that complement industrial areas are often secondary support uses" (p. 135).

The subject property is located towards the periphery of the Scott's Addition neighborhood, in an area near the Broad Street corridor marked by a transition from Industrial to Office/Commercial to Residential land uses. The subject property, and all properties in the vicinity, are within the M-1 Light Industrial zoning district. A mix of mostly industrial, office, and multi-family land uses are found in the immediate vicinity of the subject property.

FISCAL IMPACT: The Department of 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: \$2,000 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: June 9, 2014

CITY COUNCIL PUBLIC HEARING DATE: July 14, 2014

REQUESTED AGENDA: Regular

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, July 7, 2014

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

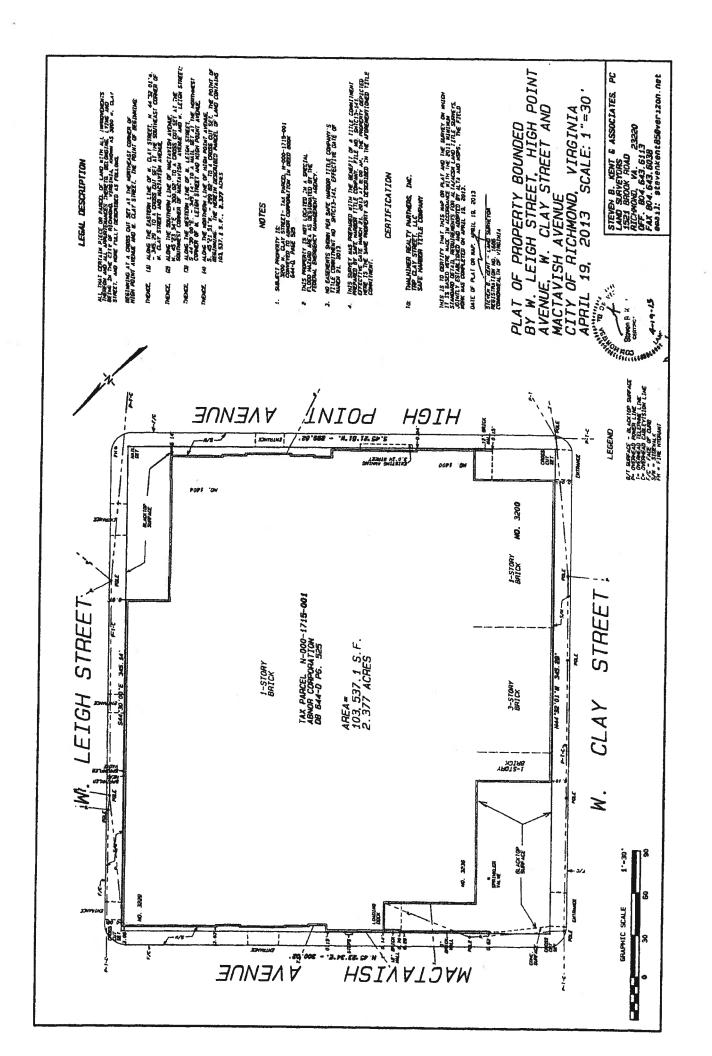
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

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

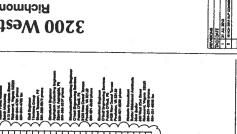
STAFF: Matthew J. Ebinger, Senior Planner

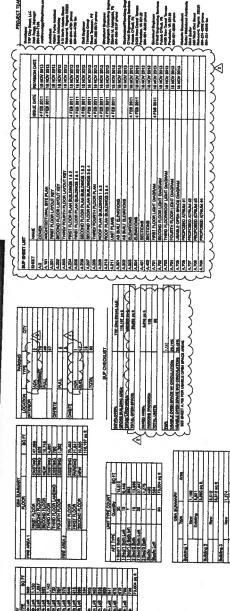
Land Use Administration (Room 511), 646-6308

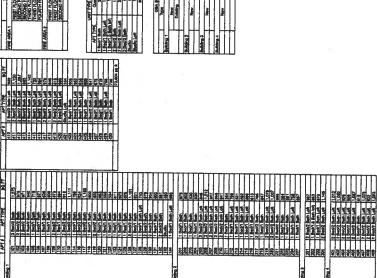


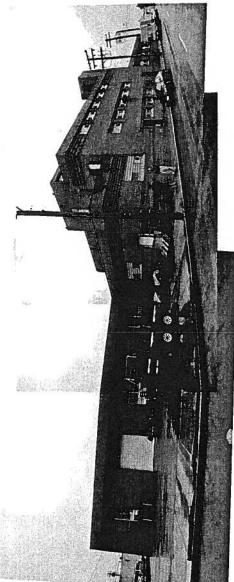
3200 West Clay Street

Richmond, Virginia

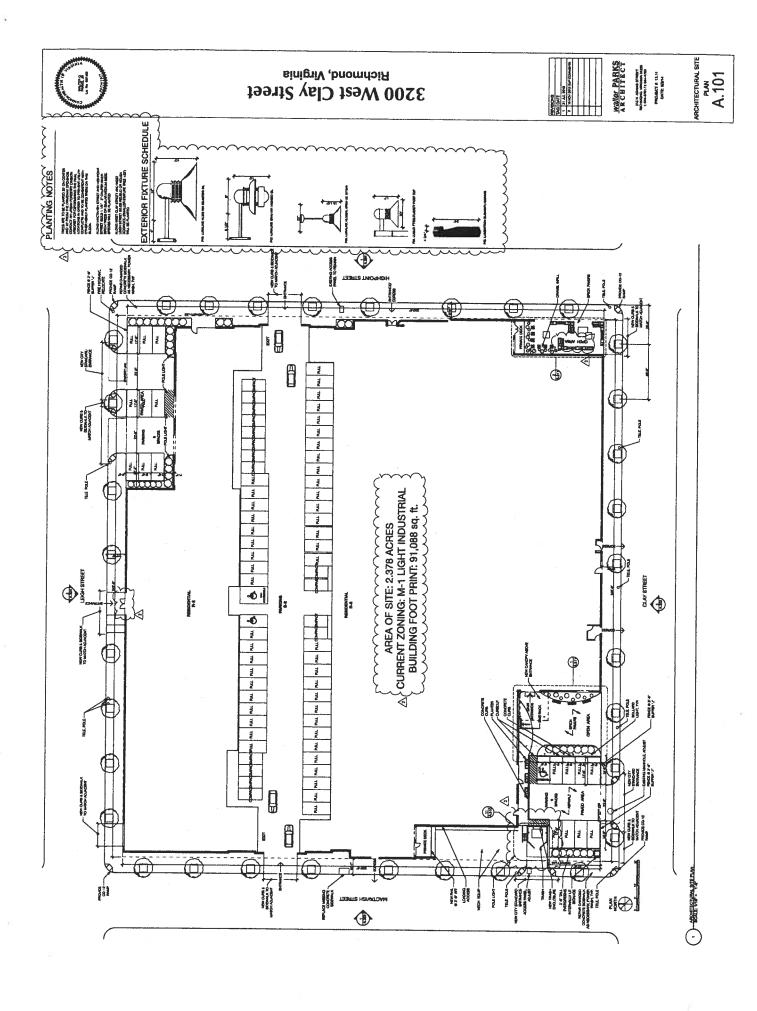


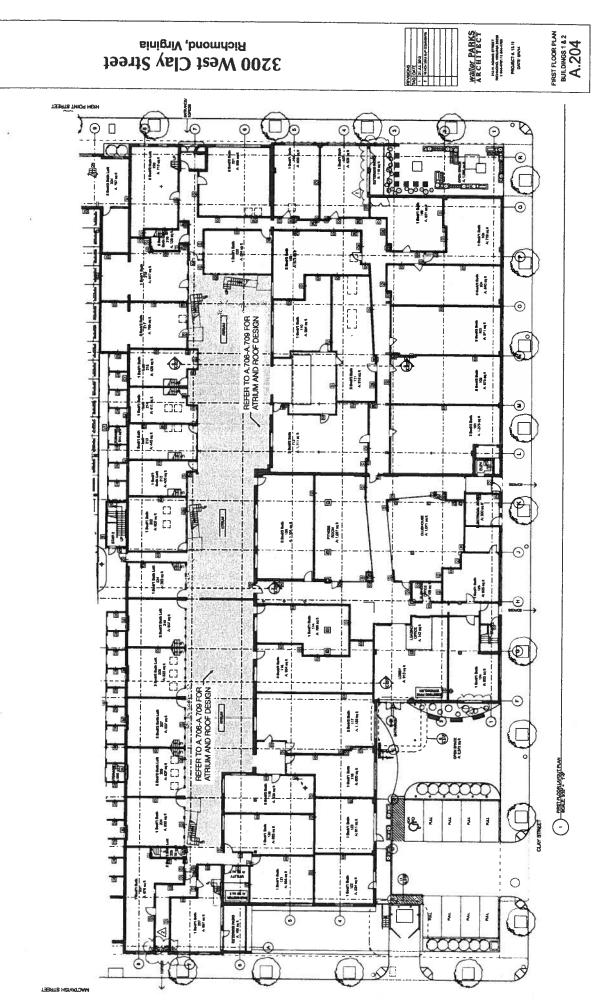






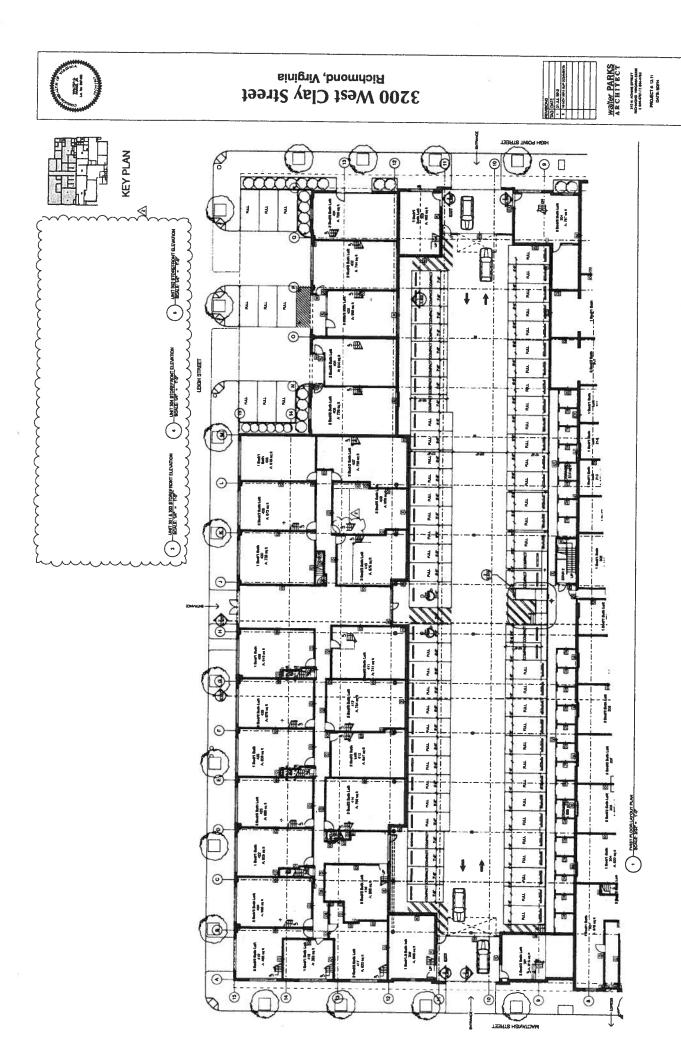
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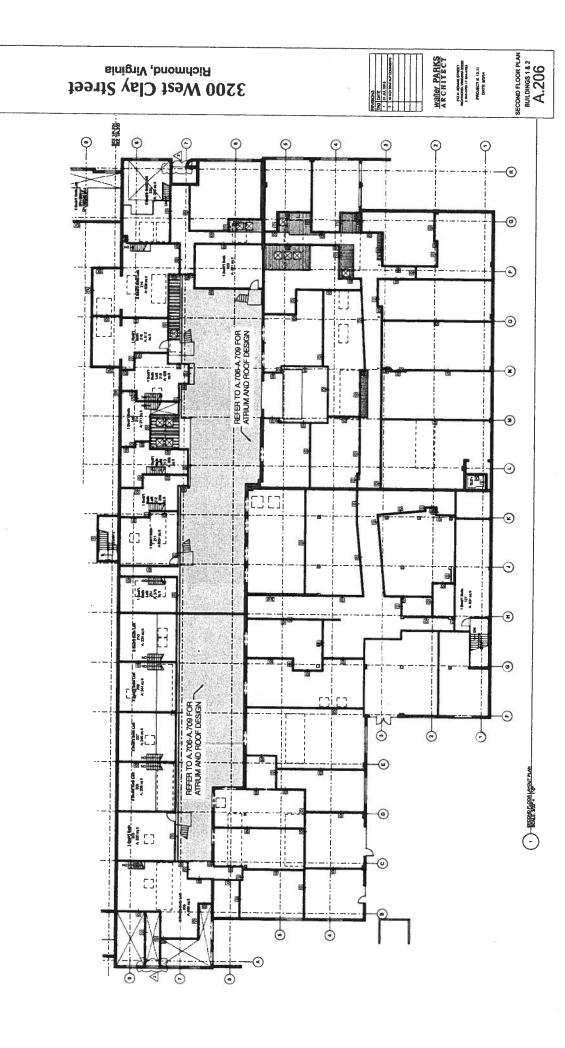




