



Legislation Text

File #: ORD. 2022-160, **Version:** 1

To amend and reordain Ord. No. 88-249-225, adopted Oct. 10, 1988, as previously amended by Ord. No. 91-283-92-1, adopted Jan. 13, 1992, and Ord. No. 2014-193-175, adopted Oct. 13, 2014, which authorized the special use of the property known as Highland Park School, containing 2.61 acres, more or less, located on the southwest corner of Brookland Park Boulevard and Second Avenue, for an apartment building for the elderly (persons 60 years of age and older), for the purpose of reducing the residency age requirement for at least 80 percent of the occupied units to persons 55 years of age and older, to authorize additional on-site parking, upon certain terms and conditions. (6th District)

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 88-249-225, adopted October 10, 1988, as previously amended by Ordinance No. 91-283-92-1, adopted January 13, 1992, and Ordinance No. 2014-193-175, adopted October 13, 2014, is hereby amended and reordained as follows:

§ 1. That the property known as Highland Park School, containing 2.61 acres, more or less, located on the southwest corner of Brookland Park Boulevard and Second Avenue, being more completely described as follows: beginning at the point of intersection of the south right of way line of Brookland Park Boulevard and the west right of way line of Second Avenue; thence extending S 31° 46' 44" W, 468.35 feet to a point; thence extending N 75° 46' 07" W, 189.29 feet to a point; thence extending N 15° 16' 21" E, 188.25 feet to a point; thence extending N 75° 32' 12" W, 25.00 feet to a point; thence extending N 15° 16' 21" E, 218.51 feet to a point; thence extending S 82° 17' 08" E 350.40 feet to the point of beginning, is hereby permitted to be used for an apartment building where at least ~~[eighty (80)]~~ 80 percent of the occupied units are for persons 55 years of age and older, together with accessory off-street parking, substantially in accordance with the site plan, floor plans and elevation drawings, entitled: "Brookland Park Plaza", prepared by Interplan, dated August 29, 1988, consisting of Sheets C-3, A-7, A-8, A-10, A-11, A-14, A-19, A-20 and A-21; and ~~[as shown on]~~ also of Sheet C

-4, dated November 15, 1991 and revised November 15, 1991, which plans are made a part of Ordinance No. 91-283-92-1, adopted January 13, 1992, as modified by the plans entitled “Highland Park Senior Apartments, 1221 E. Brookland Park Boulevard, Richmond, Virginia,” prepared by Timmons Group, and dated April 11, 2022, hereinafter referred to, collectively, as “the Plans,” copies of which are attached to and made a part of this amendatory ordinance.

§ 2. That the Commissioner of Buildings is hereby authorized to issue to the owner of the property a building permit for the conversion of an adaption of the building and improvements comprising Highland Park School and presently located on the property in accordance with [~~such plans~~] the Plans, and to permit the occupancy of the property for such purposes. The special use permit shall run with the land, subject to the following terms and conditions:

(a) A fire lane, paved with an all-weather, dust-free surface, shall be provided substantially as shown on the site plan attached to Ordinance No. 91-283-92-1, adopted January 13, 1992.

(b) That the owner shall be bound by, observe and shall comply with all other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and building; except as otherwise provided in this ordinance;

(c) That [~~eighteen (18)~~] 18 parking spaces shall be provided substantially as shown on the plans attached to Ordinance No. 91-283-92-1, adopted January 13, 1992, and no fewer than 24 parking spaces shall be provided, substantially as shown on the plans entitled “Highland Park Senior Apartments, 1221 E. Brookland Park Boulevard, Richmond, Virginia,” prepared by Timmons Group, and dated April 11, 2022, copies of which are attached to and made a part of this amendatory ordinance;

(d) That driveways from the street shall be one-way and shall be constructed in accordance with the City Driveway Policy standards. The width of drives shall not be less than [~~eighteen (18)~~] 18 feet;

(e) The parking area, as shown on the plans attached to Ordinance No. 91-283-92-1, adopted January 13, 1992, and its access aisles shall be paved with a dust free, all weather surface and parking spaces

shall be delineated on the pavement surface. ~~[The]~~ Such parking area shall be screened from view from adjacent properties and public streets by evergreen vegetative material not less than four and one-half feet in height substantially as shown on the plans attached to Ordinance No. 91-283-92-1, adopted January 13, 1992.

(e-1) Landscaping shall be provided substantially as shown on Sheet C-4 of the ~~[referenced plans]~~ Plans, dated November 15, 1991, and revised November 15, 1991, and shall be subject to the approval of a detailed final plan by the Director of Planning and Development review prior to issuance of any certificate of occupancy.

(f) That at least ~~[eighty (80)]~~ 80 percent of the ~~[seventy-seven (77)]~~ 77 apartment units shall be occupied by at least one person who is ~~[fifty-five (55)]~~ 55 years of age or older;

(g) That facilities for the collection of refuse shall be provided in accordance with the requirements of the Department of Public Works. Such facilities shall be located or screened as not to be visible from adjacent properties and public streets:

(h) Final grading and drainage plans shall be approved by the Director of Public Utilities prior to the issuance of building permits;

(i) 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 or building shall be provided at the owner's cost and expense so as not to adversely affect or damage adjacent properties or public streets and the use thereof;

(j) Identification of the property shall be limited to one ~~[(1)]~~, ~~[twelve (12)]~~ 12 square foot freestanding sign and one ~~[(1)]~~, ~~[six (6)]~~ square foot sign attached flat against the building. The existing “Highland Park School” sign on the building may be retained. The freestanding sign shall not be located within five ~~[(5)]~~ feet of the street line and shall not be greater than five ~~[(5)]~~ feet in height;

(k) Outdoor lighting of the property shall be directed or shielded so as not to shine directly on adjacent residential properties;

(l) The petitioner shall have ~~[twelve (12)]~~ 12 months from the adoption of this ordinance to apply

for Certificate of Zoning Compliance. Should a Certificate of Zoning Compliance not be applied for within [~~twelve (12)~~] 12 months of the adoption date of this amendatory ordinance, the privileges granted by this ordinance shall terminate;

(m) 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)~~] (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 [~~114-1080~~] 30-1080 of the Code of the City of Richmond [~~(2004)~~] (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations[~~;~~]; and

(n) [~~That when~~] When the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the premises is abandoned for a period of [~~twenty-four (24)~~] 24 consecutive months, whether as a result of the owner relinquishing the 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[~~;~~ and].

[~~§ 3. Ordinance No. 88-249-225, adopted October 10, 1988, as amended by Ordinance No. 91-283-92-1, adopted January 13, 1992, shall remain in force and effect except as modified herein, and 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: April 12, 2022

EDITION: 1

TO: The Honorable Members of City Council

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

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

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

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

RE: To amend and reordain Ord. No. 2014-193-175 adopted, October 13, 2014 as previously amended by Ord. No. 91-283-92-1, adopted Jan. 13, 1992, which authorized the special use of the property known as Highland Park School, containing 2.61 acres, more or less, located on the southwest corner of Brookland Park Boulevard and Second Avenue, for an apartment building for the elderly (persons 60 years of age and older), and reducing the residency age requirement for at least 80 percent of the occupied units to persons 55 years of age and older, and for the purpose of authorizing additional on-site parking.

ORD. OR RES. No.

PURPOSE: To amend and reordain Ord. No. 2014-193-175 adopted, October 13, 2014 as previously amended by Ord. No. 91-283-92-1, adopted Jan. 13, 1992, which authorized the special use of the property known as Highland Park School, containing 2.61 acres, more or less, located on the southwest corner of Brookland Park Boulevard and Second Avenue, for an apartment building for the elderly (persons 60 years of age and older), and reducing the residency age requirement for at least 80 percent of the occupied units to persons 55 years of age and older, for the purpose of adding a parking and access easement for use by future residents of 1203 East Brookland Park Boulevard.

REASON: The applicant is requesting a Special Use Permit amendment which would allow for the addition of a parking area and access easement for on-site parking spaces on the subject property that would be utilized by the residents of a mixed-use development proposed on the adjacent property at 1203 East Brookland Park Boulevard.

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 6, 2022, meeting.

BACKGROUND: The property is located in the Green Park neighborhood at the corner of Brookland Park Boulevard and 2nd Avenue. The property is a 113,860 sq. ft. (2.6 acre) parcel of land. The application is for a parking and access easement to include 24 off-street parking spaces. The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential. Residential areas are defined as "Neighborhood(s) consisting primarily of single family houses on large or medium sized lots more homogeneous in nature."

Intensity: Buildings are generally one to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft. Residential density of 2 to 10 housing units per acre.

Primary Uses: Single family houses, accessory dwelling units, and open space.

Secondary Uses: Duplexes and small multi-family buildings (typically 3 to 10 units), institutional, and cultural. Secondary uses may be found along major streets. (p. 54)

The current zoning for this property is UB2 PE8 Urban Business, Parking Exempt, Zoning District. Adjacent properties to the east and north are located within the same UB2 PE8 Zone. Properties to the west and south are zoned R 5 Single Family Residential.

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: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 9, 2022

CITY COUNCIL PUBLIC HEARING DATE: June 13, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission June 6, 2022

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

RELATIONSHIP TO EXISTING ORD. OR RES.: Amendment to Ord. No. 2014-193-175
Companion Paper to Ord. No. 2022-094

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Amended Ordinance, Application Form, Applicant's Report, Plans, 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: