

INTRODUCED: September 24, 2018

AN ORDINANCE No. 2018-261

To authorize the special use of the property known as 3020 East Franklin Street for the purpose of two single-family attached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 13 2018 AT 6 P.M.

WHEREAS, the owner of the property known as 3020 East Franklin Street, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of two single-family attached dwellings, which use, among other things, does not meet the lot area requirements of section 30-412.4 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 (2018), 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: NOV 13 2018 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 3020 East Franklin Street and identified as Tax Parcel No. E000-0637/003 in the 2018 records of the City Assessor, being more particularly shown on a plat entitled “Plat Showing the Physical Improvements to E0000637003, 3020 East Franklin Street, Upward Builders, 7th District, City of Richmond,” prepared by C.E. Duncan & Associates, Inc., and dated June 22, 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 two single-family attached dwellings, hereinafter referred to as the “Special Use,” substantially as shown on the plans entitled “Sugar Bottom Homes, 3020 E Franklin Street, Richmond, VA 23223,” prepared by Upward Builders, dated September 11, 2018, 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 two single-family attached dwellings, substantially as shown on the Plans. The basement-level living areas and bedrooms are optional and may not be constructed.

(b) No parking shall be required for the Special Use.

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

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

(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) Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of two residential lots, substantially as shown on sheet A101 of the Plans, shall be accomplished by obtaining approval from the City and recording appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.

§ 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 (2015), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way, including sidewalk, curbing, and gutter along the East Franklin Street frontage, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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.

City of Richmond

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

Item Request
File Number: PRE.2018.149

O & R REQUEST

4-0078

AUG 15 2018

Office of the
Chief Administrative Officer

O & R Request

DATE: August 10, 2018

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor
(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 authorize the special use of the property known as 3020 East Franklin Street, for the purpose of two single-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 3020 East Franklin Street, for the purpose of two single-family attached dwellings, upon certain terms and conditions

REASON: The applicant is proposing to construct two single-family attached dwellings at 3020 East Franklin Street. The property is located in the R-6 Single-Family Attached Residential Zoning District, which permits single-family attached dwellings. However, the lot area and parking requirements of the Zoning Ordinance would not be met. A special use permit is therefore 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 October 1, 2018 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The property is comprised of an unimproved parcel consisting of a 4,040 SF (.093 acres) located in the Church Hill neighborhood of the East planning district, on East Franklin Street between North 29th Street and North 31st Street.

RECEIVED
AUG 29 2018

OFFICE OF CITY ATTORNEY

8/28/18

The development will include two newly-constructed single-family attached homes on two separate residential lots. The project will provide streetscape improvements along East Franklin Street including sidewalk, curbing, and gutters, which are currently not provided. No off street parking would be provided for the development.

The City of Richmond's current Master Plan designates a future land use category for the subject property as Public & Open Space. Primary uses in this category include publicly-owned and operated parks, recreation areas, open spaces, schools, libraries, cemeteries and other government and public service facilities (p. 135).

Additional supporting language within the Plan can be found within Chapter 8 "Neighborhoods and Housing" where policies for neighborhoods include encouraging "...a variety of housing choices in existing neighborhoods through a balance of preservation, rehabilitation, and new development". (p. 101)

The subject property and all adjacent properties are located within the same R-6 Single-Family Attached Residential District and are a part of the City's St. John's Church Old and Historic District.

A mix of vacant and residential (single-, two-, and multi-family) land uses predominate the vicinity of the subject property. The proposed development would be a continuation of recent residential development on the north side of East Franklin Street between North 29th and North 31st Streets.

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: September 10, 2018

CITY COUNCIL PUBLIC HEARING DATE: October 8, 2018

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, October 1, 2018.

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.

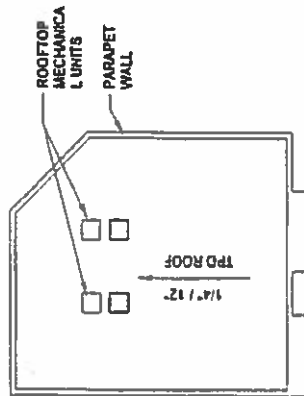
REQUIRED CHANGES TO WORK PROGRAM(S): None.

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

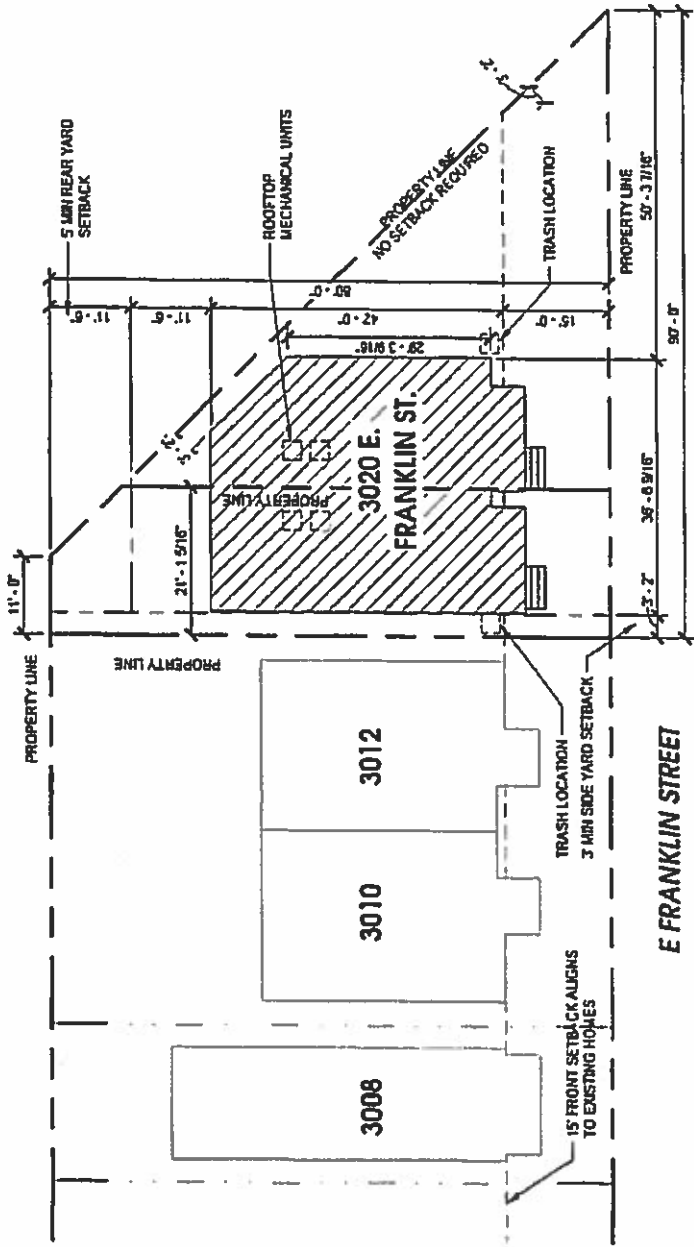
STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646-5734

PDR O&R No. 18-25

PER DPW STANDARDS:
 SIDEWALK, CURB & GUTTER
 WILL BE INSTALLED BY DEVELOPER
 STREET TREES TO BE INCLUDED
 ON EACH PROPERTY



ROOF PLAN
 1/16" = 1'-0"



SITE PLAN
 1/16" = 1'-0"

UPWARD BUILDERS

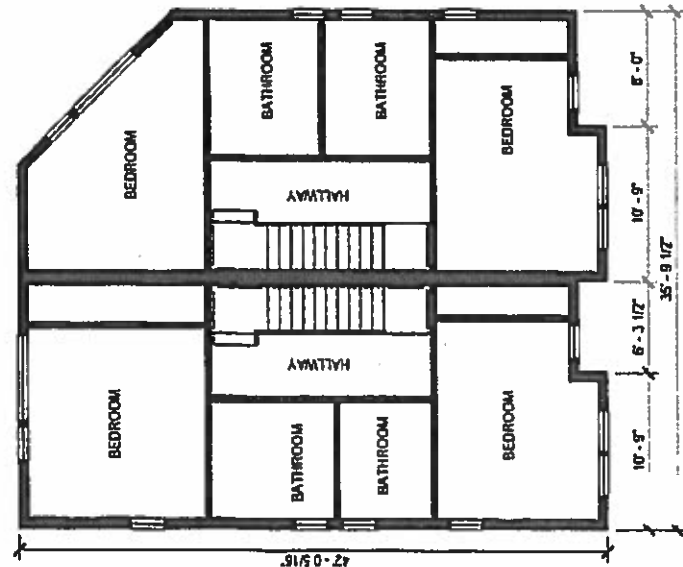
DRAWING TITLE:
 ROOF PLAN AND SITE PLAN

PROJECT:
 SUGAR BOTTOM HOMES
 3020 E FRANKLIN STREET, RICHMOND, VA 23223

CAR:
 FINAL REVIEW
 DATE: 09/11/18

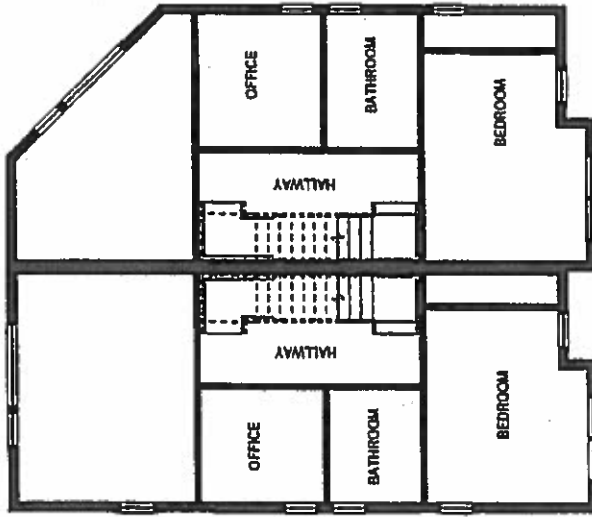
PROJECT NO:
 3020

DRAWING:
 A101



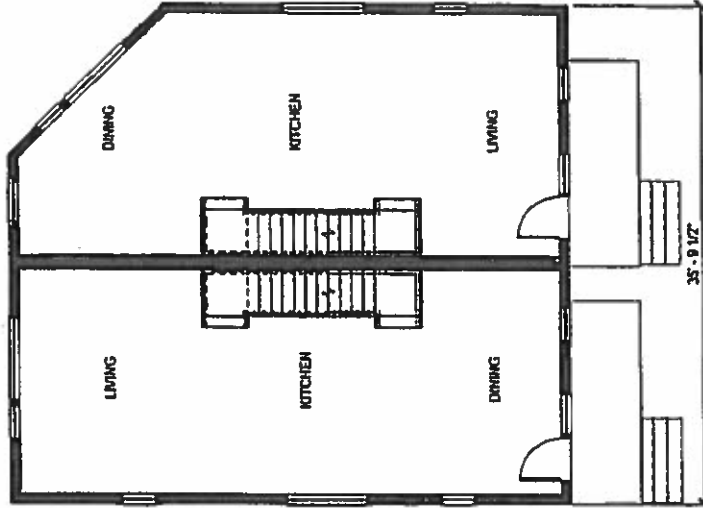
THIRD FLOOR PLAN

1/8" = 1'-0"



SECOND FLOOR PLAN

1/8" = 1'-0"



FIRST FLOOR PLAN

1/8" = 1'-0"

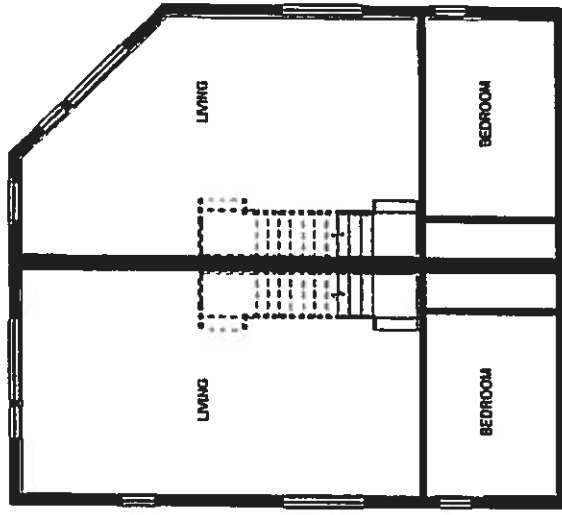
UPWARD BUILDERS

DRAWING TITLE:
FLOOR PLANS

PROJECT:
SUGAR BOTTOM HOMES
3070 E FRANKLIN STREET, RICHMOND, VA 23223

CAR: []
FINAL REVIEW: []
DATE: 09/11/18

DRAWING: **A102**
PROJECT NO: 3070

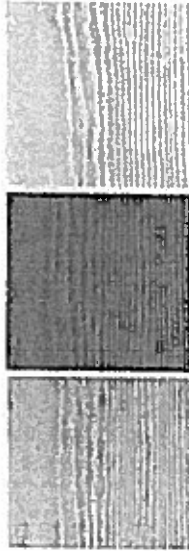


BASEMENT FLOOR PLAN

1/8" = 1'-0"