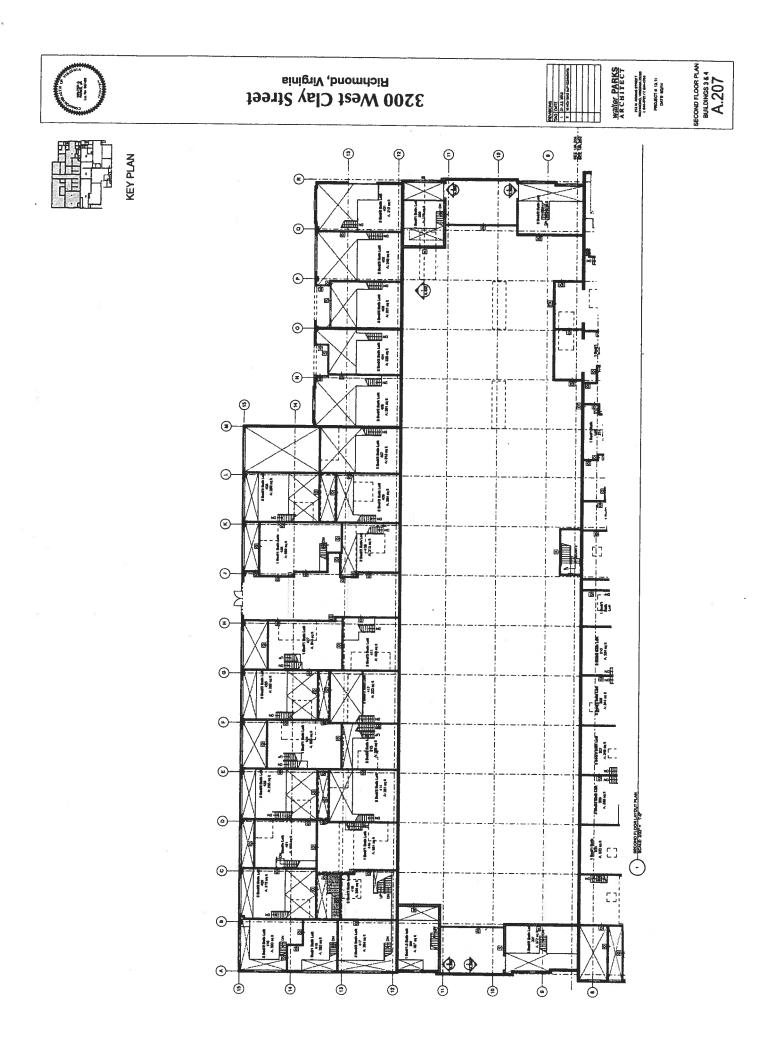
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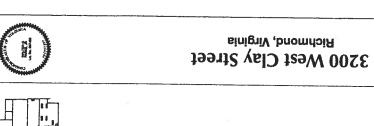


PIRST FLOOR PLAN BUILDINGS 3 & 4 A.205



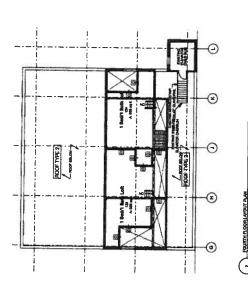
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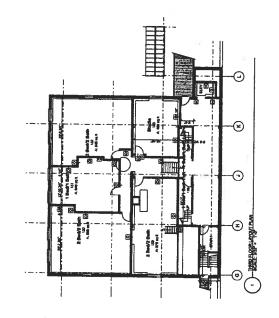


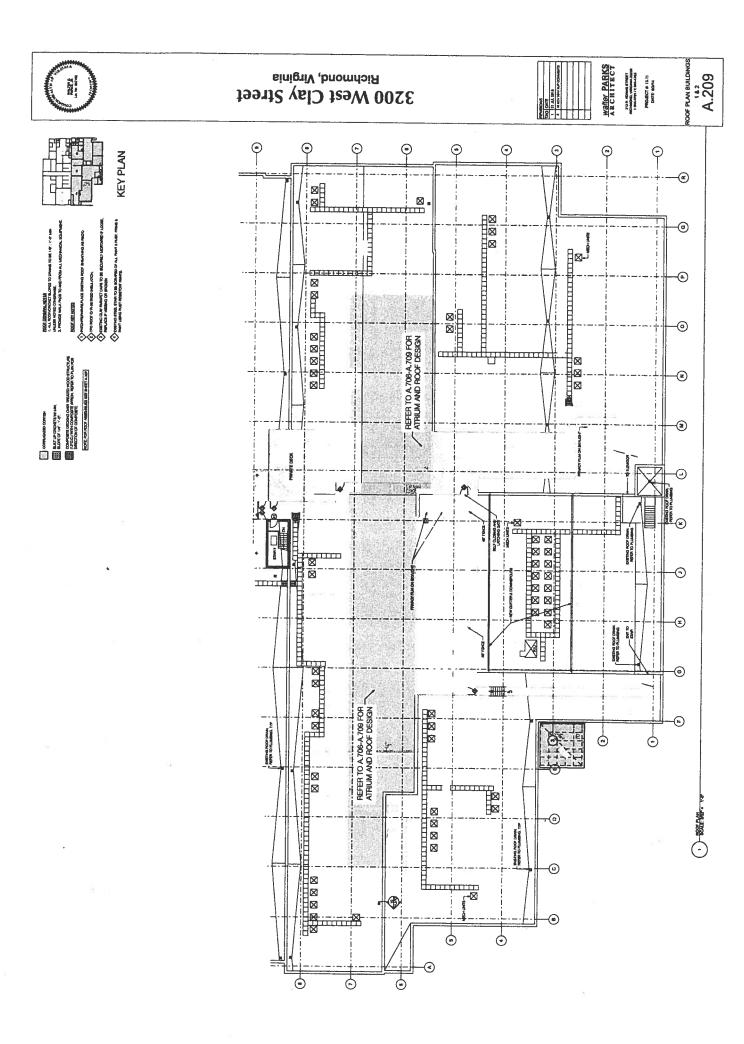


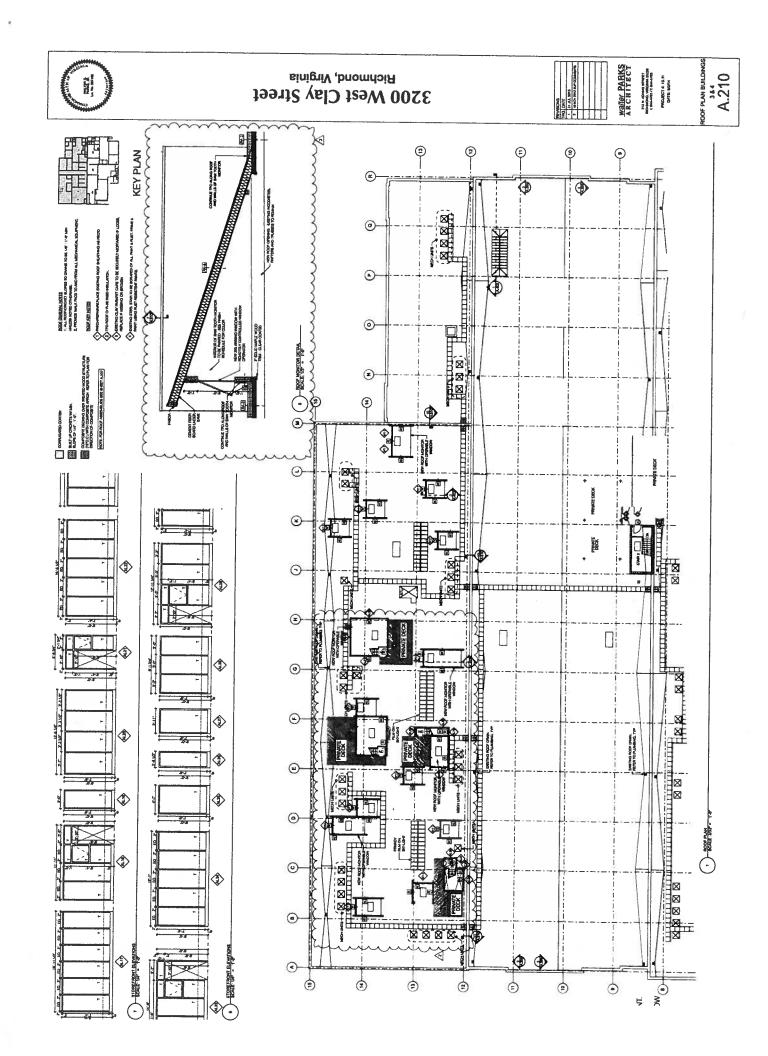


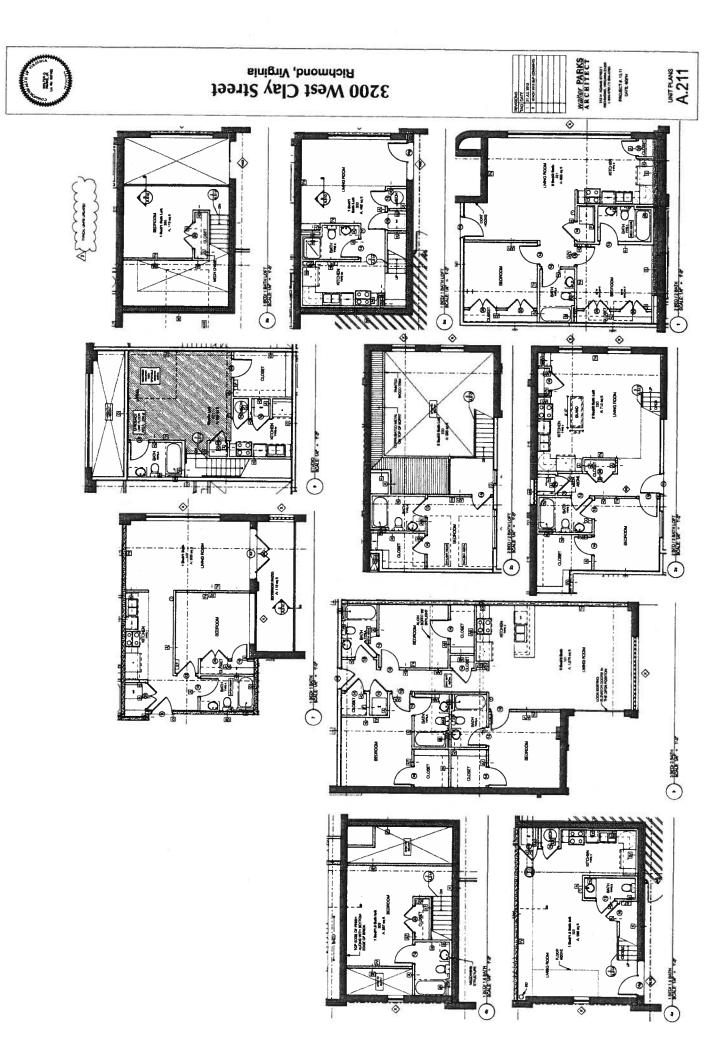






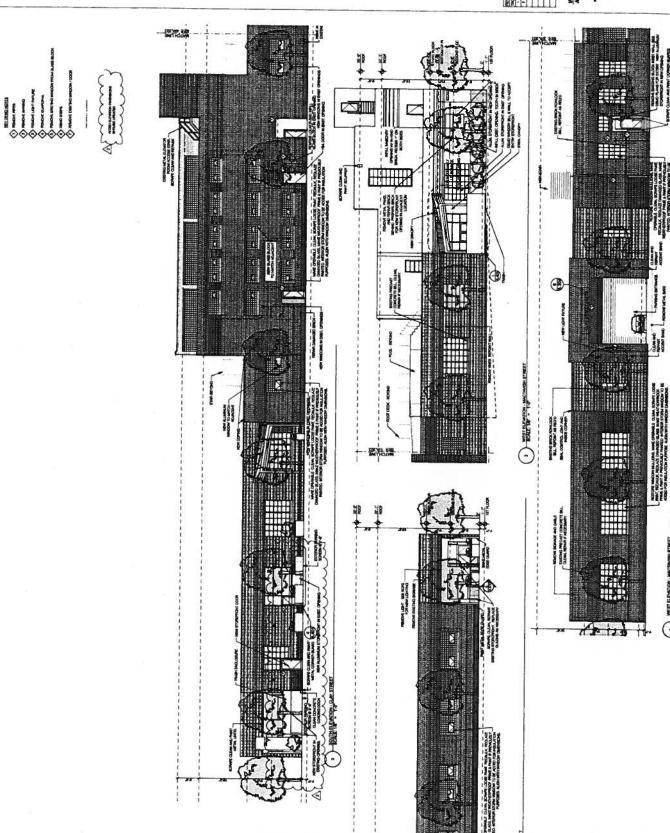


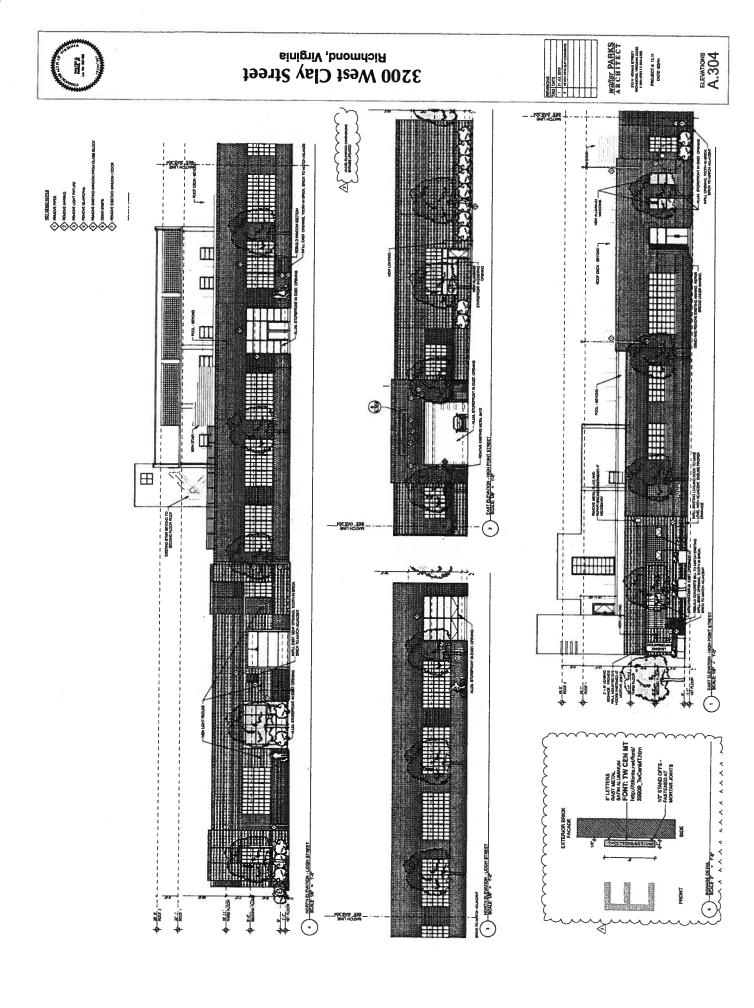


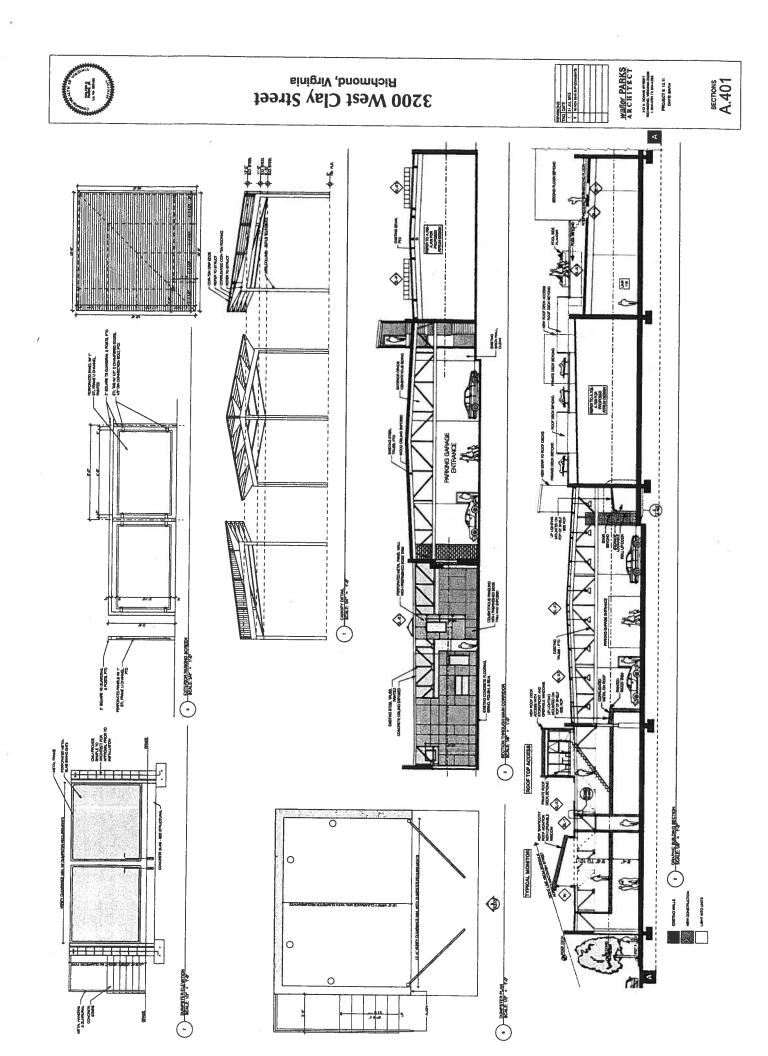


3200 West Clay Street Richmond, Virginia









Waller PARKS

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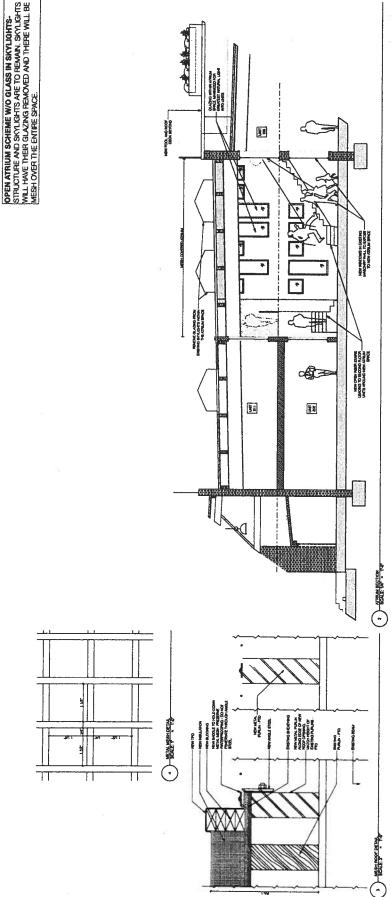
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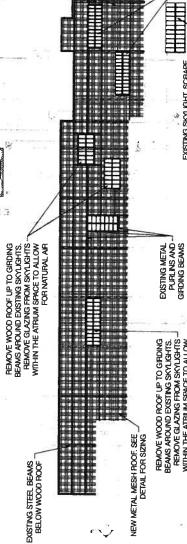
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- BEAMS BELOW WOOD ROOF

Richmond, Virginia 710 3200 West Clay Street

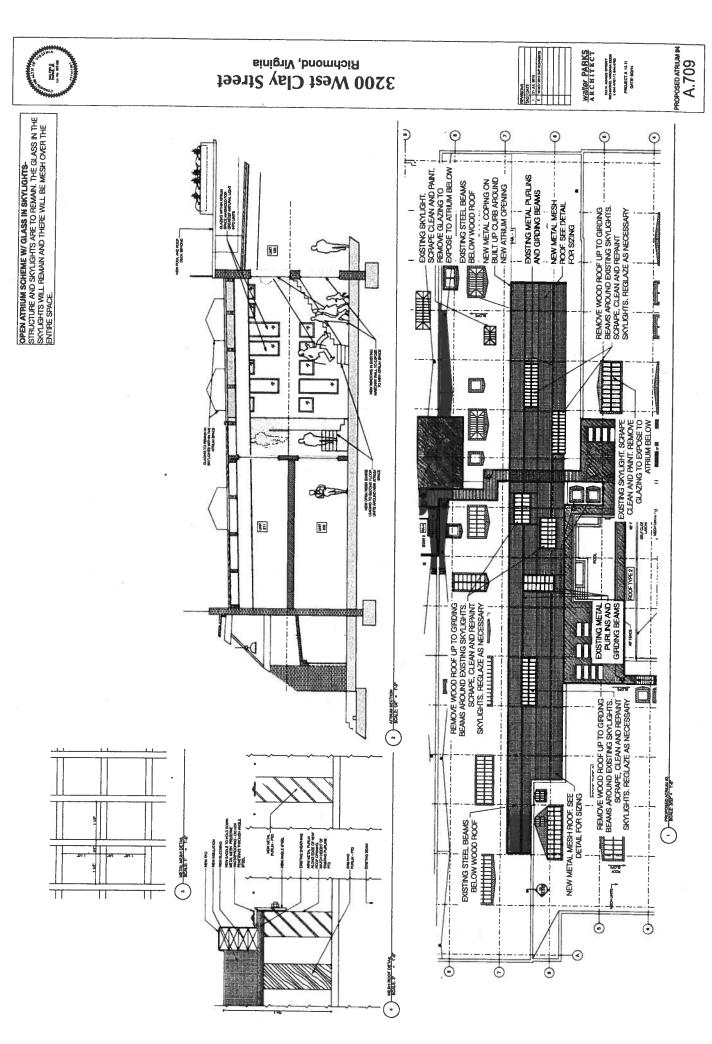






REMOVE WOOD ROOF UP TO GRIDING BEAMS AROUND EXSTING SKYLIGHTS.
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Application for SPECIAL USE PERMIT

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304 http://www.nchmondgov.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: 3200 W. CLAY APARTMENTS Date: 9/19/13					
Property Address: 3200 W. CLAY Street Rundows VA Tax Map #: NOO01715001 Fee: 1200+20 Total area of affected site in acres: 2.37 (See page 3 for fee schedule, please make check payable to the "City of Richmond")					
Zoning Current Zoning: M·1 Light Industrial Existing Use: Distribution Wakehouse Is this property subject to any previous land use cases? Yas No If Yes, Delease list the Ordinance Number: Proposed Use (Please Include a detailed description of the proposed use in the required applicant's report) Residential - 101 dwelling units With inferior packing.					
Applicant/Contact Person: Matt Raggi Company: Thalhimer Realty PARTNELS, INC. Mailing Address: 1100 W. Broad Skeet					
City: Glen Alter State: V4 Zip Code: 23060 Telephone: _(804) 344-3156 Fax: _() Email: Matthew. case: P the him recept					
Telephone: (804) 344-715 G Fax: ()					
Email: Matthew. raggie thathimer. com					
Property Owner: TRP Clay Offret, LLC					
If Business Entity, name and title of authorized signee:					
City: Glen Allen State: VA Zip Code: 23060					
Telephone: (804) 344.7156 Fax: ()					
Email: matthew. raggi @ thalkimer.com					
Property Owner Signature: Der Tohul. Raggi					
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:

3200 West Clay Street, Richmond, VA Map Reference Number: N0001715001

Submitted to:

City of Richmond

Department of Community Development

Land Use Administration

900 East Broad Street, Suite 511

Richmond, VA 23219

Submitted by:

TRP Clay Street, LLC

c/o Thalhimer Realty Partners, Inc.

11100 W Broad Street Glen Allen, VA 23060

Prepared by:

Matthew Raggi, manager, TRP Clay Street, LLC

11100 W Broad Street Glen Allen, VA 23060 Phone: 804-344-7156

Email: matthew.raggi@thalhimer.com

I. Introduction

The subject property, 3200 W Clay Street, (the "Property") is located in the historic Scott's Addition neighborhood of Richmond, VA and includes a land area of approximately 2.38 acres. The Property is located in the M-1 Light Industrial district which permits a wide variety of uses.

There was an existing Special Use Permit in place for this Property for the purpose of a multifamily dwelling with up to one hundred thirty nine (139) units, pursuant to ordinance No. 2012-14-25. The applicant hereby plans to apply for a new SUP which would reduce the overall density by 35%, provide for a superior amenity package, and reduce offsite surface parking needs by creating an interior, covered parking garage onsite.

In an effort to increase the long-term attractiveness and marketability of the project, the applicant is proposing to include in its development among others things; a leasing office, clubhouse, fitness center, business center rooftop pool and decks and a very large openair atrium/courtyard totaling approximately 250' x 28' to provide additional light and air.

Additionally, in an effort to utilize the core of the building for a use other than residential units, the applicant is proposing to convert this portion of the building into a covered, secured, interior parking garage. This interior parking availability will decrease the need

for nearby surface parking or street parking which is in line with the desire of the Scott's Addition Business Association and the City of Richmond.

II. Existing Conditions & Proposed Use

The Property is improved with an industrial building constructed in 1941 with a floor area of 116,869 square feet that covers most of the 2.38 acre lot. This building was most recently being used as a retail-warehouse facility, however, has since fallen into disrepair and is vacant.

The applicant proposes to convert this industrial building into a multifamily dwelling with 90 units. The total number of proposed units consist of 44 one-bedroom units (includes lofts), 43 two-bedroom units (includes lofts), 1 three-bedroom unit and 2 studio units. The size of the units will average approximately 807 square feet.

