

Avenue; thence extending S 31° 46' 44" W, 468.35 feet to a point; thence extending N 75° 46' 07" W, 189.29 feet to a point; thence extending N 15° 16' 21" E, 188.25 feet to a point; thence extending N 75° 32' 12" W, 25.00 feet to a point; thence extending N 15° 16' 21" E, 218.51 feet to a point; thence extending S 82° 17' 08" E 350.40 feet to the point of beginning, is hereby permitted to be used for an apartment building where at least eighty (80) percent of the occupied units are for ~~the elderly (persons 60 years of age and older)~~ persons 55 years of age and older, together with accessory off-street parking, substantially in accordance with the ~~attached~~ site plan, floor plans and elevation drawings, entitled: "Brookland Park Plaza", prepared by Interplan, dated August 29, 1988, consisting of Sheets C-3, ~~;~~ A-7, A-8, A-10, A-11, A-14, A-19, A-20 and A-21; and as shown on Sheet C-4 dated November 15, 1991 and revised November 15, 1991 which plans are ~~to be~~ made a part of ~~this ordinance~~ Ordinance No. 91-283-92-1, adopted January 13, 1992.

§ 2. That the Commissioner of Buildings is hereby authorized to issue to the owner of the ~~real estate~~ property a building permit for the conversion of an adaption of the building and improvements comprising Highland Park School and presently located on the ~~premises~~ property in accordance with such plans, and to permit the occupancy of the property for such purposes. The special use permit shall run with the land, subject to the following terms and conditions:

(a) A fire lane, paved with an all-weather, dust-free surface, shall be provided substantially as shown on the ~~revised~~ site plan attached to Ordinance No. 91-283-92-1, adopted January 13, 1992. ~~[Construction of the fire lane shall be completed within one month of the adoption date of this amendatory ordinance.]~~

(b) That the owner shall be bound by, observe and shall comply with all other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and building; except as otherwise provided in this ordinance;

(c) That eighteen (18) parking spaces shall be provided substantially as shown on the ~~[attached]~~ plans attached to Ordinance No. 91-283-92-1, adopted January 13, 1992;

(d) That driveways from the street shall be one-way and shall be constructed in accordance with the City Driveway Policy standards. The width of drives shall not be less than eighteen (18) feet;

(e) The parking area and access aisles shall be paved with a dust free, all weather surface and parking spaces shall be delineated on the pavement surface. The parking area shall be screened from view from adjacent properties and public streets by evergreen vegetative material not less than four and one-half feet in height substantially as shown on the ~~[attached]~~ plans attached to Ordinance No. 91-283-92-1, adopted January 13, 1992.

(e-1) Landscaping shall be provided substantially as shown on Sheet C-4 of the referenced plans, dated November 15, 1991 and revised November 15, 1991 and shall be subject to the approval of a detailed final plan by the Director of Planning and Development review prior to issuance of any certificate of occupancy. ~~[Landscaping shall be provided within six (6) months of the adoption date of this ordinance.]~~

(f) That ~~[occupancy]~~ at least eighty (80) percent of the seventy-seven (77) apartment units shall be ~~[limited to persons sixty (60) years of age or older]~~ occupied by at least one person who is fifty-five (55) years of age or older;

(g) That facilities for the collection of refuse shall be provided in accordance with the requirements of the Department of Public Works. Such facilities shall be located or screened as not to be visible from adjacent properties and public streets:

(h) Final grading and drainage plans shall be approved by the Director of ~~[Community Development]~~ Public Utilities prior to the issuance of building permits;

(i) 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 or building shall be provided at the owner's cost and expense so as not to adversely affect or damage adjacent properties or public streets and the use thereof;

(j) Identification of the ~~[premises]~~ property shall be limited to one ~~(1)~~, twelve ~~(12)~~ square foot freestanding sign and one ~~(1)~~, six ~~(6)~~ square foot sign attached flat against the building. The existing "Highland Park School" sign on the building may be retained. The freestanding sign shall not be located within five ~~(5)~~ feet of the street line and shall not be greater than five ~~(5)~~ feet in height;

(k) Outdoor lighting of the ~~[premises]~~ property shall be directed or shielded so as not to shine directly on adjacent residential properties;

(l) The petitioner shall have ~~[12]~~ twelve (12) months from the adoption of this ordinance to ~~[either] apply for a [special use amendment to authorize the construction of a building at the southwest portion of the property, or to remove the existing pavement at the southwest portion of the property and seed the area. Should a special use amendment be approved and construction of a building at the southwest portion of the property not begin within two years of the adoption date of this ordinance, the existing pavement at the southwest portion of the property shall be removed, and the areas shall be seeded]~~ Certificate of Zoning

Compliance. Should a Certificate of Zoning Compliance not be applied for within twelve (12) months of the adoption date of this amendatory ordinance, the privileges granted by this ordinance shall terminate;

(m) ~~[That should the owner use the [premises] for any purpose which is not permitted by this ordinance, or fails, refuses or neglects to comply with the provisions of foregoing paragraphs (a) through (l) and does not terminate such use or comply with such provisions within ninety days after written notice so to do has been given to the owner by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void;]~~ 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.

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

~~[(e) That application for a building permit to convert and adapt the existing building shall be made within twelve months from the effective date of this ordinance, which building permit shall expire by limitation and become null and void if work is not commenced within one hundred eighty days from the date of the building permit, or if such work is suspended or~~

~~abandoned for a period of one hundred eighty days at any time after the work is commenced, as provided in Section 109.1 of the Uniform Statewide Building Code, and if application for the building permit is not made within twelve months from the effective date of this ordinance or should the building permit expire and become null and void, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void. Application for a certificate of occupancy must be made prior to occupancy of the building.]~~

§ 3. Ordinance No. 88-249-225, adopted October 10, 1988, as amended by Ordinance No. 91-283-92-1, adopted January 13, 1992, shall remain in force and effect except as modified herein, and this ordinance shall be in force and effect upon adoption.

II. This amendatory ordinance shall be in force and effect upon adoption.

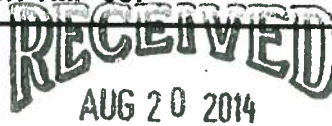
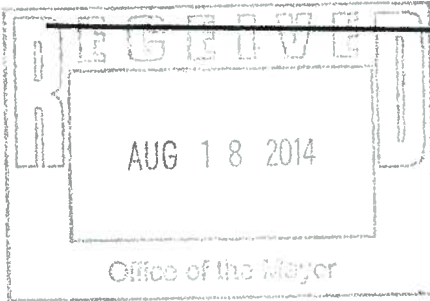


City of Richmond

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

Item Request

File Number: **TMP-587**



OFFICE OF CITY ATTORNEY

O & R REQUEST
AUG 13 2014

O & R Request

Chief Administration Office
City of Richmond

DATE: August 12, 2014

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight Jones, Mayor (Patron: Mayor Jones, By request).
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Byron Marshall, Chief Administrative Officer

THROUGH: Peter H. Chapman, Deputy Chief Administrative Officer for Economic Development and Planning

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

SUBJECT: Special use permit amendment for the property known as Highland Park School, containing 2.61 acres, more or less, located on the southwest corner of Brookland Park Boulevard and Second Avenue to reduce the residency age requirement for at least 80 percent of the occupied units to persons 55 years of age and older.

ORD. OR RES. No. _____

PURPOSE: To amend and reordain Ordinance No. 91-283-92-1, which amended Ordinance No. 88-249-225, which authorized the use of the real estate, property known as Highland Park School, containing 2.61 acres, more or less, located on the southwest corner of Brookland Park Boulevard and Second Avenue, for an apartment building for the elderly (persons 60 years of age and older), to reduce the residency age requirement for at least 80 percent of the occupied units to persons 55 years of age and older.

REASON: The applicant has requested a text-only amendment to a previously approved special use permit (SUP). The SUP, adopted by City Council in 1988, authorized the use of the former Highland Park School for apartments for persons 60 years of age and older. The applicant is requesting to reduce the residency age requirement to persons 55 years of age and older for at least 80 percent of the occupied units.

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 October 6, 2014 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council

following that meeting.

BACKGROUND: The subject property is located at the intersection of East Brookland Park Boulevard, Meadowbridge Road, Dill Avenue, and 2nd Avenue. The property contains approximately 2.61 acres of land in area and is the site of the former Highland Park School. The current use of the property was authorized by Special Use Permit in 1988. The zoning then (and today) for this property is R-5, Single-Family Residential. Schools, owned or operated by a governmental agency and primarily intended to serve residents of adjoining neighborhoods, are a permitted principal use in this district. However, this zoning district does not allow multi-family residential as a permitted principal use. For this reason, the applicant, in 1988, had to apply for a Special Use Permit to allow for the conversion of the school to provide 77 apartments for persons 60 years of age and older.

The applicant wishes to decrease the residency age requirement in order to attract more residents. Therefore, the applicant wishes to amend the text of the Special Use Permit to allow for a reduction in the residency age requirement to persons 55 years of age and older in at least 80 percent of the occupied units.

