INTRODUCED: May 23, 2022

### AN ORDINANCE No. 2022-160

To amend and reordain Ord. No. 88-249-225, adopted Oct. 10, 1988, as previously amended by Ord. No. 91-283-92-1, adopted Jan. 13, 1992, and Ord. No. 2014-193-175, adopted Oct. 13, 2014, which authorized the special use of 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, for an apartment building for the elderly (persons 60 years of age and older), for the purpose of reducing the residency age requirement for at least 80 percent of the occupied units to persons 55 years of age and older, to authorize additional on-site parking, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

\_\_\_\_\_

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JUN 27 2022 AT 6 P.M.

### THE CITY OF RICHMOND HEREBY ORDAINS:

	I.	That	Ordinance	No.	88-249-225,	adopted	October	10,	1988,	as	prev	iously
ame	nded b	y Ordina	nce No. 91-	-283-	92-1, adopted	January	13, 1992,	and	Ordina	nce	No.	2014-
193-	-175, ad	dopted O	ctober 13, 20	014, i	s hereby amer	nded and	reordained	l as f	ollows:			

§ 1.	That the proper	ty known as H	ighland Park Scho	ol, containing 2	2.61 acres, more or		
less, located	on the southwes	t corner of Bro	okland Park Boul	evard and Seco	ond Avenue, being		
more completely described as follows: beginning at the point of intersection of the south right of							
AYES:	8	NOES:	0	ABSTAIN:	_		
ADOPTED:	JUN 27 2022	REJECTED:		STRICKEN:			

way line of Brookland Park Boulevard and the west right of way line of Second 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)] 80 percent of the occupied units are for persons 55 years of age and older, together with accessory off-street parking, substantially in accordance with the 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] also of Sheet C-4, dated November 15, 1991 and revised November 15, 1991, which plans are made a part of Ordinance No. 91-283-92-1, adopted January 13, 1992, as modified by the plans entitled "Highland Park Senior Apartments, 1221 E. Brookland Park Boulevard, Richmond, Virginia," prepared by Timmons Group, and dated April 11, 2022, hereinafter referred to, collectively, as "the Plans," copies of which are attached to and made a part of this amendatory ordinance.

§ 2. That the Commissioner of Buildings is hereby authorized to issue to the owner of the property a building permit for the conversion of an adaption of the building and improvements comprising Highland Park School and presently located on the property in accordance with [such plans] the 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 site plan attached to Ordinance No. 91-283-92-1, adopted January 13, 1992.
- (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)] 18 parking spaces shall be provided substantially as shown on the plans attached to Ordinance No. 91-283-92-1, adopted January 13, 1992, and no fewer than 24 parking spaces shall be provided, substantially as shown on the plans entitled "Highland Park Senior Apartments, 1221 E. Brookland Park Boulevard, Richmond, Virginia," prepared by Timmons Group, and dated April 11, 2022, copies of which are attached to and made a part of this amendatory ordinance;
- (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)] 18 feet;
- (e) The parking area, as shown on the plans attached to Ordinance No. 91-283-92-1, adopted January 13, 1992, and its access aisles shall be paved with a dust free, all weather surface and parking spaces shall be delineated on the pavement surface. [The] Such 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 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] 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.

- (f) That at least [eighty (80)] <u>80</u> percent of the [seventy-seven (77)] <u>77</u> apartment units shall be occupied by at least one person who is [fifty-five (55)] <u>55</u> 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 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 property shall be limited to one [(1)], [twelve (12)] 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 property shall be directed or shielded so as not to shine directly on adjacent residential properties;
- (l) The petitioner shall have [twelve (12)] 12 months from the adoption of this ordinance to apply for Certificate of Zoning Compliance. Should a Certificate of Zoning

Compliance not be applied for within [twelve (12)] 12 months of the adoption date of this

amendatory ordinance, the privileges granted by this ordinance shall terminate;

(m) 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)] (2020), 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] 30-1080 of the Code of the City of Richmond [(2004)] (2020), as amended,

and all future amendments to such law, or any other applicable laws or regulations[,]; and

[That when] When the privileges granted by this ordinance terminate and the (n)

special use permit becomes null and void or when use of the premises is abandoned for a period

of [twenty-four (24)] 24 consecutive months, whether as a result of the owner relinquishing the

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[; and].

[§ 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.

A TRUE COPY:

Andin D. Reil
City Clerk

5







### **City of Richmond**

900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.rva.gov

## Item Request File Number: PRE.2022.0147

O & R Request

**DATE:** April 12, 2022 **EDITION:**1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor (Mayor, by Request)

(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

**THROUGH:** Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and

Planning

**FROM:** Kevin J. Vonck, Director, Department of Planning and Development Review

**RE:** To amend and reordain Ord. No. 2014-193-175 adopted, October 13, 2014 as previously amended by Ord. No. 91-283-92-1, adopted Jan. 13, 1992, which authorized the special use of the property known as Highland Park School, containing 2.61 acres, more or less located

of 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, for an apartment building for the elderly (persons 60 years of age and older), and reducing the residency age requirement for at least 80 percent of the occupied units to persons 55 years of age and older,

and for the purpose of authorizing additional on-site parking.

ORD. OR RES. No.

**PURPOSE:** To amend and reordain Ord. No. 2014-193-175 adopted, October 13, 2014 as previously amended by Ord. No. 91-283-92-1, adopted Jan. 13, 1992, which au-thorized the special use of the property known as Highland Park School, contain-ing 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), and reducing the residency age requirement for at least 80 percent of the occupied units to persons 55 years of age and older, for the purpose of adding a parking and access easement for use by future residents of 1203 East Brookland Park Boulevard.

**REASON:** The applicant is requesting a Special Use Permit amendment which would allow for the addition of a parking area and access easement for on-site parking spaces on the subject property that would be utilized by the residents of a mixed-use development proposed on the adjacent property at 1203 East Brookland Park Boulevard.

File Number: PRE.2022.0147

**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 June 6, 2022, meeting.

**BACKGROUND:** The property is located in the Green Park neighborhood at the corner of Brookland Park Boulevard and 2nd Avenue. The property is a 113,860 sq. ft. (2.6 acre) parcel of land. The application is for a parking and access easement to include 24 off-street parking spaces. The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential. Residential areas are defined as "Neighborhood(s) consisting primarily of single family houses on large or medium sized lots more homogeneous in nature."

Intensity: Buildings are generally one to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft. Residential density of 2 to 10 housing units per acre.

Primary Uses: Single family houses, accessory dwelling units, and open space.

Secondary Uses: Duplexes and small multi-family buildings (typically 3 10 units), institutional, and cultural. Secondary uses may be found along major streets. (p. 54)

The current zoning for this property is UB2 PE8 Urban Business, Parking Exempt, Zoning District. Adjacent properties to the east and north are located within the same UB2 PE8 Zone. Properties to the west and south are zoned R 5 Single Family Residential.

**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:** \$1,800 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** May 9, 2022

CITY COUNCIL PUBLIC HEARING DATE: June 13, 2022

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNME NTAL ENTITIES:** City Planning Commission

June 6, 2022

**AFFECTED AGENCIES:** Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Amendment to Ord. No. 2014-193-175

Companion Paper to Ord. No. 2022-094

File Number: PRE.2022.0147

### **REQUIRED CHANGES TO WORK PROGRAM(S):** None

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

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



#### 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

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: 1221 E. Brookland Park Blvd Date: April 12 , 2022 Tax Map #: N0000917005B Fee: \$1800 Total area of affected site in acres: 2.614 (See *page 6* for fee schedule, please make check payable to the "City of Richmond") Zoning Current Zoning: **UB2-PE8** Existing Use: Multi-family **Proposed Use** (Please include a detailed description of the proposed use in the required applicant's report) Enhanced Parking Existing Use: Multi-family Is this property subject to any previous land use cases? If Yes, please list the Ordinance Number: Ordinance 2018-041 Applicant/Contact Person: Mark J. Kronenthal, Jennifer D. Mullen, and Zanas D. Talley Company: Roth Jackson Gibbons Condlin, PLC Mailing Address: 1519 Summit Avenue, Suite 102 City: Richmond State: VA Zip Code: 23230 \_) 441-8603 ) 441-8438 Telephone: (804 Fax: (804 Property Owner: Highland Park Senior Housing LLC If Business Entity, name and title of authorized signee: Rob Fossi, SVP Real Estate Development (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: 8403 Colesville Road, Suite 1150 City: Silver Spring State: MD Zip Code: 20910 )885-9552 Telephone: (202 Fax: ( Email: abiller@ecdcommunities.org Rob Fossi **Property Owner 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)