Additionally, over the past nine months, the applicant has worked with city staff of the Department of Planning & Development, representatives of the Department of Historic Resources and representatives of the National Park Service, to design an open-air atrium / courtyard plan in accordance with both historic guidelines as well as the Resolution of the City of Richmond Planning Commission dated June 4, 2012 in an effort to further increase light and air flow to the center of the building.

III. Parking

90 total parking spaces are proposed to serve the 90 multifamily units (1 space per dwelling unit); 67 of these spaces will be included in the indoor parking garage within the building (secured-access), 18 spaces will be onsite in surface lots and 5 spaces will be off-street, off-site parking spaces within 1,000 feet of the entrances of the subject property. There will be ample bike storage/parking availability on the Property.

As mentioned above, the proposed renovation will include converting approximately 20% of the building into an indoor/covered parking lot totaling 67 spaces to be used for its residents. The previous development plan and approved SUP contemplated converting this portion of the building to residential units. Given the lack of exterior window accessibility in this part of the building and the general parking constraints within the City of Richmond and Scott's Addition, the applicant believes an interior parking garage, instead of additional surface parking, will serve to benefit both the long-term success of the development and the area, while also eliminating the building of light-challenged units.

IV. Apartment Amenities

The units will have complete kitchens with refrigerators, ranges, hoods, microwaves, garbage disposals, dishwashers, washers and dryers. Appliances will be stainless steel, countertops will be granite and flooring will be a mix of stained concrete, tile and hardwood.

Other amenities of the proposed renovation include the following:

- indoor/covered parking garage;
- rooftop pool;
- large lounge-deck on the roof;
- large open-air courtyard/atrium totaling 250' x 28';
- fitness room;
- business center;
- leasing office and clubhouse;
- exterior patios and green spaces throughout the Property;
- private rooftop terraces in select units.

V. Community Involvement

The applicant has met with the Scott's Addition Business Association and numerous Scott's Addition businesses. Attached are letters of support from each group.

VI. Appropriateness

Scott's Addition is undergoing a renaissance with its recent designation as a historic Traditional industrial and warehouse properties are being revitalized for multifamily, retail and office use. Repurposing this Property to multifamily residential use will continue the rejuvenation of Scott's Addition by attracting more residents looking for a vibrant, urban, live-work community. In keeping with the other residences in the neighborhood, the design of the proposed plan provides for market-rate, comfortable living spaces of varied size and configuration with immediate and direct access to natural light, superior amenities, outdoor common area space and adequate interior and exterior parking options. The residents of the proposed redevelopment will experience little to no inconvenience from the neighboring residential, industrial and office uses. The proposed redevelopment will bring more residents to the area which will contribute to and promote a healthy, diverse and vibrant Scott's Addition community. The proposed redevelopment will have little to no negative impact on the community as there is sufficient infrastructure in place to serve the proposed use. The proposed redevelopment and approval of the SUP is in keeping with the adaptive reuse and revitalization the area is currently enjoying. The proposed redevelopment will provide revenue to the City of Richmond through increased business and real estate taxes.

VII. Findings of Fact

The following are factors indicated in Section 17.11 of the Charter and Section 114-1050.1 of the Zoning Ordinance relative to the approval of Special Use Permits by City Council. The proposed SUP will:

• NOT be detrimental to the safety, health, morals and general welfare of the community involved.

The proposed SUP will not negatively impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed SUP would allow for the conversion, use and revitalization of this light industrial warehouse as a market rate residential property. This redevelopment would be consistent with and continue the reemergence of the Scott's Addition neighborhood into a vibrant, live-work area with a diversity of uses. The new residents will add to the after-hours life of this community increasing safety and attracting more business and retail users to the area. The proposed redevelopment will use existing infrastructure and provide adequate parking. The proposed redevelopment is consistent with the conversions and redevelopments of adjacent and nearby properties and will have a positive impact on the safety, health, morals and general welfare of the community.

• NOT tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.

The proposed redevelopment will not create congestion in the streets, roads, alleys and other public ways and places in the area involved. Scott's Addition has an established network of grid-like streets and alleys that have supported residential, industrial and offices uses in the area. This network of streets and alleys will be more than sufficient to handle the residential trips generated by the redevelopment of the Property.

NOT create hazards from fire, panic and other dangers.

O The adaptive reuse of the Property will have no negative impact relative to fire, panic or other dangers. The Property will be redeveloped in a manger consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's code applicable to this redevelopment is designed to eliminate such hazards. Furthermore, the Property will be sprinkled and adequate emergency exits will be provided.

NOT tend to overcrowding of land and cause and undue concentration of population.

O The proposed SUP will not tend to overcrowd the land or create an undue concentration of land. The building already exists and its adaptive reuse will not cause any sort of overcrowding of land. Parking is being provided at a ratio of one parking space per unit, which adequately supports the residential units.

NOT adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

o The proposed SUP would not adversely affect the above-referenced City services. In fact, the proposed improvements represent a new investment in the City that will add to the real estate tax base and bring new potential consumers into the City. The loft-style apartments that will be created through the redevelopment do not typically generate school-age children and adequate utilities and transportation infrastructure are already in place and would not be impacted. The proposed redevelopment includes ample amenity space and well as numerous outdoor green spaces for its residents and guests.

NOT interfere with adequate light and air.

The light and air available to the Property and adjacent properties will not be affected. The adaptive reuse of the Property will be contained in an existing building and no expansion is planned. Additionally, in an effort to increase light and air flow throughout the building's interior units, the applicant proposes to build an open-air atrium/courtyard in the core of the building totaling approximately 250' x 28'.

Regards,

Matthew J. Raggi

Manager, TRP Clay Street, LLC