The subject property is immediately surrounded by a variety of uses including restaurants, a bank, residential, vacant parcels, and churches. The Master Plan designation for the subject property and much of the immediately surrounding area to the south and west is Single-Family (low density). A large area of Master Plan designated Neighborhood Commercial is located adjacent to the subject property at the previously described intersection.

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. Costs to the City include staff time for processing the request; preparation of the draft ordinance; and publishing, and mailing of public notices.

FISCAL IMPLICATIONS: The Department of Planning and Development Review does not anticipate any fiscal implications for this project.

BUDGET AMENDMENT NECESSARY: A budget amendment is not necessary.

REVENUE TO CITY: No application fee is necessary for a text-only amendment.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: September 8, 2014

CITY COUNCIL PUBLIC HEARING DATE: October 13, 2014

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, October 6, 2014.

AFFECTED AGENCIES: Office of the 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.: Text amendment to Ordinance No. 91-283-92-1, which amended Ordinance No. 88-249-225

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Application Form, Applicant's Report, and Draft Ordinance

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

DCD O&R No. 14-27



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) 646-8304
<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: Brookland Park Plaza Date: 07/10/2014

Property Address: 1221 E. Brookland Park Boulevard Tax Map #: N0000917005

Fee: 1400.00 Total area of affected site in acres: 2.61
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-5

Proposed Use

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

Existing Use: senior housing (77 units) 6a

Is this property subject to any previous land use cases?

- Yes
- No

If Yes, please list the Ordinance Number:

91-283-92-1

Senior Housing (77 units) 55+

Applicant/Contact Person: Jennifer D. Mullen

Company: Roth Doner Jackson Gibbons Conklin, PLC

Mailing Address: 919 E. Main Street, Suite 2110

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 977-3374 Fax: (804) 441-8438

Email: jmulen@rothdonerjackson.com

Property Owner: Highland Park Senior Housing LLC

If Business Entity, name and title of authorized signee: Shelynda Burney Brown

Mailing Address: 5513 Connecticut Avenue NW #250

City: Washington State: DC Zip Code: 20015

Telephone: (202) 885-9552 Fax: (202) 895-8805

Email: _____

Property Owner Signature: _____

Shelynda Burney Brown by power of attorney

(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)



roth doner jackson gibbons condlin, plc

attorneys at law

919 East Main Street, Suite 2110, Richmond, VA 23219 4625

(804) 441-8440 (main) (804) 441-8438 (fax)

www.rothdonerjackson.com

Jennifer D. Mullen

(804) 977-3374 (direct)

jullen@rothdonerjackson.com

July 10, 2014

VIA EMAIL AND HAND DELIVERY

Mr. Daniel W. Thompson
City of Richmond Department of Community Development
City Hall, Room 511
900 East Broad Street
Richmond, Virginia 23219

Re: Special Use Permit Amendment: 91-283-92-1

Dear Willy:

This letter shall serve the Applicant's Report accompanying the Amendment to the Special Use Permit 91-283-92-1 ("SUP") application for the property located at 1221 East Brookland Park Boulevard (the "Property"). Highland Park Senior Housing LLC (the "Applicant") is the owner of the Property and proposes to rehabilitate the Property and locate seniors into the renovated building with the assistance of the Richmond Redevelopment and Housing Authority. The SUP currently authorizes the use of Property for use as an apartment building for the elderly subject to certain terms and conditions contained in the SUP. This application requests Section 2(f) of the SUP be amended to permit eighty (80%) percent of the occupied units be occupied by at least one person who is fifty-five (55) years of age or older, consistent with the Housing of Older Persons Act of 1995 ("HOPA").

The proposed amendment is consistent with use permitted by the SUP of providing senior housing for the community. This is an appropriate use for the Property that is compatible with the surrounding uses, consistent with the revitalization goals for Brookland Park Boulevard and will activate a currently vacant building. The restrictions of the SUP regulating the use of the property meet the criteria set forth in the Charter of the City of Richmond that the use, as amended, 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 cause overcrowding of land and 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.

Please find enclosed the following application materials:

1. Special Use Permit Amendment application form; and
2. A check in the amount of \$1,400.00 payable to the City of Richmond.

Thank you for your consideration of this matter, please feel free to contact me at any time if you have any questions or require additional materials.

Sincerely,



Jennifer D. Mullen

Enclosures

**cc: Ms. Shelynda Burney Brown via email
Mr. Christopher Everett via email**

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 **roth doner jackson gibbons condlin, plc**