



Legislation Details (With Text)

File #: ORD. 2019-011 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 12/12/2018 **In control:** City Council

On agenda: 2/4/2019 **Final action:** 2/11/2019

Title: To amend and reordain Ord. No. 2001-262-248, adopted Sept. 10, 2001, as previously amended by Ord. No. 2015-250-244, adopted Dec. 14, 2015, which authorized the special use of the property known as 3101 Kensington Avenue for the conversion of the existing building for either 40 or 42 multifamily dwelling units and accessory parking, upon certain terms and conditions, to reflect the subdivision of the property into two parcels, now known as 3101 Kensington Avenue and 3131 Kensington Avenue, and to remove the condition that all dwelling units shall be converted to condominiums within five years of the issuance of the certificate of occupancy, to remove from the ordinance the provisions pertaining to 3131 Kensington Avenue, upon certain terms and conditions.

Sponsors: Mayor Stoney (By Request)

Indexes:

Code sections:

Attachments: 1. Ord. No. 2019-011, 2. Staff Report, 3. Application Form & Applicant's Report, 4. Map, 5. Survey, 6. Letters of Opposition, 7. Public Response Form

Date	Ver.	Action By	Action	Result
2/11/2019	1	City Council	adopted	Pass
2/4/2019	1	Planning Commission	recommended for approval	
1/14/2019	1	City Council	introduced and referred	

To amend and reordain Ord. No. 2001-262-248, adopted Sept. 10, 2001, as previously amended by Ord. No. 2015-250-244, adopted Dec. 14, 2015, which authorized the special use of the property known as 3101 Kensington Avenue for the conversion of the existing building for either 40 or 42 multifamily dwelling units and accessory parking, upon certain terms and conditions, to reflect the subdivision of the property into two parcels, now known as 3101 Kensington Avenue and 3131 Kensington Avenue, and to remove the condition that all dwelling units shall be converted to condominiums within five years of the issuance of the certificate of occupancy, to remove from the ordinance the provisions pertaining to 3131 Kensington Avenue, upon certain terms and conditions.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2001-262-248, adopted September 10, 2001, as previously amended by Ordinance No. 2015-250-244, adopted December 14, 2015, be and is hereby amended and reordained as follows:

§ 1. That the [~~properties~~] property known as 3101 Kensington Avenue [~~and 3131 Kensington Avenue~~], located on the block bounded by Cleveland Street, Kensington Avenue and Belmont Avenue and identified as

Tax Parcel [~~Nos.~~] No. W000-1411/023 [~~and W000-1411/024~~] in the [~~2015~~] 2019 records of the City Assessor, being more particularly [~~described as follows: beginning~~ at the point of intersection of the south right-of-way line of Kensington Avenue and the west right-of-way line of Belmont Avenue; thence extending in an southerly direction 179.83 feet along the west right-of-way line of Belmont Avenue to a point on the north right-of-way line of an east-west 20.00 foot wide public alley; thence extending in a westerly direction along said alley line 115.00 feet to a point along a property line; thence extending in a southerly direction 62.83 along the west right-of-way line of a north-south 10.00 wide public alley to a point on the north right-of-way line of east-west 10.00 foot public alley; thence extending 216.26 feet along said right-of-way line to a point on the east line of a north-south 10.00 foot wide public alley; thence extending in a northerly direction along the east right-of-way line of said alley to a point on the north right-of-way line of an east-west 20.00 foot wide public alley; thence extending in a westerly direction along the north right-of-way line of said alley to a point on the east right-of-way line of Cleveland Street; thence extending in a northerly direction 179.83 feet along said right-of-way to a point on the south right-of-way line of Kensington Avenue; thence extending in an easterly direction 391.44 foot along said right-of-way line to the point of *beginning*] shown on a survey entitled "Condominium Survey of Lee School Lofts, Situated at #1301 Kensington Avenue, City of Richmond, Virginia," prepared by Shadrach & Neal, Inc., and dated February 3, 2003, is hereby permitted to be used for the purpose of converting the existing building for either forty (40) multi-family dwelling units and accessory parking, substantially as shown on the site plan, the floor plans, and the elevation drawing entitled "Lofts at Lee School," prepared by Freeman Solt, PLLC, dated May 31, 2001, consisting of sheets SU-1 through SU-10, or forty-two (42) multi-family dwelling units and accessory parking, substantially as shown on the site plan entitled "Lofts at Lee School," prepared by Freeman Solt, PLLC, dated May 31, 2001, consisting of sheets SU-1 through SU-5; the floor plans entitled "Lofts at Lee School Alternated Floor Plans July 3, 2001," prepared by Freeman Solt, PLLC, dated May 31, 2001, consisting of sheets SU-6 through SU-9; and the elevation drawing entitled "Lofts at Lee School," prepared by Freeman Solt, PLLC, dated May 31, 2001, consisting of sheet SU-10, copies of which are

attached and made a part of Ordinance No. 2001-262-248, adopted September 10, 2001.

§ 2. That the adoption of this ordinance shall constitute the granting of a special use permit for the [~~properties~~] property, which shall be transferable from the owner of the [~~properties~~] 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 [~~properties~~] property a building permit in accordance with the above-referenced plans for such purposes, subject to the following terms and conditions:

(a) The owner of the [~~properties~~] property shall be bound by, shall observe, and shall comply with all other laws, ordinances, rules and regulations adopted pursuant thereto, applicable to the properties, except as otherwise provided in this ordinance; and

(b) That either forty (40) multi-family dwelling units and accessory parking, substantially as shown on the site plan, the floor plans, and the elevation drawing entitled “Lofts at Lee School,” prepared by Freeman Solt, PLLC, dated May 31, 2001, consisting of sheets SU-1 through SU-10, or forty-two (42) multi-family dwelling units and accessory parking, substantially as shown on the site plan entitled “Lofts at Lee School,” prepared by Freeman Solt, PLLC, dated May 31, 2001, consisting of sheets SU-1 through SU-5; the floor plans entitled “Lofts at Lee School Alternate Floor Plans July 3, 2001,” prepared by Freeman Solt, PLLC, dated May 31, 2001, consisting of sheets SU-6 through SU-9; and the elevation drawing entitled “Lofts at Lee School,” prepared by Freeman Solt, PLLC, dated May 31, 2001, consisting of sheet SU-10, shall be established on the [~~properties~~] property. In both instances, units with a minimum of 675 square feet shall be permitted within the existing building, with renovations and amenities substantially as depicted on the plans attached to Ordinance No. 2001-262-248, adopted September 10, 2001, including a building security system, HVAC, ceiling fans, dishwashers, and disposals in each unit. The existing auditorium space may be used for dwelling units or as common space for the exclusive use of the tenants; and

(c) That no fewer than sixty-three (63) parking spaces shall be provided. Parking spaces shall be paved with an all weather dust free surface, and parking spaces shall be delineated on the pavement surface. All driveway entrances shall be in accordance with the requirements of the Director of Public Works and shall be designed so as to permit continued access to the north-south 10.00 foot wide public alleys. The parking area shall be landscaped substantially as depicted on the plans attached to Ordinance No. 2001-262-248, adopted September 10, 2001. A final lighting plan, fencing plan and landscaping plan must be approved by the Director of Planning and Development Review prior to the issuance of a building permit; and

(d) The 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 as not to be visible from adjacent properties and public streets; and

(e) That final grading and drainage plans, if required, shall be approved by the Director of Planning and Development Review prior to the issuance of building permits; and

(f) 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 and building shall be provided and maintained at all times by the owner at its costs and expense so as not to adversely affect or damage adjacent property or public streets and the use thereof; and

(g) Signage shall be in accordance with the applicable underlying zoning regulations.

(h) That the property known as 3131 Kensington Avenue be removed from this ordinance and be subject to the regulations of the underlying zoning district.

§ 4. That 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)] (2015), as amended, and all future amendments to such laws. Failure to comply with the terms of this ordinance shall constitute a violation of section [~~114-1080~~] 30-1080 of the Code of the City of Richmond [(2004)] (2015), as amended, and all future amendments to such law, 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 [~~properties~~] property is abandoned for a period of twenty-four (24) consecutive months, use of the [~~properties~~] property shall be governed thereafter by the zoning regulations prescribed for the district in which the [~~properties are~~] property is then situated.

§ 6. This ordinance shall be in force and effect upon adoption.

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

O & R Request

DATE: December 19, 2018

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer

THROUGH: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic Development and Planning

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

RE: To amend and reordain Ord. No. 2015-250-244 adopted, December 14, 2015, which authorized the special use of the property known as 3101 Kensington Avenue for the conversion of the existing building for either 40 or 42 multifamily dwelling units and accessory parking, upon certain terms and conditions, to reflect the subdivision of the property into two parcels, now known as 3101 Kensington Avenue and 3131 Kensington Avenue, and to remove the condition that all dwelling units shall be converted to condominiums within five years of the issuance of the certificate of occupancy, and to remove the property now known as 3131 Kensington Avenue from this ordinance.

ORD. OR RES. No.

PURPOSE: To amend and reordain Ord. No. 2015-250-244 adopted, December 14, 2015, which authorized the special use of the property known as 3101 Kensington Avenue for the conversion of the existing building for either 40 or 42 multifamily dwelling units and accessory parking, upon certain terms and conditions, to reflect the subdivision of the property into two parcels, now known as 3101 Kensington Avenue and 3131 Kensington Avenue, and to remove the condition that all dwelling units shall be converted to condominiums within five years of the issuance of the certificate of occupancy, and to remove the property now known as 3131 Kensington Avenue from this ordinance.

REASON: The existing Special Use Permit originally included 3131 Kensington Avenue, parcel no. W0001411024. The application wishes to remove this parcel from the regulations attached to ordinance no. 2015-250-244, in order to develop the property under the current R-6 Residential zoning designation.

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 February 4, 2019 meeting.

BACKGROUND: The subject property consists of a 11,979 SF, or .28 acre unimproved parcel of land, and is a part of the Museum District neighborhood in the Near West Planning District.

The City of Richmond's current Master Plan designates the subject property for Single Family Medium Density. Primary uses are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-5A, R-6 and R-7. (City of Richmond, Master Plan, p. 133)

The current zoning for this property is R-6 Residential (Single Family Attached) as are much of the adjacent and nearby properties.

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: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: January 14, 2019

CITY COUNCIL PUBLIC HEARING DATE: February 11, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, February 4, 2019.

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 ORD. OR RES.: Amend Ordinance No. 2015-250-244

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

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

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: