

INTRODUCED: July 22, 2019

AN ORDINANCE No. 2019-207

To authorize the special use of the property known as 1006 West Franklin Street for the purpose of a multifamily dwelling containing up to four dwelling units, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: SEP 9 2019      AT 6 P.M.

WHEREAS, the owner of the property known as 1006 West Franklin Street, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a multifamily dwelling containing up to four dwelling units, which use, among other things, is not currently allowed by section 30-412.1 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), 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

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:    SEP 9 2019    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

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 (2015), 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 property known as 1006 West Franklin Street and identified as Tax Parcel No. W000-0470/022 in the 2019 records of the City Assessor, being more particularly described on a survey entitled “Survey of Lot and Improvements Located Thereon Located at #1006 W. Franklin Street, Richmond City, Virginia,” prepared by A.G. Harocopos & Associates, P.C., and dated January 24, 2017, a copy of which is attached to and 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 containing up to four dwelling units, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “1006 W. Franklin Street - Special Use Permit,” prepared by Johannas Design Group, and dated April 17, 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) That the Special Use of the Property shall be as a multifamily dwelling containing up to four dwelling units, substantially as shown the Plans.

(b) Two off-street parking spaces shall be provided on the Property, substantially as shown on the Plans.

(c) Storage for a minimum of four bicycles shall be provided on the Property, substantially as shown on the Plans.

(d) The height of the Special Use shall not exceed the height as shown on the Plans.

(e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(f) All building materials and elevations shall be substantially as shown on the Plans, unless otherwise required by the Commission of Architectural Review pursuant to applicable law.

§ 4. **Supplemental Terms and Conditions.** This special use permit 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 (2015), 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 (2015), 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 (2015), 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 (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

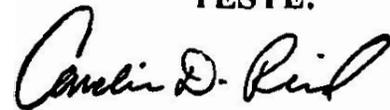
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, 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.

**A TRUE COPY:**

**TESTE:**

A handwritten signature in black ink, appearing to read "Camelin D. Reed".

**City Clerk**

# City of Richmond

900 East Broad Street  
2nd Floor of City Hall  
Richmond, VA 23219  
www.richmondgov.com

**Item Request**  
**File Number: PRE.2019.174**

**O & R REQUEST**

4-8935

JUN 26 2019

Office of the  
Chief Administrative Officer

## O & R Request

**RECEIVED**

EDITION:1

JUL 15 2019

**DATE:** June 25, 2019

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

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

OFFICE OF THE CITY ATTORNEY

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

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

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

**RE:** To authorize the use of the property known as 1006 West Franklin Street, for the purpose of a multi-family dwelling containing up to four dwelling units, upon certain terms and conditions.

**ORD. OR RES. No.** \_\_\_\_\_

**PURPOSE:** To authorize the use of the property known as 1006 West Franklin Street, for the purpose of a multi-family dwelling containing up to four dwelling units, upon certain terms and conditions.

**REASON:** The Special Use Permit would allow a multi-family use, which is not permitted within the underlying R-6 Single-Family Attached Residential District. The application calls for the rehabilitation of an historic building to contain four dwelling units.

**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 September 3, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** As a part of the West Franklin Street City Old and Historic District, the subject property consists of a 4,210 SF (.10 acre) parcel of land improved with a three-story, vacant building. The property was part of the City's spot blight program and was sold at auction in 2015. The property is located in the Fan

neighborhood, near the Monroe Park campus of VCU and the Near West Planning District, on West Franklin Street between North Harrison Street and Ryland Street.

The City's Master Plan recommends Single-Family (Medium-Density) land use for the subject property. 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.

Currently, adjacent properties on this block of West Franklin Street are a combination of private institutional and multi-family residential uses with the above land use designation. Adjacent and nearby properties are the same R-6 Single Family Attached Residential zone and are a part of the VCU Neighborhood.

**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:** July 22, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** September 9, 2019

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
September 3, 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.:** None

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

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

**STAFF:** Jonathan Brown, Senior Planner, Land Use Administration 804-646-5734





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  
<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**

Property Address: 1006 West Franklin Street Date: 10/12/2018  
 Tax Map #: W0000470022 Fee: \$1800  
 Total area of affected site in acres: 0.097

(See **page 6** for fee schedule, please make check payable to the "City of Richmond")

**Zoning**

Current Zoning: R-6

Existing Use: multi-family, unoccupied

**Proposed Use**

(Please include a detailed description of the proposed use in the required applicant's report)  
existing multi-family renovation

Existing Use: multi-family, unoccupied

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** David Johannas

Company: Johannas Design Group

Mailing Address: 1901 West Cary Street

City: Richmond State: VA Zip Code: 23220

Telephone: (804) 358-4993 Fax: ( )

Email: dave@johannasdesign.com

**Property Owner:** Ronald Nixon

If Business Entity, name and title of authorized signee: \_\_\_\_\_

(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: 926 West Franklin Street

City: Richmond State: VA Zip Code: 23220

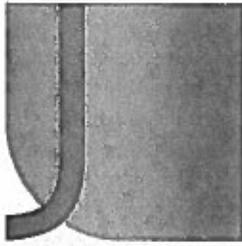
Telephone: (804) 721-5611 Fax: ( )

Email: nixonron@icloud.com

**Property Owner 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)



**JOHANNAS**  
design group

Special Use Permit Applicant's Report  
10/10/2018

1006 West Franklin Street

1006 West Franklin Street is a c.1900 3-story Georgian Revival townhouse with pressed brick walls, coursed ashlar base, and Sullivan-esque detailing. Ron Nixon recently purchased the derelict 4-unit apartment building from the City of Richmond. A permit for Stabilization and Light Demolition has been filed with the City.

Ron Nixon also owns the immediately adjacent parking lot and mansion at 1000-1002 West Franklin Street. The properties are being developed with a shared master site plan, and the adjacent property has a separate Special Use Permit Application. Both properties are in the West Franklin Street National Historic District, and the City of Richmond West Franklin Street Old & Historic District.

The renovation of 1006 is an historic rehabilitation tax credit project with a Part 1 Application approval. The Department of Historic Resources and the National Park Service will be reviewing the project. As such, responses to our application may require some variations in the plans, and elevation of the addition.

The owner is applying for this special use to convert the existing 1006 West Franklin Street building into a multi-family building, within the current R-6 Zoning. The R-6 Zoning has been intact for several decades, but is outdated and misrepresents the use of every structure on the north side of the 1000 block of West Franklin St.

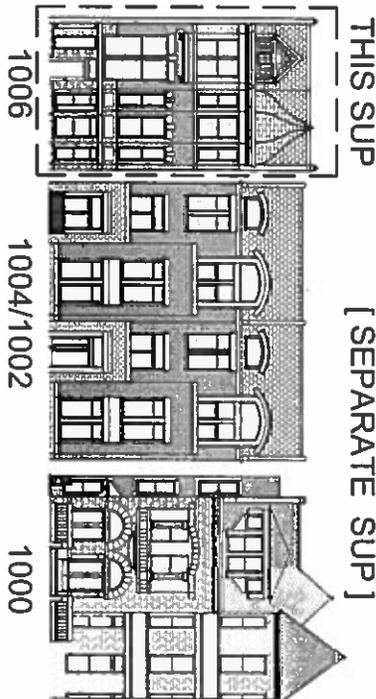
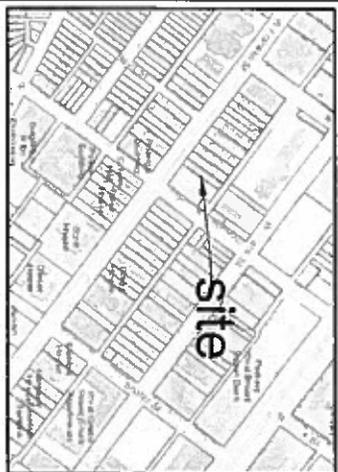
The Downtown Master Plan shows that the property is directly across the street from an Urban Center Area which "is characterized by higher density, mixed-use development". The city bicycle master plan notes West Franklin Street as an existing shared lane bike route. This area is also in one of the two highest locations for employment density in the city, and is immediately adjacent to one of the highest commercial/ civic/recreation play districts in the city. The properties directly across the alley to the north are zoned B-4, central business district.

