



## Legislation Text

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**File #:** ORD. 2015-250-244, **Version:** 1

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To amend and reordain Ord. No. 2001-262-248, adopted Sep. 10, 2001, 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.

### O & R Request

**DATE:** August 19, 2015 **EDITION:** 1

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

**THROUGH:** Dwight C. Jones, Mayor

**THROUGH:** Selena Cuffee-Glenn, Chief Administrative Officer

**THROUGH:** Peter L. Downey, Jr., Interim Deputy Chief Administrative Officer for Economic Development and Planning

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

**RE:** To amend and reordain Ord. No. 2001-262-248, adopted Sep. 10, 2001, which authorized the special use of the properties known as 3101 Kensington Avenue and 3131 Kensington Avenue, for the conversion of the existing building for either 40 or 42 multi-family dwelling units and accessory parking, to authorize the multi-family dwelling units to remain as rental units, upon certain terms and conditions.

### **ORD. OR RES. No.**

**PURPOSE:** To amend and reordain Ord. No. 2001-262-248, adopted Sep. 10, 2001, which authorized the special use of the properties known as 3101 Kensington Avenue and 3131 Kensington Avenue, for the conversion of the existing building for either 40 or 42 multi-family dwelling units and accessory parking, to authorize the multi-family dwelling units to remain as rental units, upon certain terms and conditions.

**REASON:** A condition of Ord. No. 2001-262-248 currently states that within five years of the issuance of a certificate of occupancy for the entire building, all of the dwelling units shall be

converted to condominiums. The five-year time period has expired since the certificate of occupancy was issued and

the applicant has requested that the requirement to convert the rental units to condominium units be removed.

**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 October 5, 2015, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** An application has been received for an amendment to the existing special use permit for an existing multi-family structure that would remove the requirement that "within five years of the issuance of a certificate of occupancy for the entire building, all of the dwelling units shall be converted to condominiums".

The subject property consists of a 0.275 acre (11,979 sq. ft.) parcel of unimproved land (3131 Kensington Avenue) and a 1.652 acre (71,961 sq. ft.) parcel (3101 Kensington Avenue) improved with a former school constructed, per tax assessment records, in 1917 and converted to a 40-unit multi-family structure after approval of the 2001 special use permit. The property is located at the intersection of Kensington Avenue, N. Belmont Avenue, and N. Cleveland Street, in The Museum District neighborhood of the Near West planning district.

Currently, the subject property is zoned in the R-6 Single-Family Attached Residential District, which does not allow multi-family use, and is located within the West of the Boulevard overlay district. The property is subject to the above referenced special use permit (Ordinance No. 2001-262-248) which authorized multi-family use of the property.

The City of Richmond's Master Plan recommends Single-family (Medium Density) land use for the property. The Master Plan defines the primary uses for this category as single-family and two-family detached and attached dwellings at densities of 8 to 20 units per acre, and includes residential support uses such as schools, places of worship, and neighborhood parks, among others (p. 133).

All surrounding properties are located within the same R-6 zoning district as the subject property, with the exception of a B-1 parcel across Kensington Avenue from the subject property. A mix of single-, two-, and multi-family residential land uses are present in the area, with some commercial, mixed-use, and institutional land uses present as well.

**FISCAL IMPACT / COST:** The Department 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:** \$1,800.00

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** September 14, 2015

**CITY COUNCIL PUBLIC HEARING DATE:** October 12, 2015

**REQUESTED AGENDA:** Consent.

**RECOMMENDED COUNCIL COMMITTEE:** None.

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, October 5, 2015

**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 and reordain Ord. No. 2001-262-248, adopted September 10, 2001

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

**ATTACHMENTS:** Draft Ordinance, Application Form, Applicant's Report

**STAFF:** Matthew J. Ebinger, AICP, Senior Planner  
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*PDR O&R No. 15-28*