April 12, 2022

By Email:

Mark J. Kronenthal

Richmond Office (804) 441-8603 (direct) mkronenthal@rothjackson.com

Mr. Matthew Ebinger
City of Richmond
Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, Virginia 23219
Matthew.Ebinger@Richmondgov.com

Re: Special Use Permit Amendment: 1221 E. Brookland Park Boulevard

Dear Matthew:

This letter shall serve as the Applicant's Report accompanying the request for amendment (the "SUP Amendment") to the existing Special Use Permit - Ordinance 2015-202-197 (the "Existing SUP") in order to allow for enhanced parking and access, as shown on the attached plans (the "Plans"), for the property at 1221 East Brookland Park Boulevard (the "Property") in connection with the pending Special Use Permit Application for 1203 East Brookland Park Boulevard (the "Companion SUP"). The Property is located on the south side of East Brookland Park Boulevard and is identified as Parcel No. N0000917005 in the City Assessor's records. The Applicant, Highland Park Senior Housing LLC, is under common control with the applicant in the Companion SUP.

The Property is designated as Residential for future land use in the Richmond 300 and is within the Six Points Neighborhood Node. The Property is zoned UB-2/PE-8 and is the subject of the Existing SUP. The parcel to the west is owned by an affiliate of the Applicant. Several of the properties across East Brookland Park Boulevard to the north are zoned UB-2/PE-8 and are to be developed by an affiliate of the Applicant as multi-family residential under a SUP pursuant to Ordinance 2018-041. The parcels generally to the south of the Property are zoned R-5 with single family residential dwellings. The central Six Points business area to the east is zoned UB/PE-8.

The Property would remain subject to the Existing SUP except for the parking and access connection improvements shown on the Plans. The SUP Amendment would permit the construction and use of these improvements that are the direct response of community engagement with respect to the Companion SUP, including multiple community meetings at the Property attended by residents of the Property. Residents of the Property and neighbors have expressed a desire for enhanced parking and connections.

The proposed development pursuant to the SUP Amendment and the Companion SUP is compatible with the goals of the Richmond 300 for the Six Points area to create additional density and foster a pedestrian-oriented nexus within the Highland Park and Northside neighborhoods in the City. The off-street parking spaces will be landscaped and shaded from view from the street. The alley connections would support the City's policy of enhancing existing connections to the street grid.

A key driver of the 2015 rezoning was the deterioration and vacancy in the Six Points area and to encourage future pedestrian-oriented mixed-use development. The quality, affordable senior housing on the Property has been a catalyst in the area, but for more stable businesses to locate in the central Six Points area as an amenity to the greater area, more multi-family residential density must occur in the UB-2 areas, like the Applicant's proposed use in the Companion SUP situated between central UB Six Points and the surrounding R-5 district. To accommodate the needs of the site – not directly facing the core business area but also not directly adjacent to the R-5 single family areas – this requested SUP Amendment would enable appropriate discreet parking and for use of existing connections in order to support available density to accommodate future residents who would walk to the businesses called for in the City's 2015 rezoning in the adjacent UB area to the east.

The following are factors indicted in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed SUP Amendment will not:

• Be detrimental to the safety, health, morals and general welfare of the community involved.

The proposed SUP Amendment will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed SUP Amendment is consistent with the recommendations of the Master Plan, as put in place by the 2015 Ordinance.

• Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.

The proposed SUP Amendment will not result in significant traffic impacts to nearby residential neighborhoods and is consistent with the goals of creating pedestrian, not vehicle, vitality in the Six Points area.

• Create hazards from fire, panic or other dangers.

The Property would be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.



• Tend to overcrowding of land and cause an undue concentration of population.

The proposed SUP Amendment will not tend to over crowd the land or create an undue concentration of land considering the City's stated goals in the 2015 Ordinance to support multifamily density in the area

• Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

The special use permit would not adversely affect the above referenced City services. To the contrary, the SUP Amendment would help insure the viability of the Six Points area.

• Interfere with adequate light and air.

The proposed SUP Amendment will not impact the light and air available to adjacent properties.

The SUP Amendment would enhance surrounding uses and the Six Points area. Thank you for your time and consideration of this request. Please let me know if you have any questions.

Sincerely,

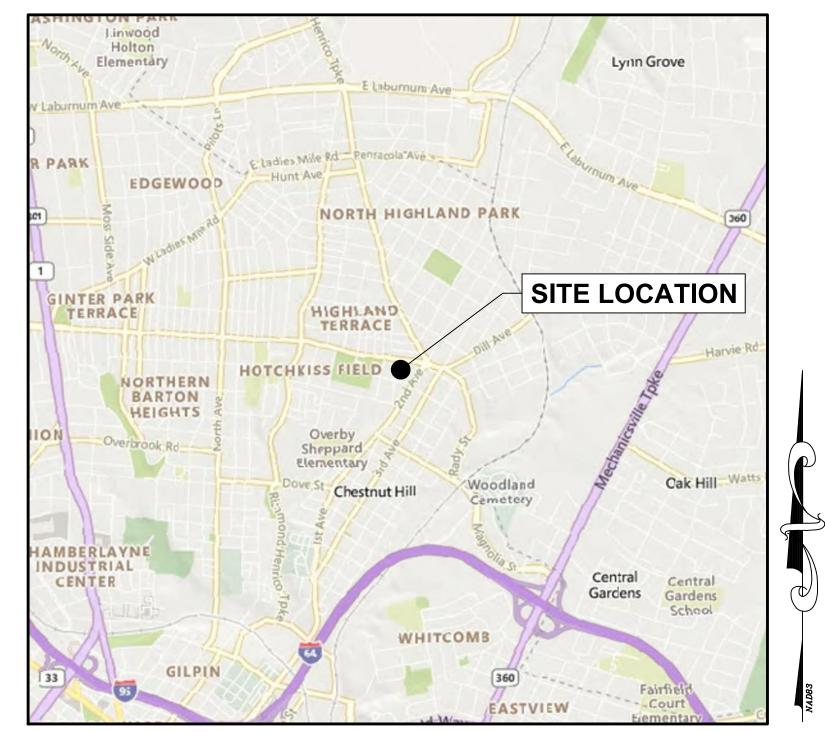
Mark J. Kronenthal

# HIGHLAND PARK SENIOR APARTMENTS

1221 E. BROOKLAND PARK BOULEVARD RICHMOND, VIRGINIA

Sheet List Table					
Sheet Number	Sheet Title				
C0.00	COVER				
C1.00	ALTA SURVEY				
C2.00	LAYOUT PLAN				

TOTAL SHEETS: 3



**VICINITY MAP** SCALE: 1'' = 2,000'

# SPECIAL USE PERMIT (SUP) AMENDMENT [AMENDMENT TO ORD. 2014-193-175]

**SUBMITTAL DATE: APRIL 11, 2022** 

### PROJECT SUMMARY

ADDRESS: 1221 E. BROOKLAND PARK BLVD

**PARCEL ID's:** N0000917005

ZONING: **UB2-PE8 URBAN BUSINESS DISTRICTS** ORDINANCE NO.: 2015-202-175, APPROVED 10/12/2015

SITE ACREAGE: 2.614 ACRES (113,861 SQ. FT.) **SUP AMENDMENT AREA:** 0.282 ACRES (26,479 SQ. FT.)

SENIOR HOUSING

**PARKING SPACE DESIGN** 

DATUM:

DATUM ESTABLISHED BY RTK APRIL 29, 2021

**SUP AMENDMENT** 

**NOT FOR** 

CONSTRUCTION

PLAN DATE: 04/11/2022

**DESIGNED BY** C. NELSON CHECKED BY A. WEHUN7

1'' = 2,000'

**MENTS** 

49499

C0.00

OWNER/DEVELOPER ENTERPRISE COMMUNITY DEVELOPMENT, INC. 413 Stuart Cir., Suite 150 Richmond, VA 23220

CONTACT: Alan Biller TELEPHONE: 804.303.2333

EMAIL: abiller ecdcommunities.org

# **ARCHITECT**

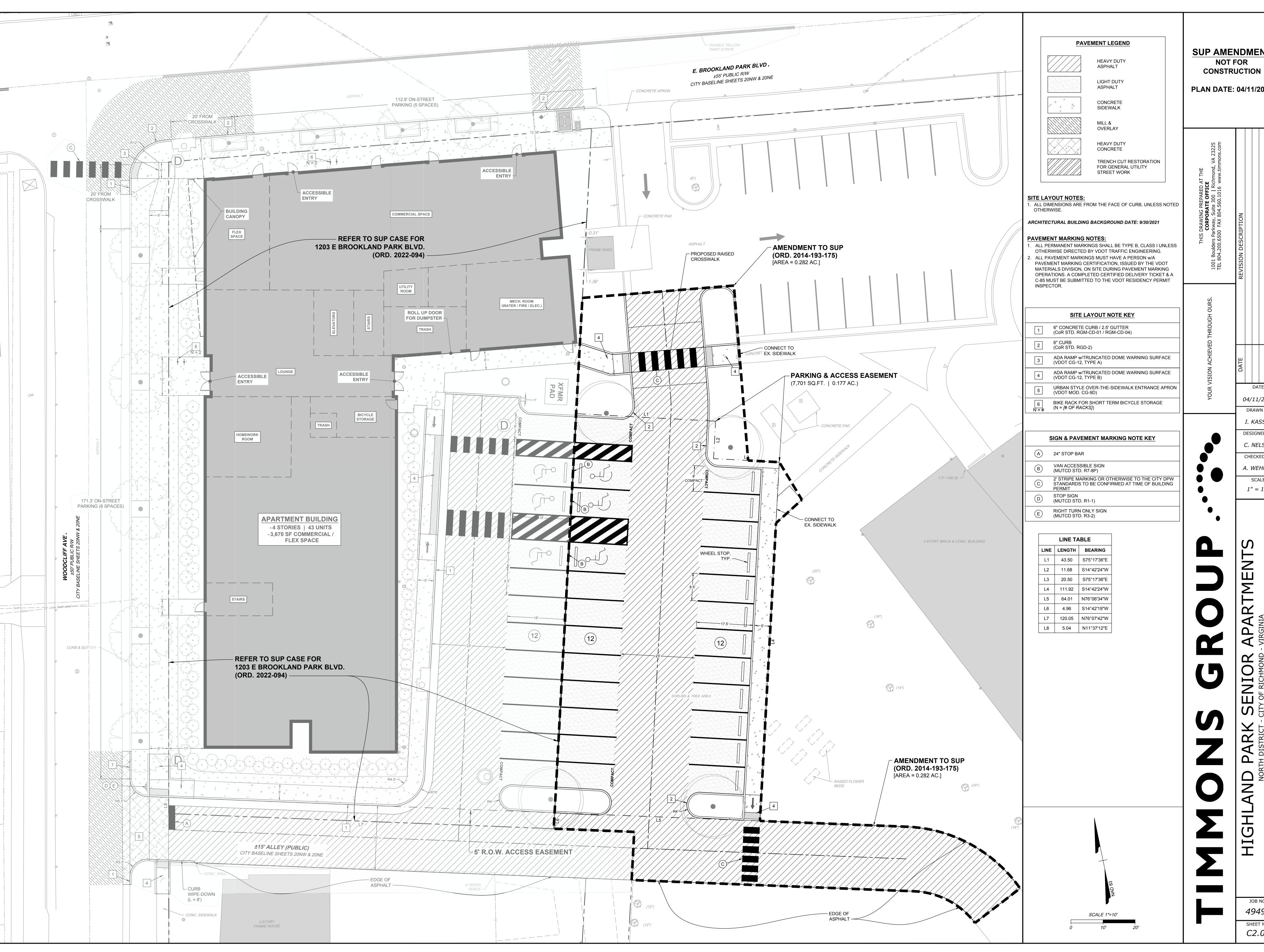
QUINN EVANS 1840 W Broad St., Suite 400 Richmond, VA 23220 CONTACT: David Gavin TELEPHONE: 443.450.7005 EMAIL: dgavinequinnevans.com

## LANDSCAPE ARCHITECT

TIMMONS GROUP 1001 Boulders Pkwy., Suite 300 Richmond, VA 23225 CONTACT: Julie Kommer, PLA TELEPHONE: 804.200.6544 EMAIL: julie.kommeretimmons.com

## **ENGINEER**

TIMMONS GROUP 1001 Boulders Pkwy., Suite 300 Richmond, VA 23225 CONTACT: Amelia Wehunt, PE TELEPHONE: 804.200.6544 EMAIL: amelia.wehuntetimmons.com



**SUP AMENDMENT** 

PLAN DATE: 04/11/2022

DATE 04/11/2022 DRAWN BY

I. KASSIM DESIGNED BY C. NELSON CHECKED BY A. WEHUNT

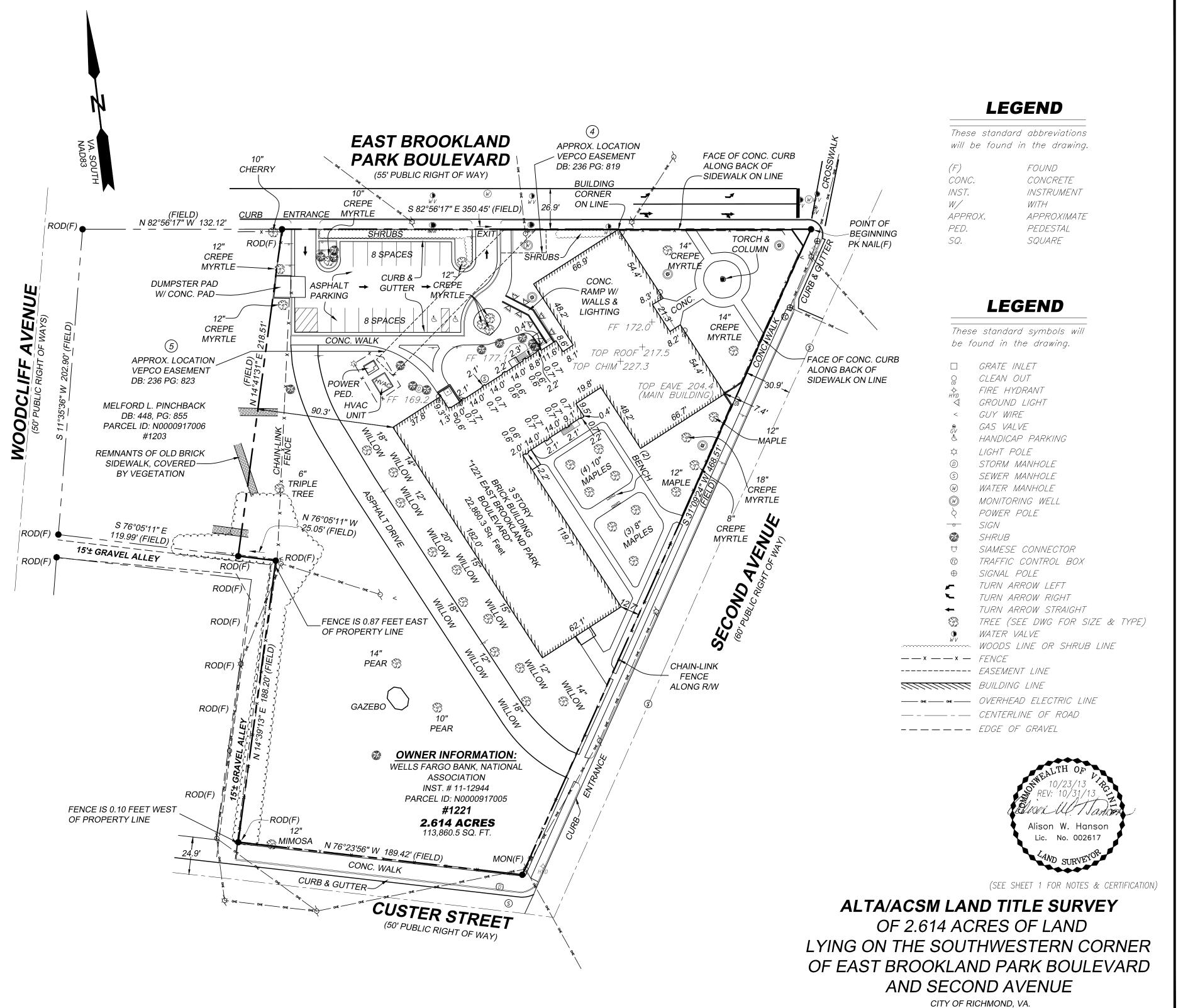
SCALE 1'' = 10'

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JOB NO.

49499 SHEET NO. C2.00



804.330.3781 Office 804.859.5330

JOB #:

JOB NO. **49499**SHEET NO.

DATE: 1 SHEET:

SHEET NO. *C1.00* 

eying and Mapping, L. insightful solutions, quality service



SE/WBE SWaM Certified Business
Hull Street, Suite 101B Richmond,