This location has a notable walk score of 97, is one block from the VCU Siegel Center/ Broad Street parking garage, and in the immediate vicinity of the new BRT VCU station. There is a zip car pick up located at Marshall Street and Harrison Street and access to Lyft and Uber is typically less than five minutes. The RamRide Shuttle service can be accessed two blocks away.

The proposed special use will not be detrimental to the safety, health, morals, and general welfare of the community involved. The proposed special use will not tend to create congestion in the streets, roads, alleys and other public ways and places in the area involved. This location is surrounded by university related facilities and services. There are 24,000 undergraduates at VCU with more than 5,000 living on campus. Access to multi-modal transportation is exceptional. The proposed special use will not create hazards from fire, panic or other dangers. The rehabilitation will be in compliance with all applicable building codes.

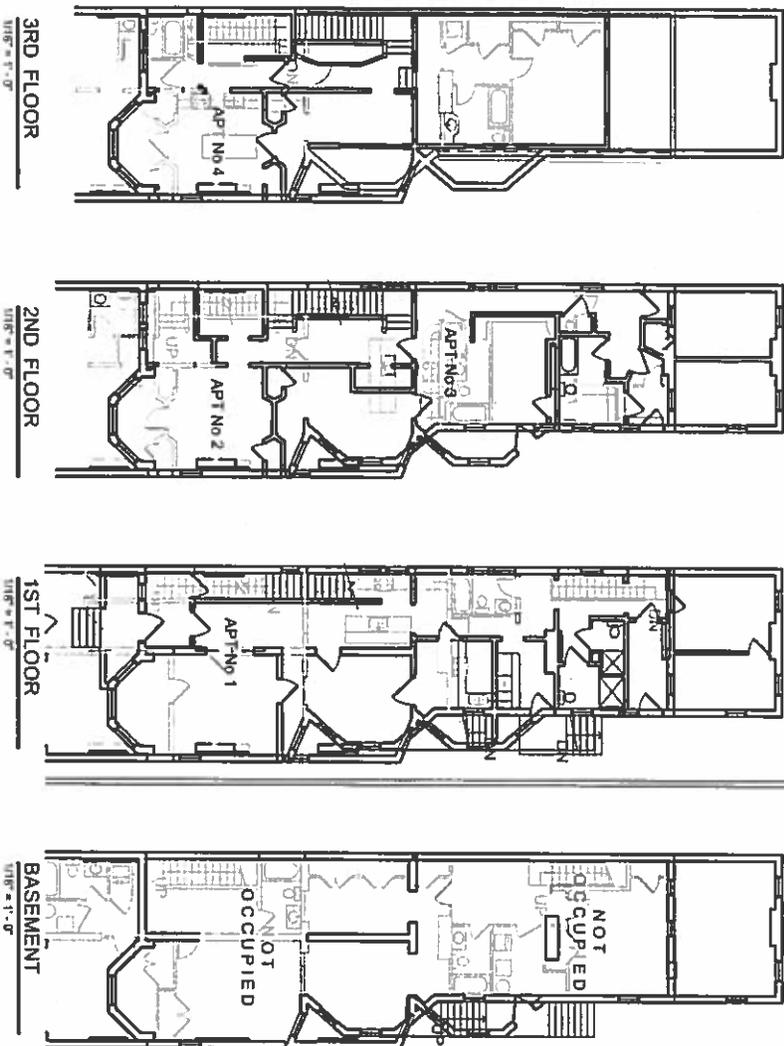
The proposed special use will not tend to cause overcrowding of land and an undue concentration of population. The location is adjacent to the area noted in the downtown plan and is immediately adjacent to B-4 central city zoning. The additional housing is in keeping with this block and the adjacent surroundings and will not overcrowd this area. fere with the ava

The proposed special use will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or otherwise public requirements, conveniences and improvements. The proposed project will not require a significant increase of services to the property. The proposed special use will not interfere with adequate light or air.



[ SEPARATE SUP ]

EXISTING FLOOR PLANS



**SPECIAL USE PERMIT for  
1006 W FRANKLIN STREET**

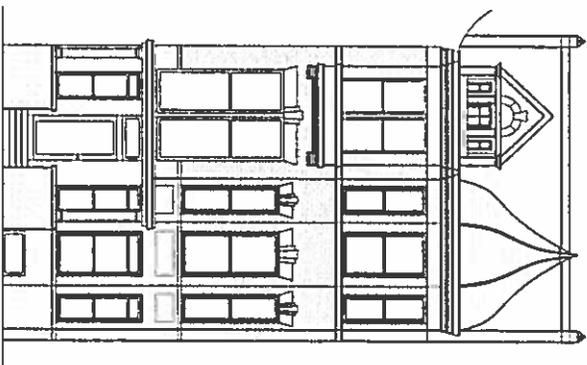
SCOPE: Renovation of Existing Georgian Revival  
Townhouse; and Addition of 670 SF at the Existing  
Third Floor.

SITE AREA: 4,209.7 SF  
Existing Building Footprint: 1,899 sf (no change)  
Current Zoning: R-6

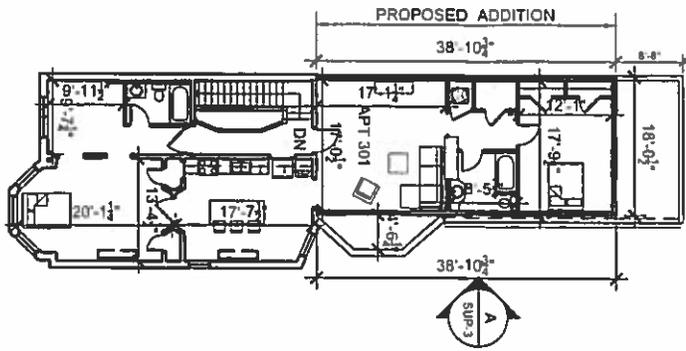
THIS PROJECT IS COORDINATED WITH  
1000-1004 W FRANKLIN & SITE PLAN IS SHARED

**DRAWING LIST**

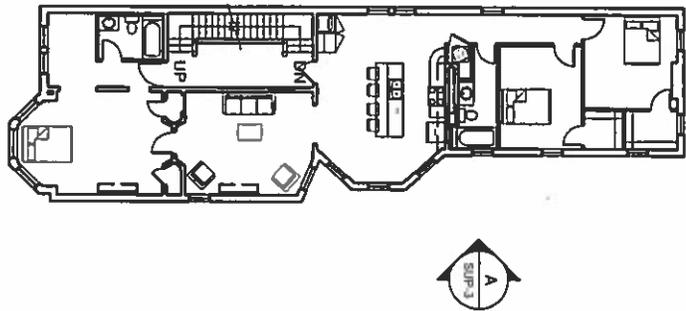
- SUP-1 PROJECT INFO & EXISTING PLANS
- Z001 PROPOSED SITE PLAN
- SUP-2 PROPOSED PLANS
- SUP-3 ELEVATIONS
- SUP-4 SIGHTLINES



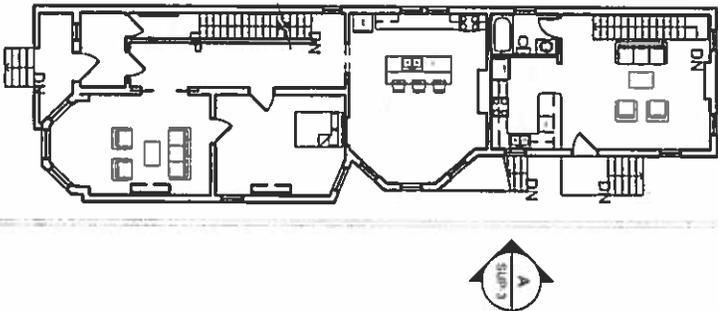
3RD FLOOR  
 1/8" = 1'-0"



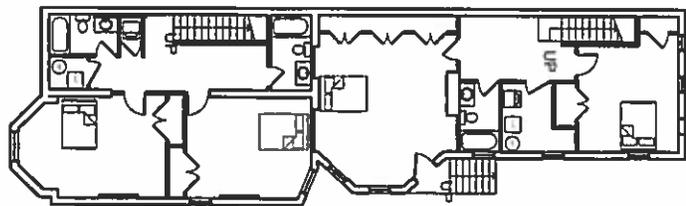
2ND FLOOR  
 1/8" = 1'-0"



1ST FLOOR  
 1/8" = 1'-0"

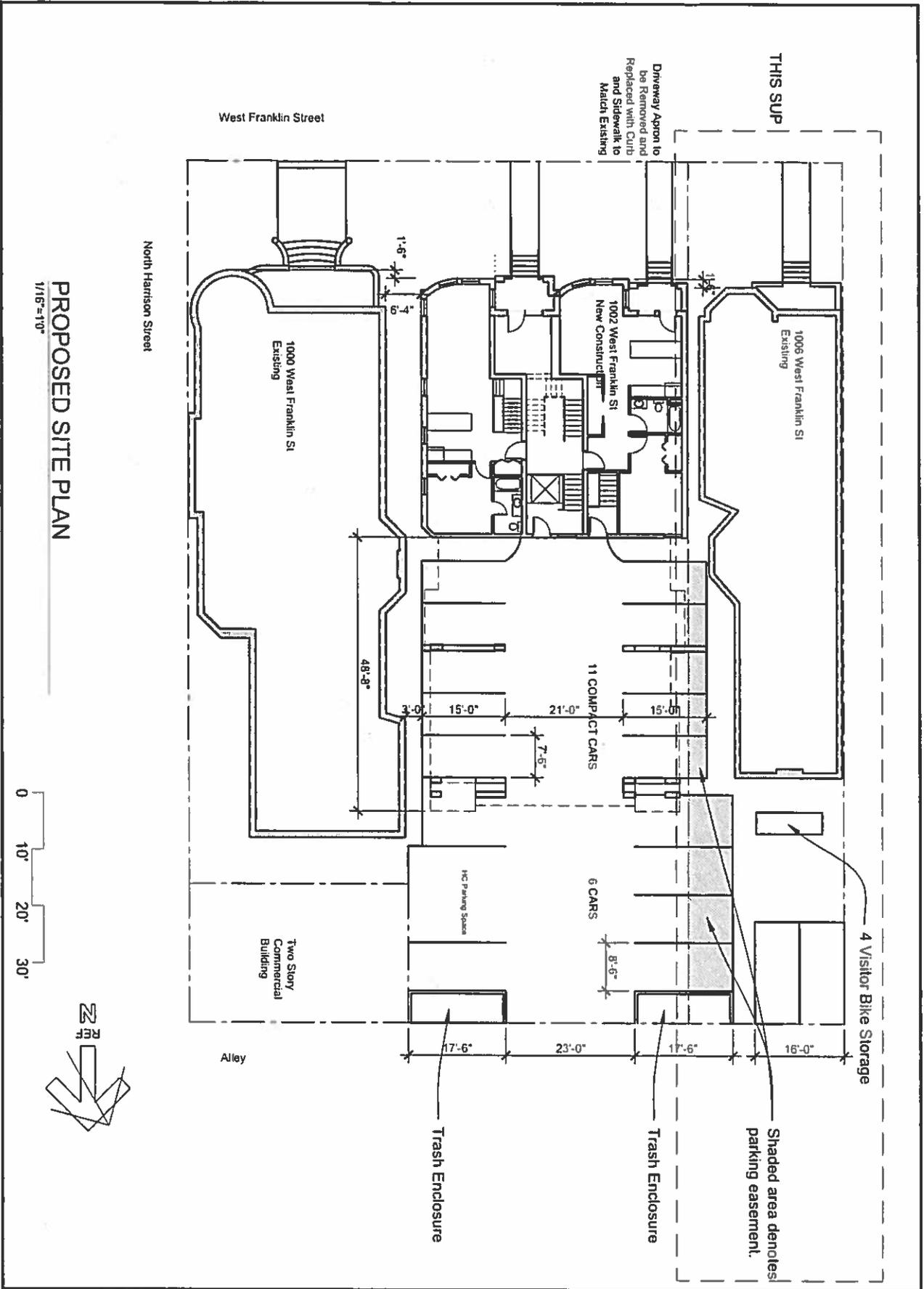


BASEMENT  
 1/8" = 1'-0"



- PROPOSED  
 BREAKDOWN OF APTS**
- APT 101 - 1863 SF 3 BEDROOM
  - APT 102 - 1343 SF 2 BEDROOM
  - APT 201 - 1496 SF 3 BEDROOM
  - APT 301 - 1336 SF 2 BEDROOM

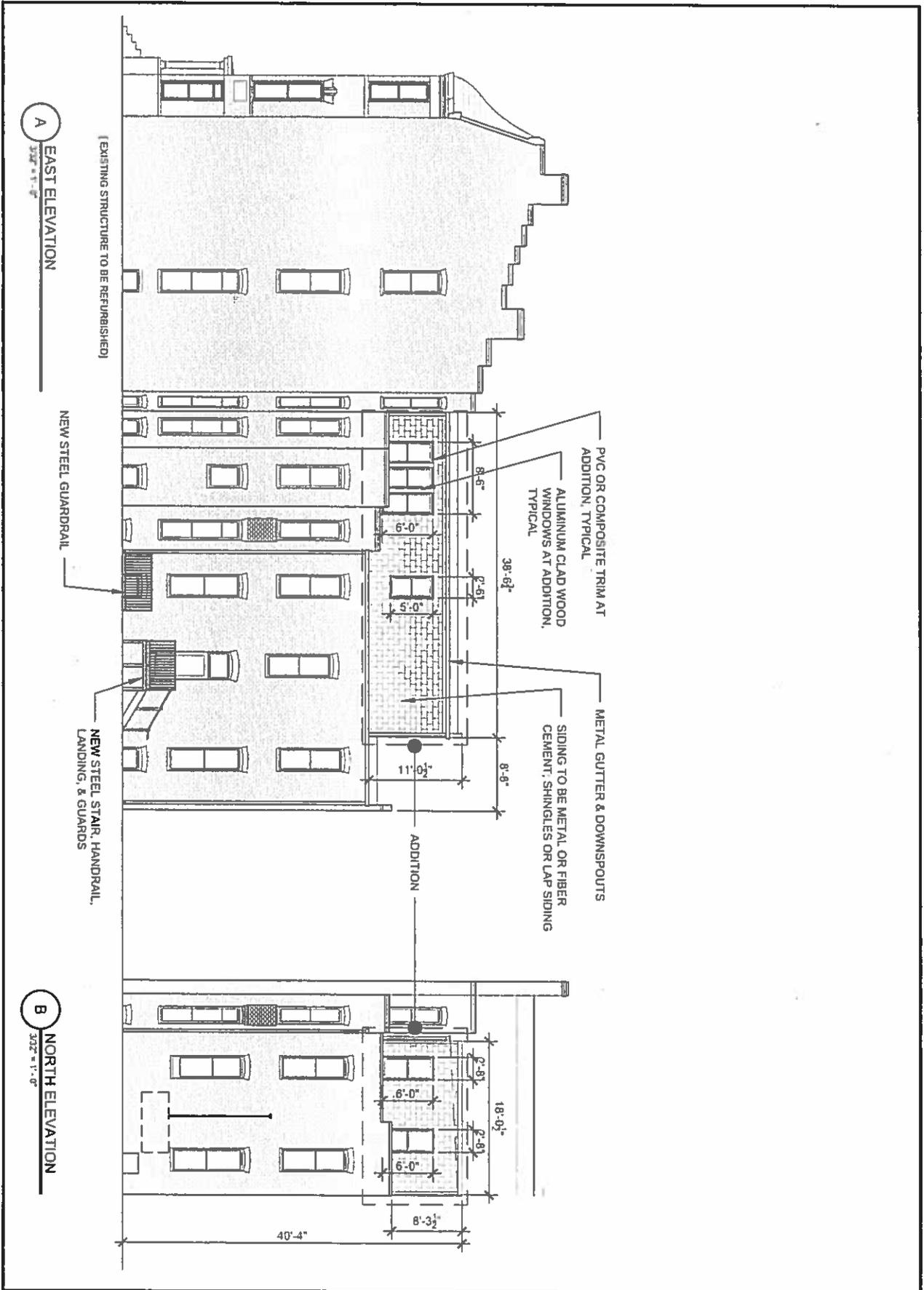
DATE 04/17/2019 PROJECT NO. 1708 TYPED BY <b>SUP-2</b>	<b>1006 W. FRANKLIN STREET - SPECIAL USE PERMIT</b> PROPOSED PLANS	REVISIONS
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**PROPOSED SITE PLAN**  
1/16"=1'0"



SHEET TITLE <b>PROPOSED SITE</b>	<b>1006 W. FRANKLIN STREET - SPECIAL USE PERMIT</b>	REVISIONS 11.16.17 West Cary Group Update
DATE <b>05/10/2019</b>	PROJECT NO. <b>1708</b>	
TYPED BY <b>Z001</b>		



JOHANNAS DESIGN GROUP 1001 WEST CARY STREET RICHMOND VA 23220 P 804 358 4993 F 804 358 8211

SHEET TITLE ELEVATIONS	DATE	04/17/2019
	PROJECT NO	1708
	SHEET NO.	SUP-3

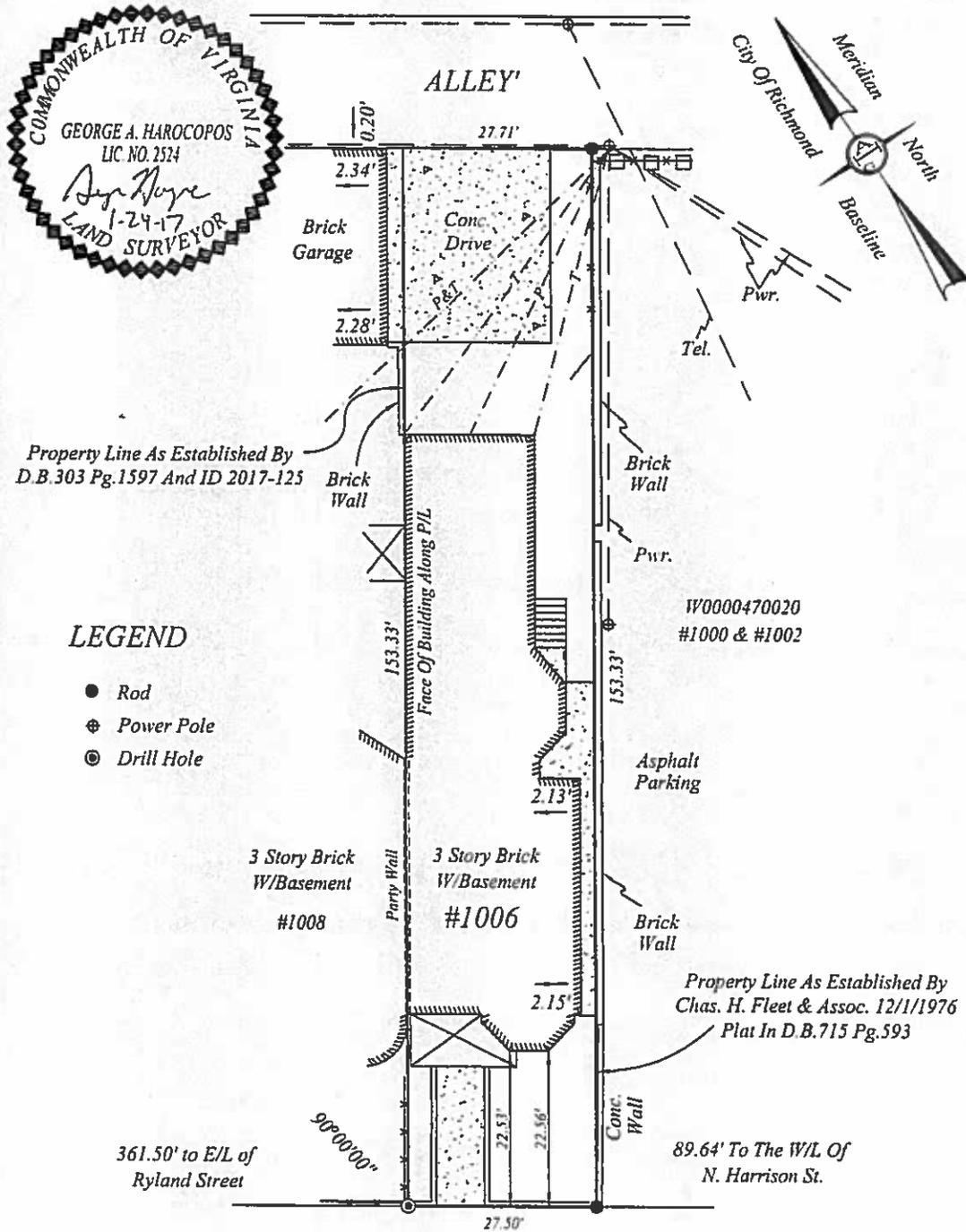
1006 W. FRANKLIN STREET - SPECIAL USE PERMIT

NOTATIONS

This is to certify that on 1/24/17  
 I made an accurate field survey of the known premises  
 shown hereon; that all improvements known or visible  
 are shown hereon, that there are no encroachments by  
 improvements either from adjoining premises, or from  
 subject premises upon adjoining premises, other than  
 shown hereon.

NOTE: THIS LOT APPEARS  
 TO BE IN FEMA FLOOD ZONE  
 X AS SHOWN ON HUD  
 COMMUNITY PANEL NUMBERS  
5101290037D

NOTE:  
 This survey has been prepared without  
 the benefit of a title report and does  
 not therefore necessarily indicate all  
 encumbrances on the property.



# W. FRANKLIN STREET

SURVEY OF  
 LOT AND IMPROVEMENTS LOCATED THEREON  
 LOCATED AT #1006 W. FRANKLIN STREET  
 RICHMOND CITY, VIRGINIA

JN 46121

A. G. HAROCOPOS & ASSOCIATES, P.C.  
 CERTIFIED LAND SURVEYOR AND CONSULTANT

4920 E MILLRIDGE PKWY SUITE 200 MIDLOTHIAN VA 23112  
 Office 804 744 2630 FAX 804 744 2632  
 E-MAIL AGHAROCOPOS@VERIZON.NET

NOTE: PLAT PREPARED FOR THE EXCLUSIVE  
 USE OF THE CONVEYANCE TO  
 RONALD T. NIXON

Scale 1"=20' Date 1/24/17 Drawn by AGH