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OCT 26 2015



LAND USE ADMINISTRATION

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) 648-8304
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: Lee School Lofts Date: September 15, 2015

Property Address: 3101 Kensington Avenue / 3131 Kensington Tax Map #: W0001411/023 and /024

Fee: \$1800.00 Total area of affected site in acres: approx. 1.9 acres
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-6

Proposed Use

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

Existing Use: multifamily dwellings

Is this property subject to any previous land use cases? amend section 3(c)

Yes No
If Yes, please list the Ordinance Number: 2001-262-248

Applicant/Contact Person: Jennifer D. Mullen, Esq.

Company: Roth Doner Jackson Gibbons Condlin, PLC

Mailing Address: 919 E. Main Street, Suite 2110

City: Richmond State: VA Zip Code: 23219

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

Email: jmullen@rothdonerjackson.com

Property Owner: Lee School Lofts, LP and BKM, LLC

If Business Entity, name and title of authorized signee: Robert W. Miller Sr, MANAGER, BKM LLC

(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: PO Box 240

City: Richmond State: VA Zip Code: 23218

Telephone: (804) 321-2471 Fax: ()

Email: Robin.Miller@RobinMillerAssociates.com

Property Owner Signature: [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)

8844A



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
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JUL 22 2015

LAND USE ADMINISTRATION

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: Lee School Lofts Date: July 16, 2015

Property Address: 3101 Kensington Avenue Tax Map #: W0001411023

Fee: \$1800.00 Total area of affected site in acres: 1.7 acres
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-6

Proposed Use

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

Existing Use: Multi-Family Dwellings

Is this property subject to any previous land use cases? Amend section 3(c)

Yes No
 If Yes, please list the Ordinance Number:
2001-262-248

Applicant/Contact Person: Jennifer D. Mullen, Esq.

Company: Roth Doner Jackson Gibbons Condlin, PLC

Mailing Address: 919 East Main Street, Suite 2110

City: Richmond State: VA Zip Code: 23219-4625

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

Email: jmullen@rothdonerjackson.com

Property Owner: Lee School Lofts, LP

If Business Entity, name and title of authorized signee: Jennifer D. Mullen by special limited power of attorney

(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: 515 S. Capital of Texas Highway, Suite 103

City: Austin State: TX Zip Code: ~~23219~~

Telephone: () Fax: ()

Email: _____

Property Owner Signature: [Signature] 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)

SPECIAL LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the undersigned has made, constituted and appointed, and by these presents does make, constitute and appoint each of Jennifer D. Mullen and Andrew M. Condlin as its true and lawful attorneys, for it and in its name, place or stead, to perform any and all acts which they, or any one of them, deem appropriate relating to the process of obtaining rezoning, special use, conditional use, special exceptions and/or site plan approval (the "Approvals"), for the property owned by the undersigned and located in the City of Richmond, Virginia as designed as tax map number W0001411023, known as 3101 Kensington Avenue (the "Property"). Subject to the foregoing, the above-named attorneys, or any one of them, are authorized to do, execute and perform all and every act, matter and thing in law, or in the judgment of all or any one of them, needful or desirable to be done in relation to the Approvals on the Property as fully and amply, and with the same effect, as the undersigned might or could do if acting itself. Without limiting the generality of the foregoing, these acts shall include, but not be limited to, the signing of any application for special use permit, rezoning, conditional use, special exceptions, the offering of voluntarily proffered conditions, the submission of a plan of development, and any additions, amendments, modifications or deletions thereto.


This Special Limited Power of Attorney shall not terminate on disability of the Principal. This Special Limited Power of Attorney shall automatically expire without further act of the undersigned within two (2) years of the date set forth below or such earlier date as this Special Limited Power of Attorney may be otherwise rescinded or modified by the undersigned.

[SIGNATURE APPEARS ON THE NEXT PAGE]

This Special Limited Power of Attorney has been executed pursuant to due authorization as of July 20th, 2015.

Lee School Lofts LP
a Virginia Limited Partnership

By: AMTX Lee School GP, Inc., its general partner

By: 
Name: Thomas Mangum
Title: Vice President

STATE OF OHIO,
CITY/COUNTY OF LICKING, To-wit:

This instrument was acknowledged before me in the above-stated jurisdiction this 20th day of July, 2015 by Thomas Mangum, who is the Vice President of the general partner of Lee School Lofts, LP, a Virginia Limited Partnership.


Notary Public

My commission expires: 1-2-18
Notary registration no.: _____



Brian K. Yates
Notary Public, State of Ohio
My Commission Expires 01-02-18

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)
jmullen@rothdonerjackson.com

July 22, 2015

Ms. Lory Markham
City of Richmond Department of Community Development
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, Virginia 23219

Re: Special Use Permit Text Amendment: 3101 Kensington Avenue

Dear Lory:

This letter shall serve the Applicant's Report accompanying the application for a Special Use Permit Amendment (the "SUP amendment") for the property known as 3101 Kensington Avenue (the "Property") and located on the south side of Kensington Avenue between North Cleveland and North Belmont Streets. In 2001, ordinance number 2001-262-248 (the "Ordinance") authorized the adaptive reuse of the building on the Property as 40 multi-family dwelling units with accessory parking.

Consistent with the Ordinance and under the requirements of the federal and state rehabilitation tax credit programs, the Property was converted to multi-family dwelling units. A certificate of occupancy for 40 dwelling units was issued in November 2002 and the building has been continuously occupied as such since that time. Section 3(c) of the Ordinance requires that "within five (5) years of the issuance of a certificate of occupancy for the entire building, all of the dwelling units shall be converted to condominiums." The Property was subjected to the provisions Chapter 4.2 of Title 55 of the Code of Virginia of 1950, as amended (the "Condominium Act") pursuant to that certain Declaration for Lee School Lofts Condominium, recorded in the Clerk's Office, Circuit Court, City of Richmond, Virginia as Instrument #090003820 (the "Condominium"). No units in the Condominium were sold and the Condominium was subsequently terminated. The units remain as high quality as at the time of the Ordinance and the Applicant seeks to remove the restriction requiring the Property be subjected to the Condominium Act.

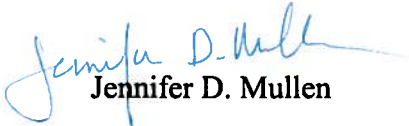
No other changes to the Ordinance are proposed other than the removal of the restriction requiring the dwellings be condominium units. The request would not impact the use of the Property in any way from a land use perspective as the dwelling could be occupied as rental units with or without the Condominium regime. However, the Condominium regime presents a number of adverse financial implications. The current use of the Property was found to be consistent with the Master Plan's specific recommendation of multi-family dwellings for the site. It allowed for the quality rehabilitation and preservation of the historic Lee Elementary School under Department of the Interior and State Department of Historic Resources guidelines. This

Ms. Lory Markham
July 22, 2015
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request would not alter the use of the Property or any of the operational characteristics. As such, this use continues to be appropriate for the Property and it meets the criteria set forth in the Charter of the City of Richmond that the use 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.

Thank you for your time and consideration of this request, please let me know if you have any questions.

Sincerely,


Jennifer D. Mullen

Enclosures

cc: The Honorable Jonathan T. Baliles
Andrew M. Condlin, Esq.