



Legislation Details (With Text)

File #: ORD. 2021-133 **Version:** 2 **Name:**

Type: Ordinance **Status:** Adopted

File created: 4/9/2021 **In control:** City Council

On agenda: 6/7/2021 **Final action:** 6/14/2021

Title: To authorize the special use of the properties known as 1705 Chamberlayne Parkway, 1705 ½ Chamberlayne Parkway, 1707 Chamberlayne Parkway, 1716 Roane Street, 1718 Roane Street, 710 West Fells Street, and 712 West Fells Street for the purpose of a multifamily dwelling, upon certain terms and conditions. (3rd District)

Sponsors: Mayor Stoney (By Request)

Indexes:

Code sections:

Attachments: 1. Ord. No. 2021-133, 2. Staff Report, 3. Application Form and Applicant's Report, 4. Plans, 5. Survey, 6. Map, 7. Letter of Concern - Chamberlayne Industrial Center Assoc

Date	Ver.	Action By	Action	Result
6/14/2021	2	City Council	adopted	Pass
6/7/2021	2	Planning Commission		
5/10/2021	2	City Council	introduced and referred	

To authorize the special use of the properties known as 1705 Chamberlayne Parkway, 1705 ½ Chamberlayne Parkway, 1707 Chamberlayne Parkway, 1716 Roane Street, 1718 Roane Street, 710 West Fells Street, and 712 West Fells Street for the purpose of a multifamily dwelling, upon certain terms and conditions. (3rd District)

WHEREAS, the owner of the properties known as 1705 Chamberlayne Parkway, 1705 ½ Chamberlayne Parkway, 1707 Chamberlayne Parkway, 1716 Roane Street, 1718 Roane Street, 710 West Fells Street, and 712 West Fells Street, which are situated in a B-6 Mixed-Use Business District, desires to use such properties for the purpose of a multifamily dwelling, which use, among other things, is not currently allowed by section 30-710.1(6) of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies,

sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance 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 overcrowding of land and cause 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.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the properties known as 1705 Chamberlayne Parkway, 1705 ½ Chamberlayne Parkway, 1707 Chamberlayne Parkway, 1716 Roane Street, 1718 Roane Street, 710 West Fells Street, and 712 West Fells Street, and identified as Tax Parcel Nos. N000-0441/010, N000-0441/014, N000-0441/006, N000-0441/005, N000-0441/004, N000-0441/008, and N000-0441/009, respectively, in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “School Street Apartments, Plan of Development, Existing Conditions,” prepared by Balzer & Associates, and dated January 29, 2019, a copy of which is attached to a made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a multifamily dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “School Street Apartments, Plan of Development, Layout Plan,” prepared by Balzer & Associates, and

dated January 29, 2019, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

- (a) The Special Use of the Property shall be as a multifamily dwelling, substantially as shown on the Plans.
- (b) Once 90 percent of the multifamily dwelling units are occupied by persons 55 years or more of age, off-street parking spaces shall be provided for the Property at a ratio of one parking space per two dwelling units.
- (c) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

- (a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.
- (b) 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 any other property or public streets and the use thereof.
- (c) 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.
- (d) Any encroachments existing, proposed on the Plans 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 (2020), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) 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 Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (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 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this 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.

§ 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of zoning compliance

for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

O & R Request

DATE: April 12, 2021 **EDITION:** 1

TO: The Honorable Members of City Council

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

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

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

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

RE: To authorize the special use of the property known as 1707 Chamberlayne Parkway, 1705 1/2 Chamberlayne Parkway, 1705 Chamberlayne Parkway, 710 West Fells Street, 712 West Fells Street, 1716 Roane Street, and 1718 Roane Street, for the purpose of a multi-family dwelling, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1707 Chamberlayne Parkway, 1705 1/2 Chamberlayne Parkway, 1705 Chamberlayne Parkway, 710 West Fells Street, 712 West Fells Street, 1716 Roane Street, and 1718 Roane Street, for the purpose of a multi-family dwelling, upon certain terms and conditions.

REASON: The subject property is located in the B-6 Mixed-Use Business District. A multi-family housing project for persons 55 years of age and older is currently under construction and is a permitted use. Parking is required for this use at a ratio of one parking space per dwelling unit. The applicant proposes the provision of parking at a ratio of one space per two dwelling units as allowed in the zoning ordinance for multi-family housing restricted to those 60 years of age or older. Therefore a special use permit amendment is required

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 7, 2021 meeting.

BACKGROUND: The subject property is a combination of seven parcels and totals 1.62 acres. A plan of

development for the construction of age restricted multi-family housing was approved by the Director of Planning and Development Review on August 26, 2019. The approved Plan of Development authorized 152 dwelling units and the provision of 76 parking spaces. This ratio of one parking space per two dwelling units is permitted by the zoning ordinance for multi-family dwellings “where at least 90 percent of units are occupied by persons 60 years or more of age.” The proposed site plans shows 62 parking space are provided on site. Fourteen parking spaces are provided off-site as authorized by the approved Plan of Development.

The parking requirement for multi-family housing for persons 60 years or older is one parking space per two dwelling units provided that at least 90% of the occupants are age 60 or older. The applicant proposes to provide parking at this ratio without maintaining the minimum of 90% age 60 or greater population. The minimum age of tenants shall be 55 years of age.

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: May 10, 2021

CITY COUNCIL PUBLIC HEARING DATE: June 14, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, June 7, 2021.

AFFECTED AGENCIES: Office of Chief Administration Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036

Key Issues:
Retain on Consent Agenda
Move to Regular Agenda

Refer Back to Committee
Remove from Council Agenda
Strike Withdrawn Continue to: