

# City Of Richmond, Virginia Office of the City Clerk

## Request to Withdraw Legislation

Paper Number: <u>2014 - 38</u>
Chief Patron: Dwight C. Jones, Mayor
Introduction Date: March 10, 2014
Chief Patron Signature:
Attestation:  Effective Date:    For Office Use Only

INTRODUCED: March 10, 2014

### AN ORDINANCE No. 2014-38

To authorize the special use of the property known as 3200 West Clay Street for the purposes of a multifamily dwelling with up to one hundred one (101) 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: APR 14, 2014 AT 6 P.M.

#### THE CITY OF RICHMOND HEREBY ORDAINS:

§ 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 one hundred one (101) units and accessory parking, substantially as shown on sheets A.0, A.101,

AYES:	NO:	ES:	ABSTAIN:	
ADOPTED:	REJ	JECTED:	STRICKEN:	

A.201 through A.211, A.301 through A.304, A.401, A.402, and A.701 though A.705 of the plans entitled "3200 West Clay Street, Richmond, Virginia," prepared by Walter Parks Architect, and dated February 12, 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 one hundred one (101) 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 one hundred one (101) 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 sixteen (16) 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

INTRACITY CORRESPONDENCE

O & R REQUEST

FEB 1 2 2014

## **O&R REQUEST**

DATE:

February 10, 2014

EDITION:

Otty of Richmond

FFICE OF CITY ATTORNEY

Chief Administration Office

TO:

The Honorable Members of City Council

THROUGH:

Dwight C. Jones, Mayor (Patron: Mayor, by Request)

(This in no way reflects a recommendation on betraff of the Mayor.)

THROUGH: Byron C. Marshall, Chief Administrative Officer

THROUGH: Peter H. Chapman, Deputy Chief Administrative Off

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 one hundred one (101)

units and accessory parking, upon certain terms and conditions.

ORD.	OR	RES.	No
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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 one hundred one (101) 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 101 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 101 dwelling units being served by 85 on-site parking spaces and 16 off-site spaces provided within 500' of the subject property. Of the 101 units proposed, less than half of the units (48) are O&R Request February 7, 2014 Page 2 of 3

provided with traditional windows to the exterior of the building. The remaining 52% of the proposed units are 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:** March 10, 2014

CITY COUNCIL PUBLIC HEARING DATE: April 14, 2014

**REQUESTED AGENDA: Regular** 

RECOMMENDED COUNCIL COMMITTEE: None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission, April 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



## RESOLUTION OF THE CITY OF RICHMOND PLANNING COMMISSION

TO PROMOTE THE PROVISION OF ADEQUATE LIGHT AND AIR AND IN SO DOING TO BOTH ELIMINATE TO THE EXTENT REASONABLY POSSIBLE THE EXISTENCE OF WINDOWLESS DWELLING UNITS AND TO PROMOTE UTILIZATION OF OPERABLE WINDOWS IN THE RENOVATION OF HISTORIC BUILDINGS

WHEREAS, the Planning Commission has on an increasing basis received applications for special use permits to allow for the creation of windowless dwelling units as part of conversions from former industrial/warehouse buildings to residential dwelling units; and

WHEREAS, a windowless dwelling unit is defined as a unit that does not contain a window(s) that penetrates an exterior wall of the building; and

WHEREAS, special use permits allow property to be utilized in a fashion that is not consistent with the underlying zoning and by their nature constitute special approvals which are to be held to higher standards than byright developments; and

WHEREAS, increasingly the special use permit applications for conversion of industrial/warehouse buildings to residential dwelling units provide for density increases which represent multiples of the maximum allowable densities as provided for in the zoning ordinance while at the same time failing to address open space needs; and

WHEREAS, conversion of industrial/warehouse buildings to high density residential uses often requires modifications that adversely impact a buildings historic nature through changes to the buildings defining characteristics which in turn has the potential of adversely affecting overall building sustainability; and

WHEREAS, LEED (Leadership in Energy and Environmental Design) certification encourages the use of natural lighting to facilitate building and occupant functioning and minimization of energy costs through establishment of specific day lighting credits used for building certification; and

WHEREAS, historic building conversions from industrial/warehouse uses to dwelling uses must address the quality of life issues that occur as a result of residential utilization; and

WHEREAS, Section 15.2-2283 of the Code of Virginia provides that zoning ordinances shall be designed to give reasonable consideration to the provision of adequate light and air: and

WHEREAS, Article I §114-100 of the City of Richmond zoning ordinance states in part that the purpose of this chapter is to adopt a comprehensive zoning plan designed to provide for adequate light and air; and

WHEREAS, the standards for granting special use permits state in part that the proposal cannot interfere with adequate light and air; and

WHEREAS, one of the stated policies for housing in the City of Richmond's Master Plan is the promotion of new, high quality housing and the elimination of substandard housing; and

WHEREAS, the Second Tenement House Act of 1879 was one of the first laws requiring that windows face a source of fresh air and light; and

WHEREAS, in 1901 the New York State Tenement House Act banned the construction of dark, poorly ventilated tenement buildings requiring outward-facing windows in every room; and

WHEREAS, deprivation of natural light is an established health risk and has been shown to cause depression, loss of physical strength, weight gain, stress on eyes and adrenal glands, contribute to sleep disorders and been proven to be psychologically damaging; and

WHEREAS, the Department of Interior/National Park Service has approved building modifications to former industrial/warehouse buildings which have the effect of eliminating or minimizing creation of windowless dwelling units; and

WHEREAS, other cities such as San Francisco have adopted ordinances that eliminate the provision allowing only artificial light in residences; and

WHEREAS, in cases where it is determined that windowless dwelling units should be permitted for the purpose of preserving historic buildings they should be the minimum number necessary to promote said preservation and the square footage of such units should be at least equal to or greater than the average square footage of the total number of units that include windows; and

WHEREAS, utilization of operable windows in the conversion of industrial/warehouse buildings to dwelling units is essential to improving the overall quality of life through provision of an enhanced ventilation, elimination of need to vacate buildings in the case of

mechanical system failures and promotion of public safety through increased interaction with activities occurring in the street and for emergency egress purposes; and

WHEREAS, in recent years the Planning Commission has recommended adoption of Form-Based zoning districts which include a provision requiring operable windows for all newly constructed dwelling uses.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION: that to provide for adequate light and air consistent with provisions of the Code of Virginia, the City of Richmond Zoning Ordinance and the standards for the granting of a special use permit that windowless dwelling units should be avoided as a general premise.

## NOW, THEREFORE BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION:

that the Planning Commission respectfully requests that the Department of the Interior/National Park Service and the Virginia Department of Historic Resources require that applicants for historic tax credit projects to convert former industrial/warehouse buildings to residential dwelling units demonstrate that there is no viable means for undertaking renovations to the subject building without the existence of windowless dwelling units.

# NOW, THEREFORE BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION:

that the Planning Commission respectfully requests that where the Department of Interior/National Park Service and the Virginia Department of Historic Resources determines that windowless dwelling units must be permitted for the purpose of preserving historic buildings that such windowless dwelling units should be the minimum number necessary to promote said preservation and the square footage of such units should be at least equal to or greater than the average square footage of the total number of units that include windows.

## NOW, THEREFORE BE IT FINALLY RESOLVED BY THE PLANNING COMMISSION:

that utilization of operable windows in the renovation of historic buildings is essential to improving the overall quality of life through provision of enhanced ventilation, elimination of need to vacate buildings in the case of mechanical system failures and promotion of public safety through increased interaction with activities occurring in the street and for emergency egress purposes.

CHAIRPERSON

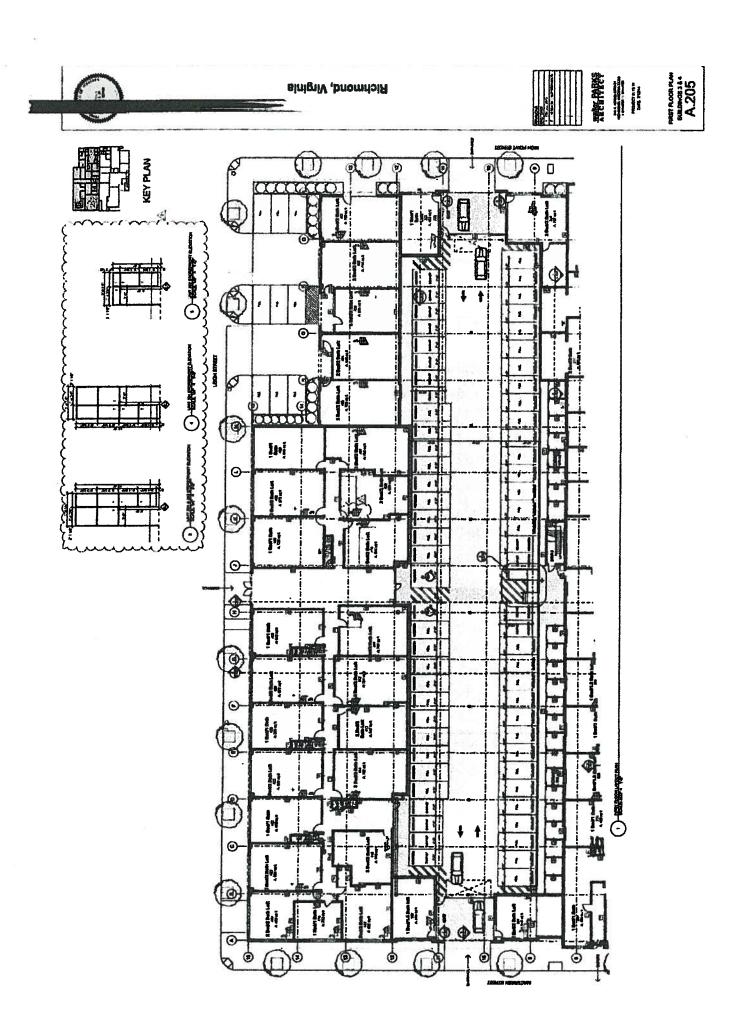
ECRETARY

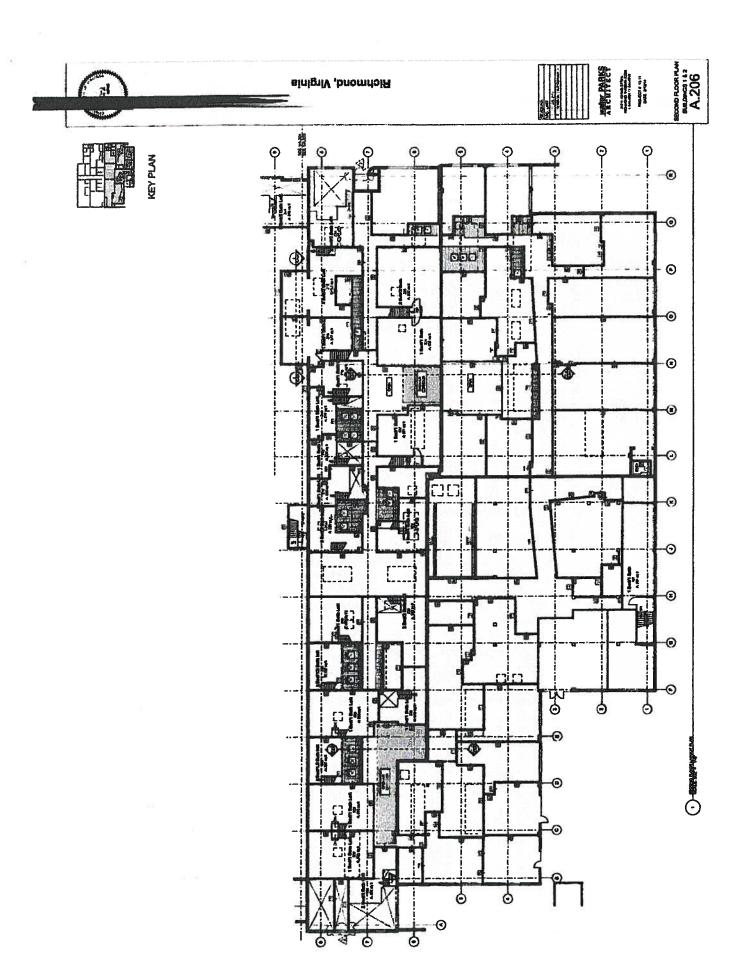


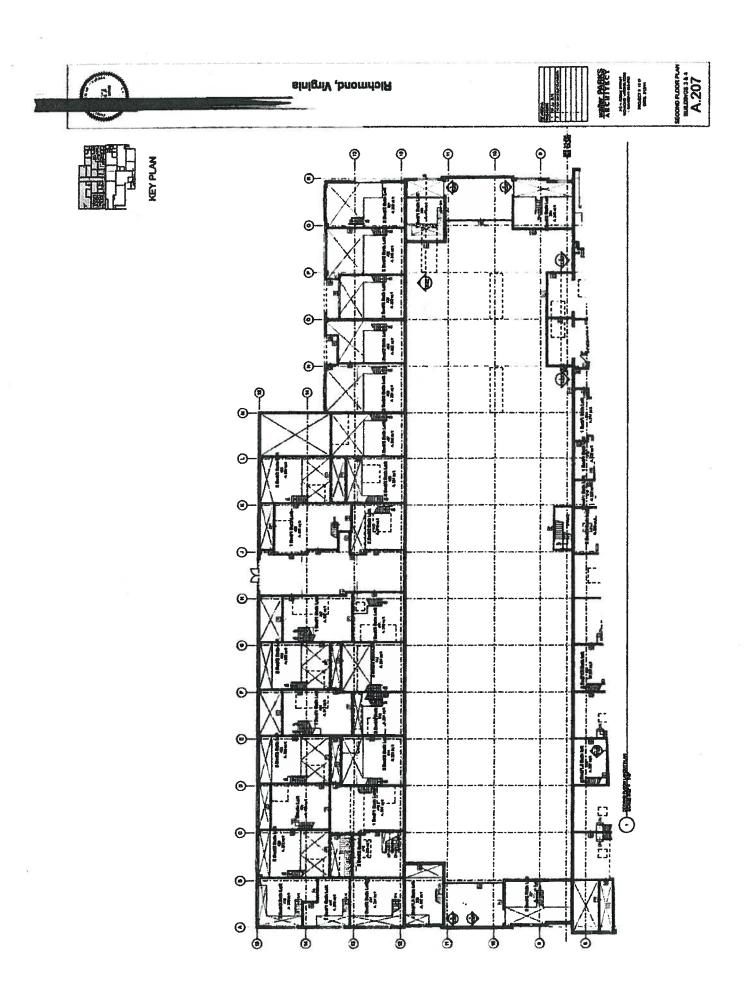
Application for SPECIAL USE PERMIT

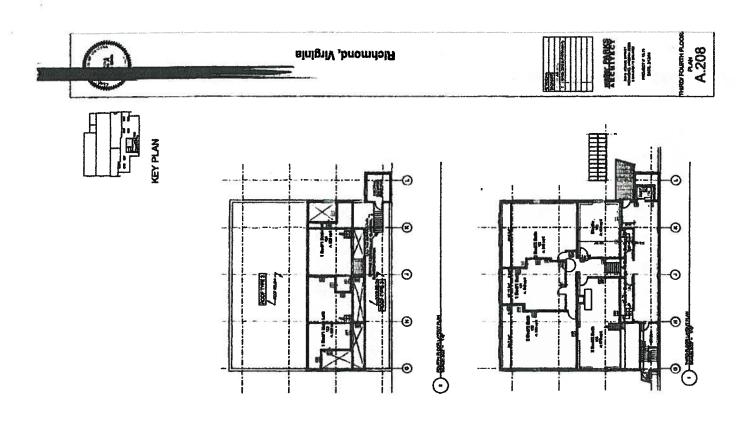
Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<a href="http://www.richmondgov.com/">http://www.richmondgov.com/</a>

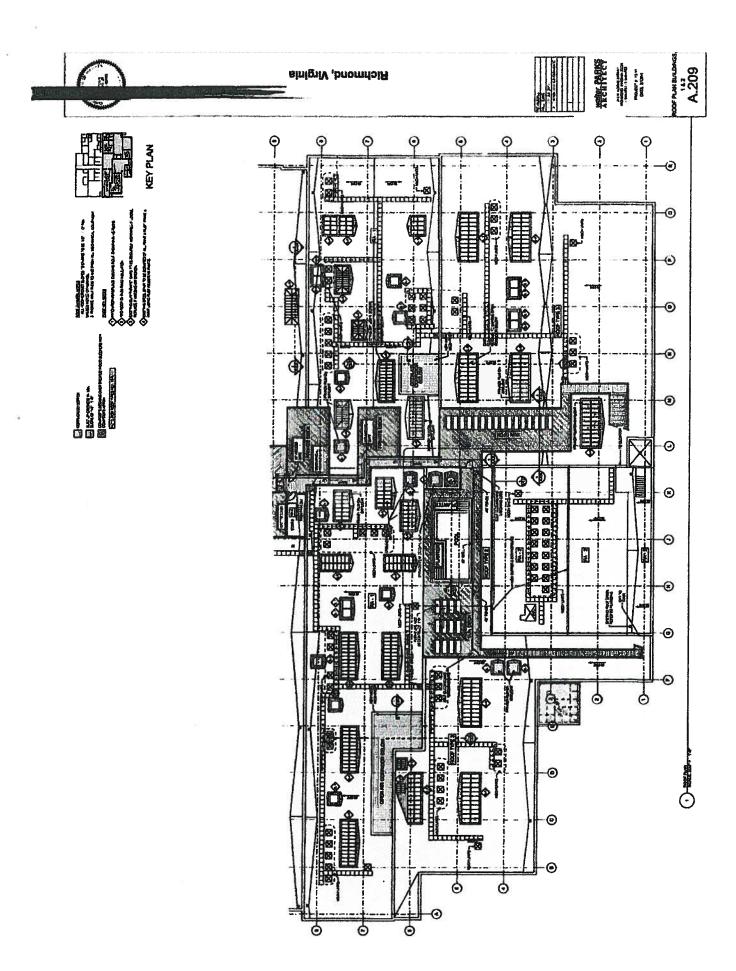
Application is hereby submitted for: (check one)	
Constitution and the state of t	
☐ special use permit, new ≤ special use permit, plan amendment	
special use permit, text only amendment	
Project Name/Location	
Project Name: 5200 W. CLAY APARTMENTS	Date:7/19/13
Property Address: 3200 W. CLRY Street	PICHMONS VA Tax Map#: NOOC1715001
Property Address: 3200 W. CLRY Street  Fee: 1200+200 Total area of affected site in a (See page 3 for fee schedule, please make check payable)	acres: 2.37
Zoning M. 1 / 1 ht T. L. Image	Proposed Use
	Please include a detailed description of the proposed use in the required applicant's report)
Existing Use: ביב ליים ביים שאל באפטו צ ls this property subject to any previous land use cases?	Residential - 101 dwellows units
Yes No	Residential - 101 dwellows units with inferior packing.
☑ If Yes, ☐ please list the Ordinance Number:	
2012-14-25	
Applicant/Contact Person: Natt Raggi	
Company: Mullimer Realty tHETNERS, IN	(,
Mailing Address: 1100 W. FIOHA Skeet	The Control of the Co
	State: Vf Zip Code: 23060
City: Clen Alten Telephone: (804) 344-7154	State: <u>√+</u> Zip Code: <u>23066</u> Fax: _()
City: Clen Alten Telephone: (804) 344-7154	State: <u>√4</u> Zip Code: <u>23066</u> Fax: ()
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City: Clen Alten Telephone: (804) 344-2154  Email: Natthew. raggi @ that himer. con Property Owner: TRP Clay Street. C	LC
City: Clen Alten Telephone: (804) 344-7156 Email: Natthew. raggi & that hime Grown	Clatthew J. Raggi, manner
City: Clen Alten  Telephone: (804) 344-7156  Email: Natthew. raggi & thathimer. com  Property Owner: TRP Clay Atret . Clay  If Business Entity, name and title of authorized signee:  (The person or persons executing or attesting the execution of this Application duly authorized and empowered to so execute or attest.)  Mailing Address: 1100 W. Brand Stock	Clatthew J. Raggi, manner
City: Clen Alter  Telephone: (804) 344-7156  Email: Natthew raging that himer com  Property Owner: TRP Clay threat to  If Business Entity, name and title of authorized signee:  (The person or persons executing or attesting the execution of this Application duly authorized and empowered to so execute or attest.)	Matthew T. Raggi, marker of R
City: Clen Alten  Telephone: (804) 344-7156  Email: Natthew. raggi & thathimer. Con  Property Owner: TRP Clay Arret. Con  If Business Entity, name and title of authorized signee:  (The person or persons executing or attesting the execution of this Application duly authorized and empowered to so execute or attest.)  Mailing Address: 1100 W. Brand Street  City: Clen Alten  Telephone: (804) 344-7156	Matthew T. Raggi, marker of R
City: Clen Alten  Telephone: (804) 344-7156  Email: Nathew. raggi & Healhimer. com  Property Owner: TRP Clay Street. C  If Business Entity, name and title of authorized signee:  (The person or persons executing or attesting the execution of this Application duly authorized and empowered to so execute or attest.)  Mailing Address: 1100 W. Brown Street  City: Glen 14100	That Thew J. Raggi, manner R  Attorn on behalf of the Company certifies that he or she has or have  State: Ver Zip Code: 2300
City: Clen Alten  Telephone: (804) 344-7156  Email: Natthew. raggi & thathimer. Con  Property Owner: TRP Clay Arret. Con  If Business Entity, name and title of authorized signee:  (The person or persons executing or attesting the execution of this Application duly authorized and empowered to so execute or attest.)  Mailing Address: 1100 W. Brand Street  City: Clen Alten  Telephone: (804) 344-7156	That Thew J. Raggi, manner R  Attorn on behalf of the Company certifies that he or she has or have  State: Ver Zip Code: 2300
City: Clen Alten  Telephone: (804) 344-7156  Email: Natthew. raggi @ thathimer. Con  Property Owner: TRP Clay Arret. Con  If Business Entity, name and title of authorized signee:  (The person or persons executing or attesting the execution of this Application duly authorized and empowered to so execute or attest.)  Mailing Address: 1100 W. Bran Street  City: Gen Alten  Telephone: (804) 344-7156  Email: matthew. raggi @ Hialhimer.com	Matthew J. Raggi, manner of R  attorn on behalf of the Company certifies that he or she has or have  State: Vet Zip Code: 230.0  Fax: ( )

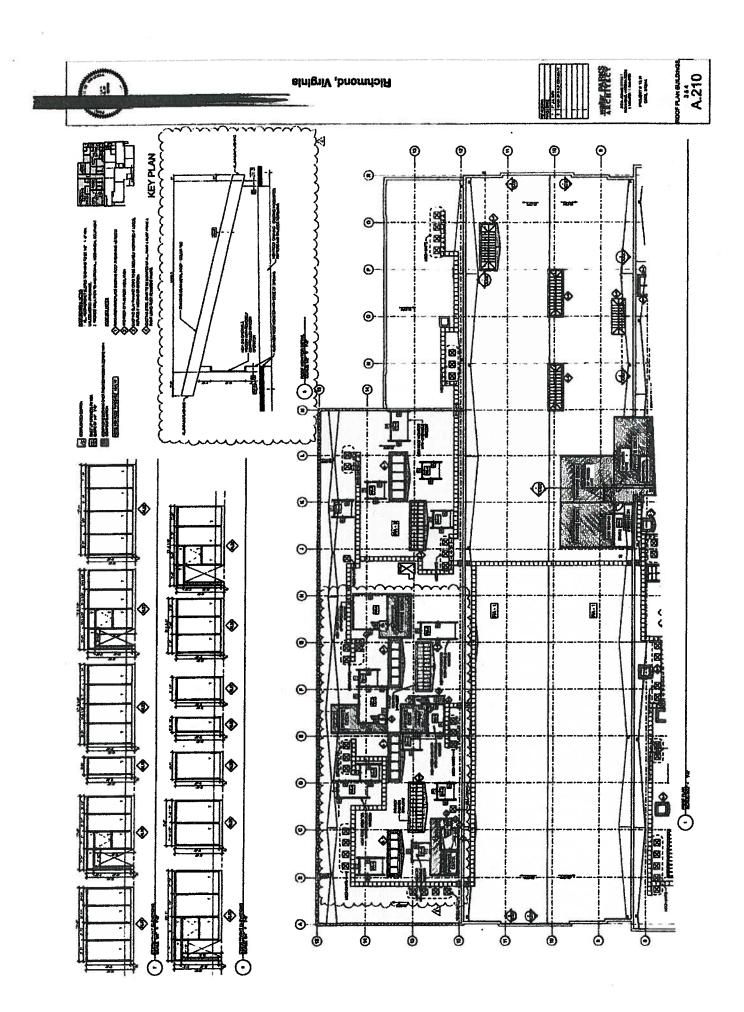


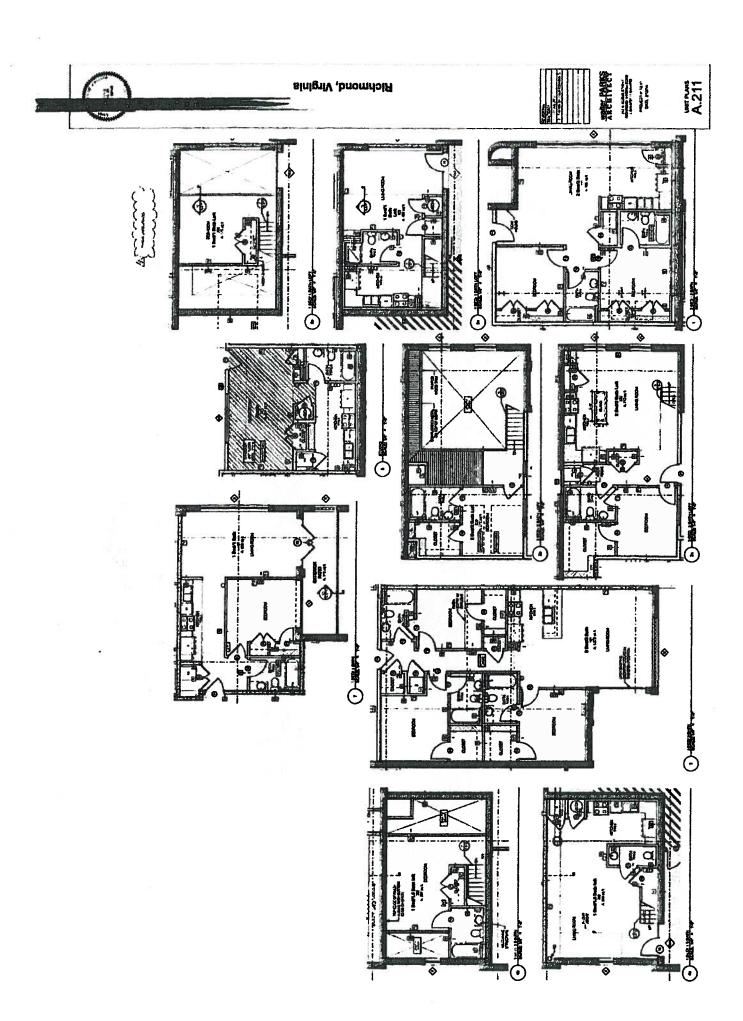


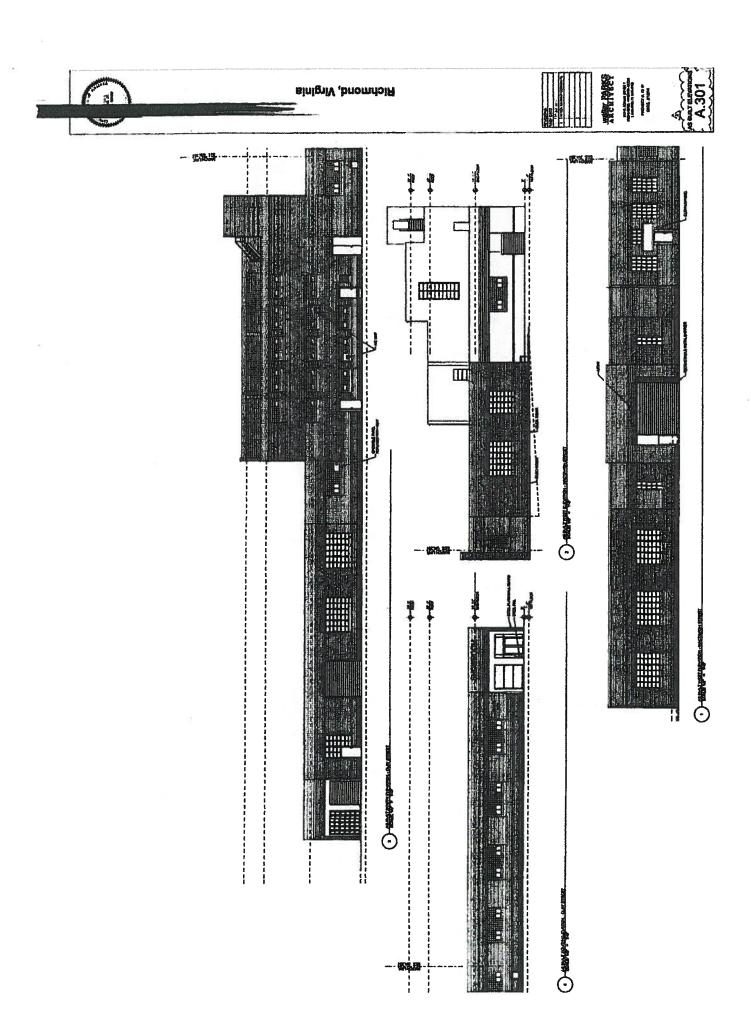


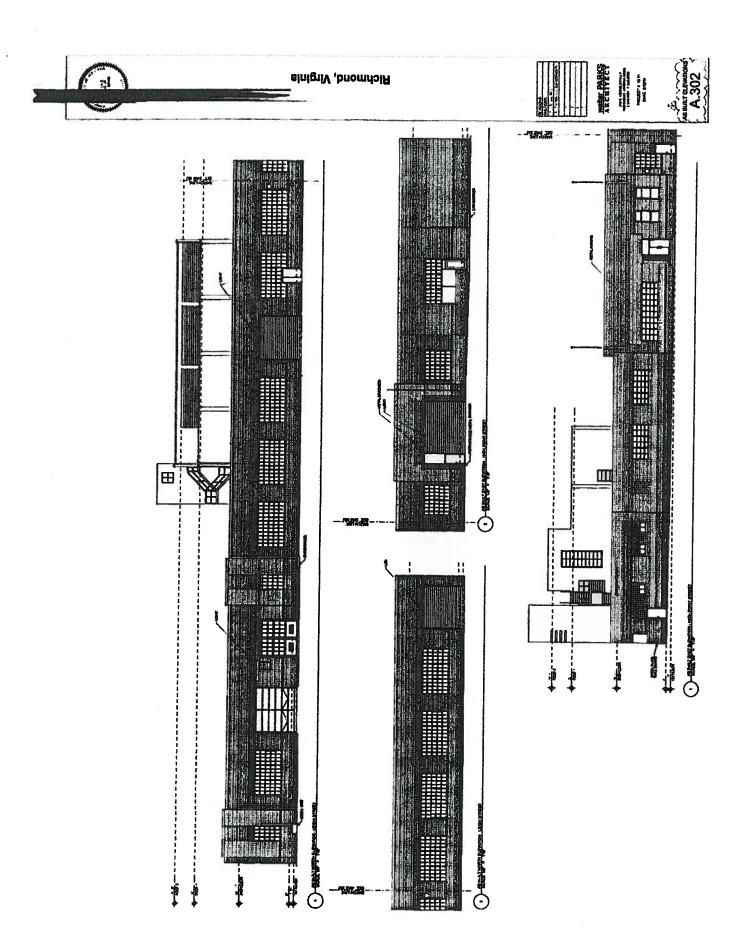


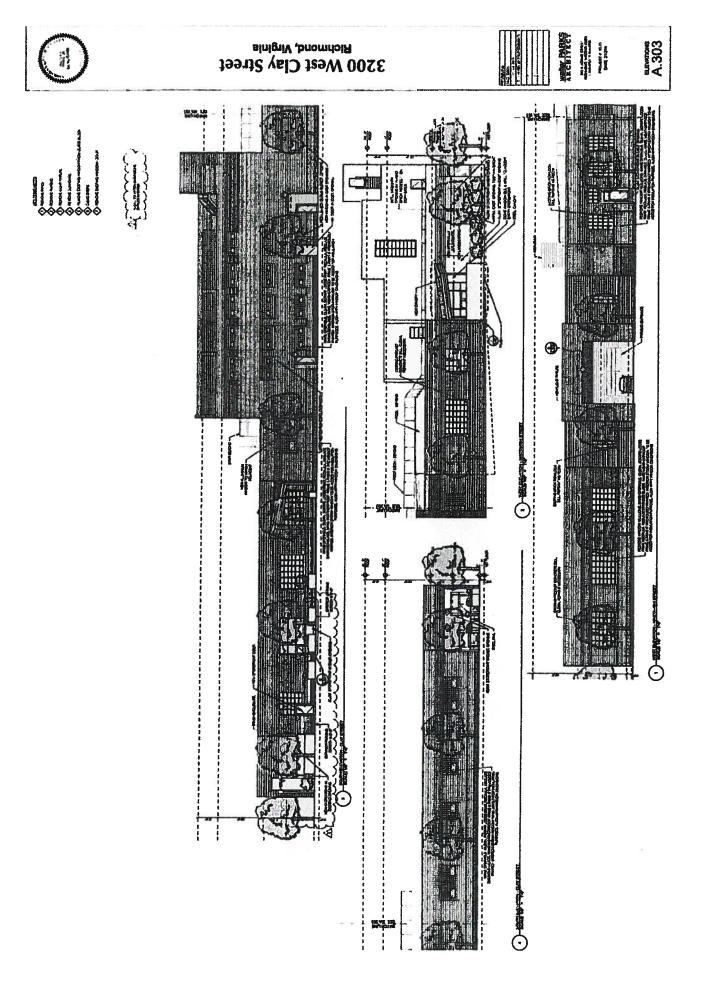


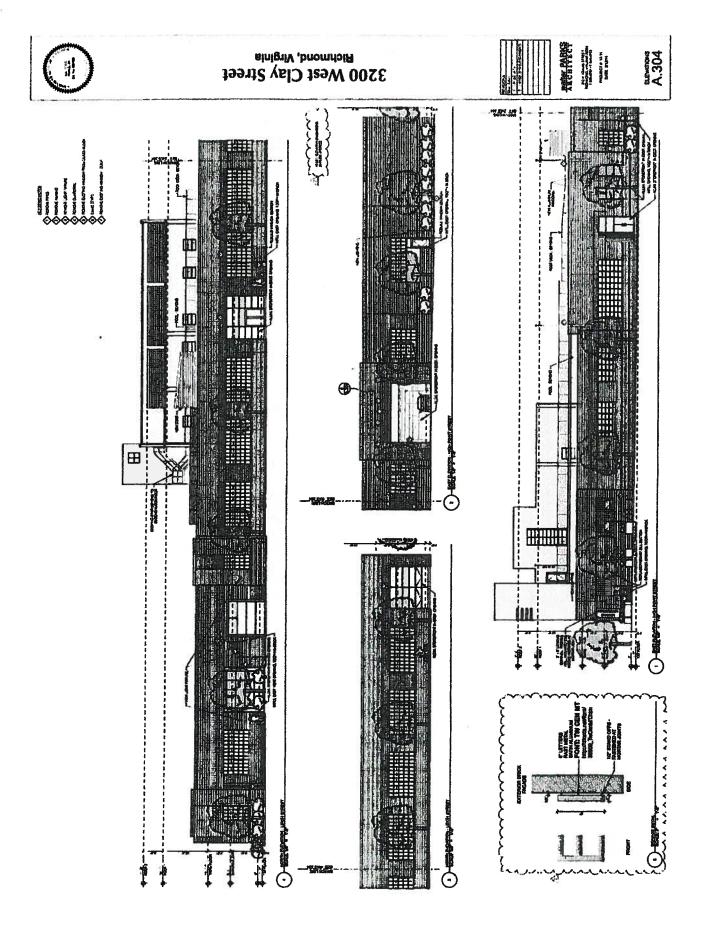


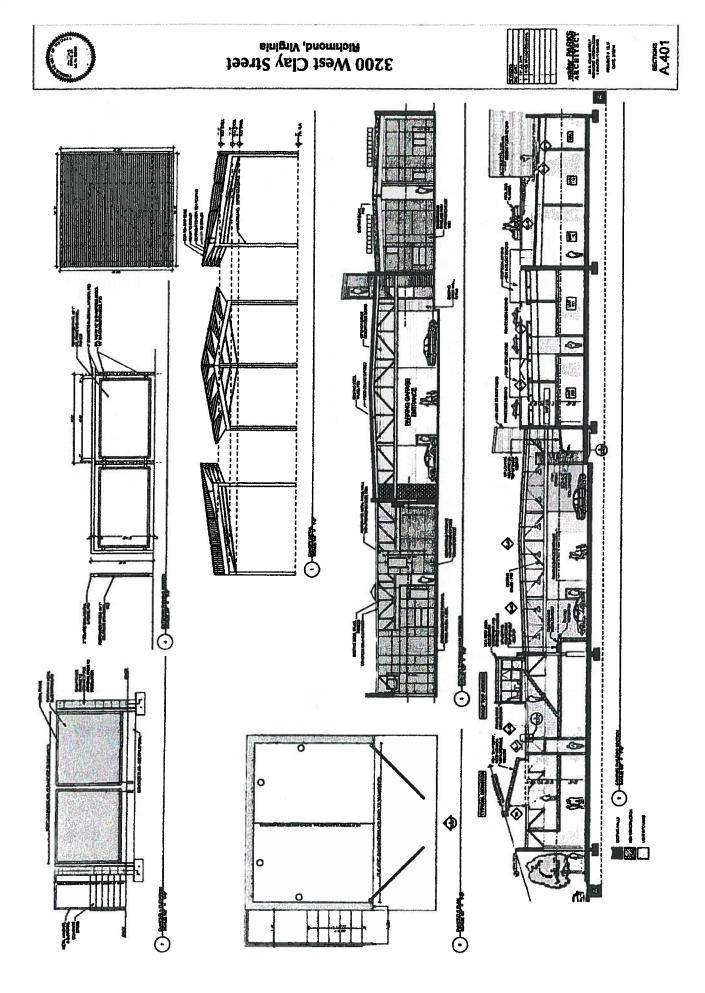


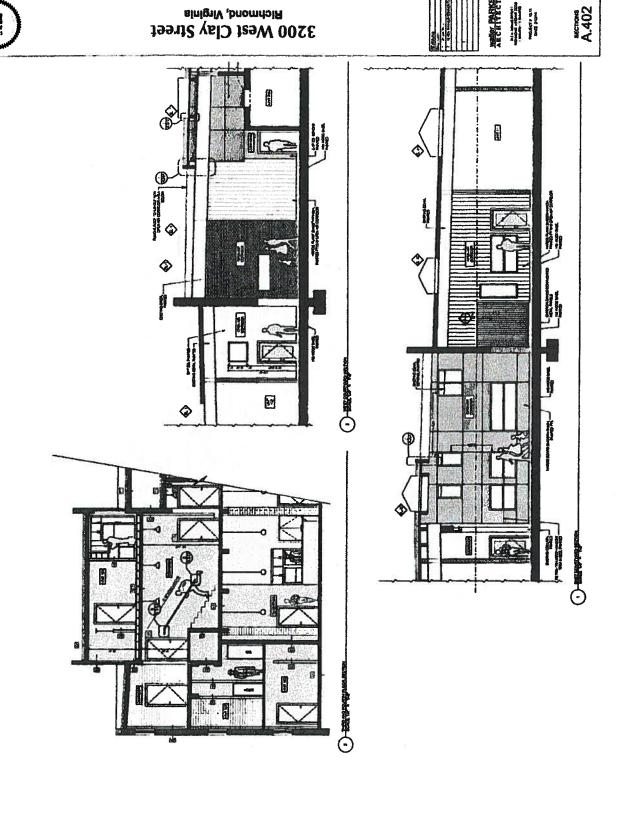




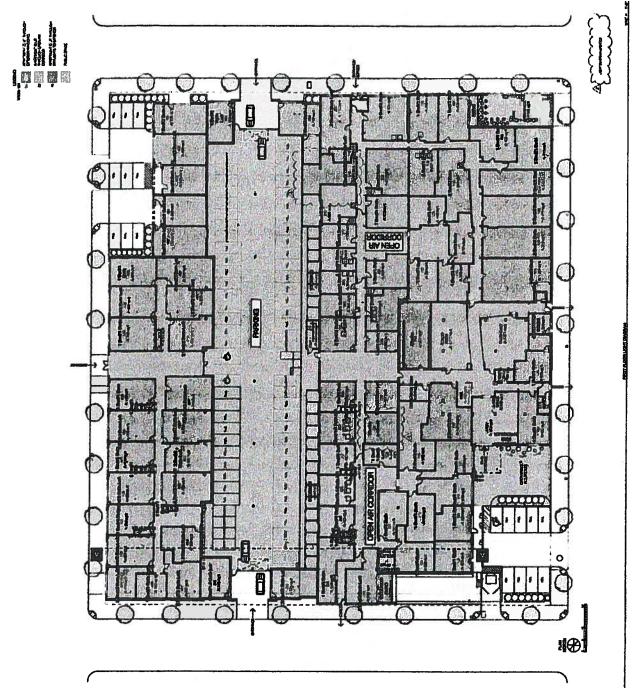




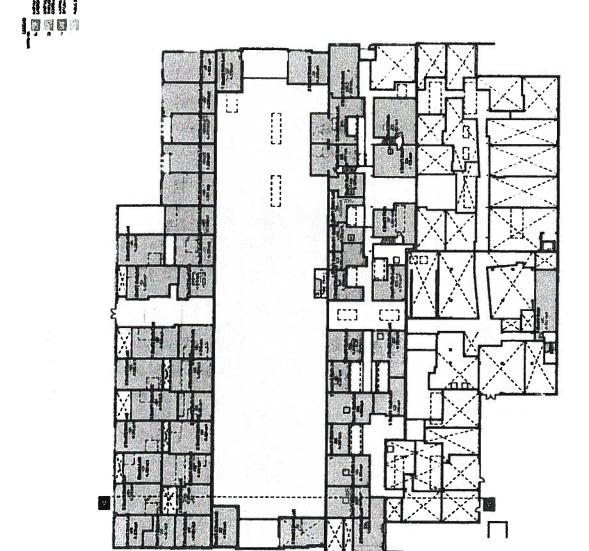


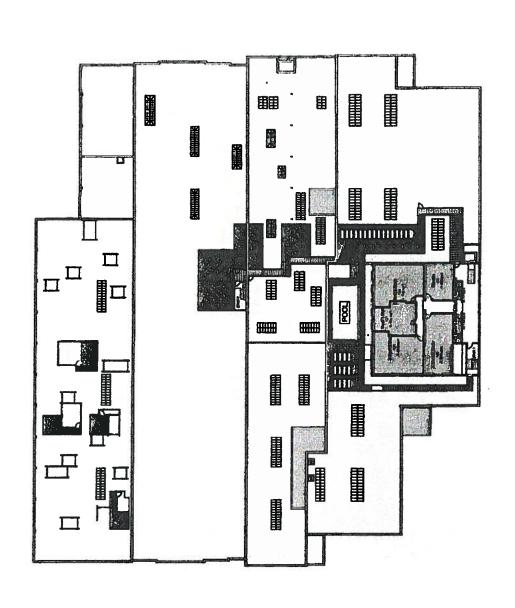




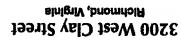














# 3200 West Clay Street Richmond, Virginia