UPWARD BUILDERS	DRAWING TITLE BASEMENT FLOOR PLAN	PROJECT SUGAR BOTTOM HOMES 3020 E FRANKLIN STREET, RICHMOND, VA 23223	CAR		DRAWING: A102.1
			FINAL REVIEW	PROJECT NO.	
			DATE:	09/11/15	3078

WINDOW SCHEDULE	
NUMBER	WINDOW TYPE AND SIZE
01	ANDERSEN - 100: 2'-6" X 6'-0"
02	ANDERSEN - 100: 2'-6" X 6'-0" - NO TRIM
03	ANDERSEN - 100: 3'-0" X 6'-0" - NO TRIM
04	ANDERSEN - 100: 6'-0" X 6'-0"
05	ANDERSEN - 100: 3'-0" X 6'-0"
06	
07	



PEARL GRAY NIGHT GRAY ARCTIC WHITE
 EXTERIOR COLORS USED (SMOOTH FINISH ONLY, NOT PICTURED)

BUILDING ELEVATION KEYNOTES

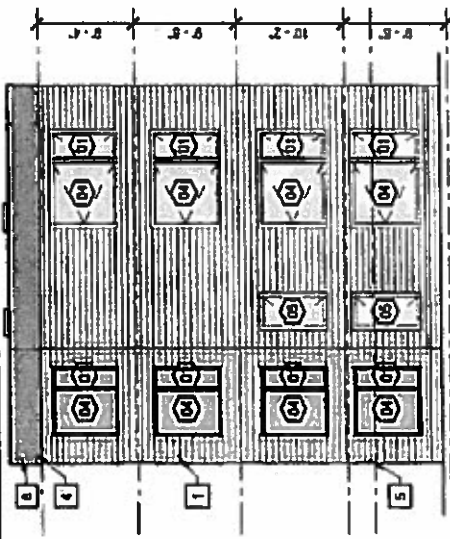
REPRESENTED BY APPLIES TO DRAWING A4.1

- 1 HARDIEPLANK LAP SIDING (#7), SMOOTH TEXTURE
- 2 HARDIE REVEAL PANEL SYSTEM, SMOOTH TEXTURE
- 3 HARDIE PANEL 1/2" REVEAL JOINT
- 4 HARDIE BOARD CORNICE, PAINTED
- 5 PARGE COAT OVER CMU FOUNDATION WALL
- 6 3'-0" X 6'-0" FULL LITE ANDERSEN WOOD DOOR
- 7 BLACK BREAK METAL TRIM ON TPO MEMBRANE PORCH ROOF
- 8 4" METAL TRIM, BLACK
- 9 PARGE COAT OVER CMU FOUNDATION PORCH WALL WITH CONCRETE FLOOR CAP

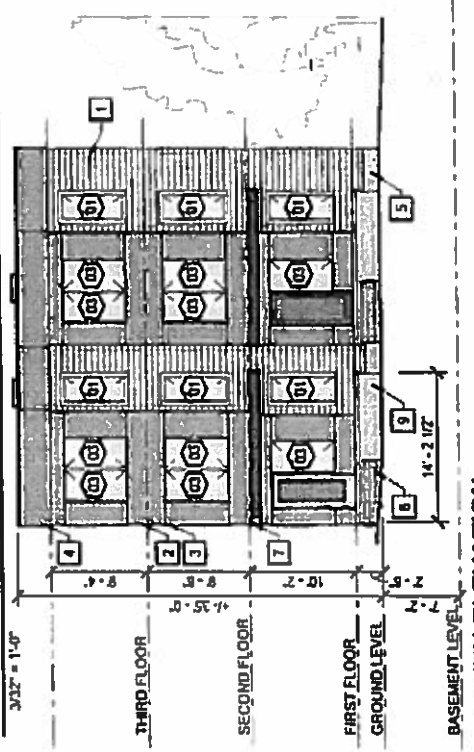
MATERIAL NOTES.

- WINDOW AND DOOR TRIM TO BE ANDERSEN 100 SERIES FBREX COMPOSITE MATERIAL
- WINDOW TO BE BLACK CLAD (CAR SW 6258 OR SW 6990)
- ALL EXTERIOR DOORS TO BE PAINTED RED OR YELLOW, DOOR TRIM TO MATCH SIDING COLOR
- HARDIE PANEL SYSTEM TO BE COLOR NIGHT GRAY (HARDIE COLOR OPTIONS COMPARABLE TO CAR SW 2821, SW 2844, OR SW 2846)
- SIDING MATERIAL TO BE HARDIE COLOR PLUS PEARL GRAY OR NIGHT GRAY (PAINTED OR HARDIE COLOR OPTIONS COMPARABLE TO CAR SW 2821, SW 2844, OR SW 2846)
- PARGE COAT FOUNDATION WALL
- TPO MEMBRANE COLOR:
 - 1 ROOF - WHITE
 - 2 PORCH - BLACK
- FRONT PORCH DECK AND STAIR RISERS AND TREADS TO BE CONCRETE
- IF PORCH RAIL IS REQUIRED FOR CODE, IT SHALL BE BLACK HORIZONTAL METAL RAIL

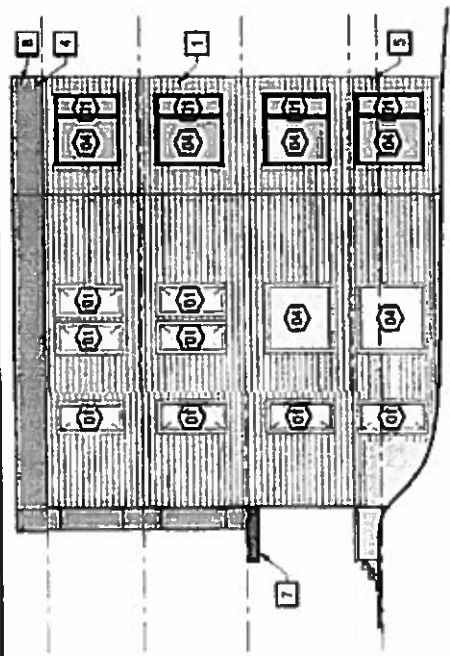
UPWARD BUILDERS	DRAWING TITLE MATERIALS AND SCHEDULE	PROJECT SUGAR BOTTOM HOMES 3030 E FRANKLIN STREET, RICHMOND, VA 23223	DRAWING A103
	CAR FINAL REVIEW DATE: 06/19/18	PROJECT NO 2018	



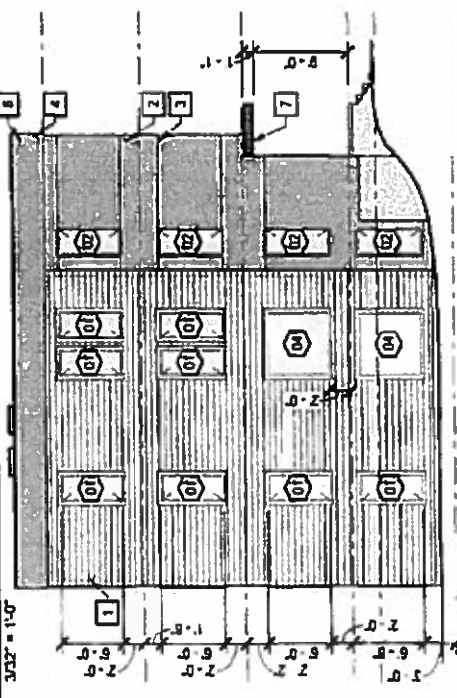
NORTH ELEVATION
3/32" = 1'-0"



SOUTH ELEVATION
3/32" = 1'-0"

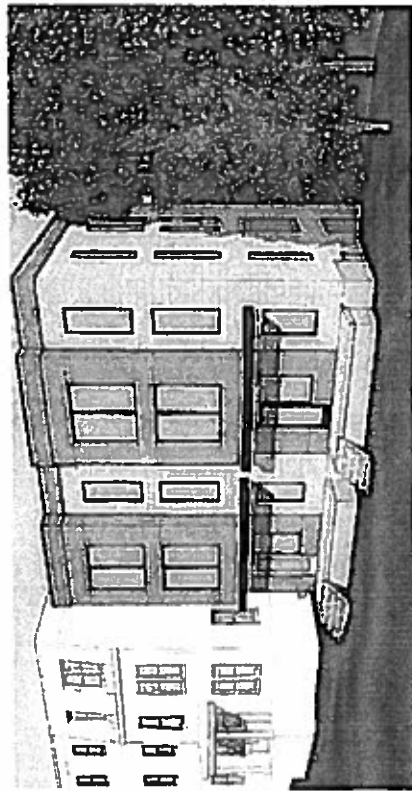


EAST ELEVATION
3/32" = 1'-0"

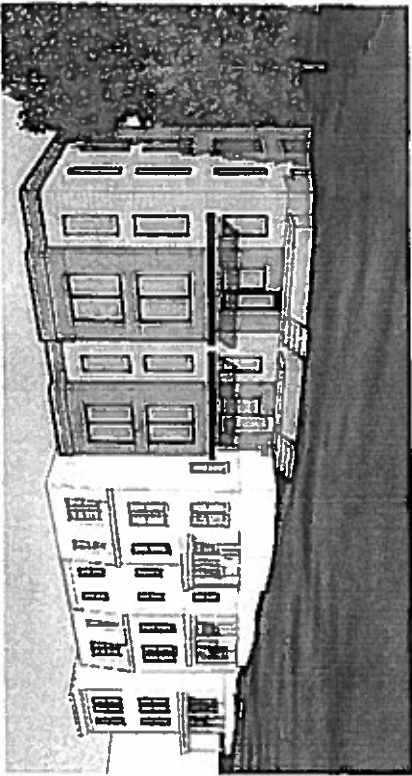


WEST ELEVATION
3/32" = 1'-0"

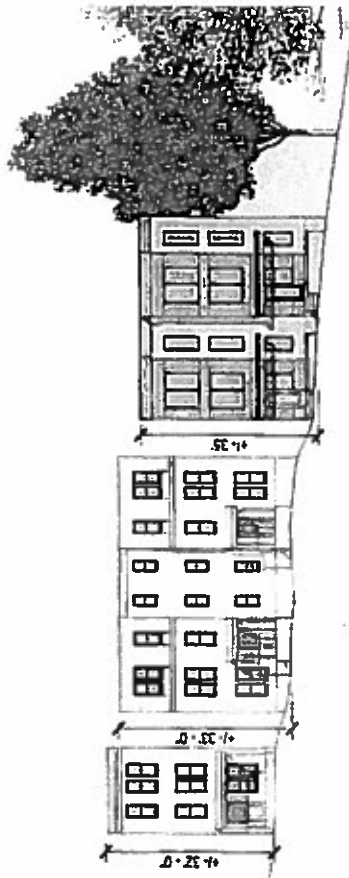
UPWARD BUILDERS	DRAWING TITLE: BUILDING ELEVATIONS	PROJECT: SUGAR BOTTOM HOMES 3070 E FRANKLIN STREET, RICHMOND, VA 23123	CAR	DRAWING:
			FINAL REVIEW	A104
			DATE: 08/11/18	PROJECT NO: 1470



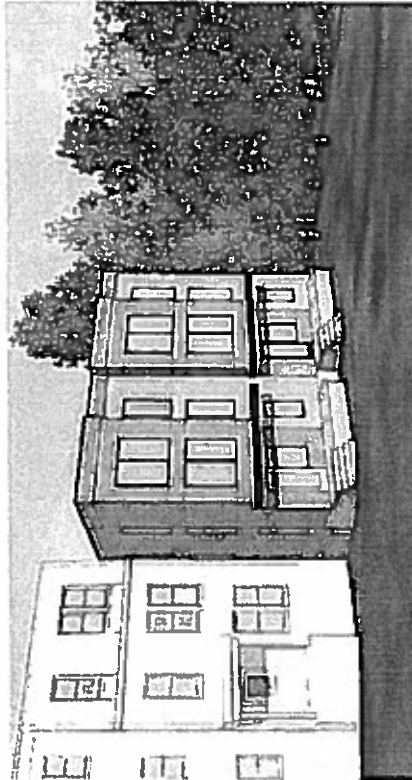
STREET PERSPECTIVE



VIEW FROM EAST UP EAST FRANKLIN STREET



CONTEXT ELEVATION



VIEW FROM WEST DOWN EAST FRANKLIN STREET

DRAWING TITLE

UPWARD BUILDERS

PROJECT

CONTEXT ELEVATION AND PERSPECTIVE
IMAGES

CAR

FINAL REVIEW

DATE

09/11/18

DRAWING

PROJECT NO

2028

A105

SUGAR BOTTOM HOMES

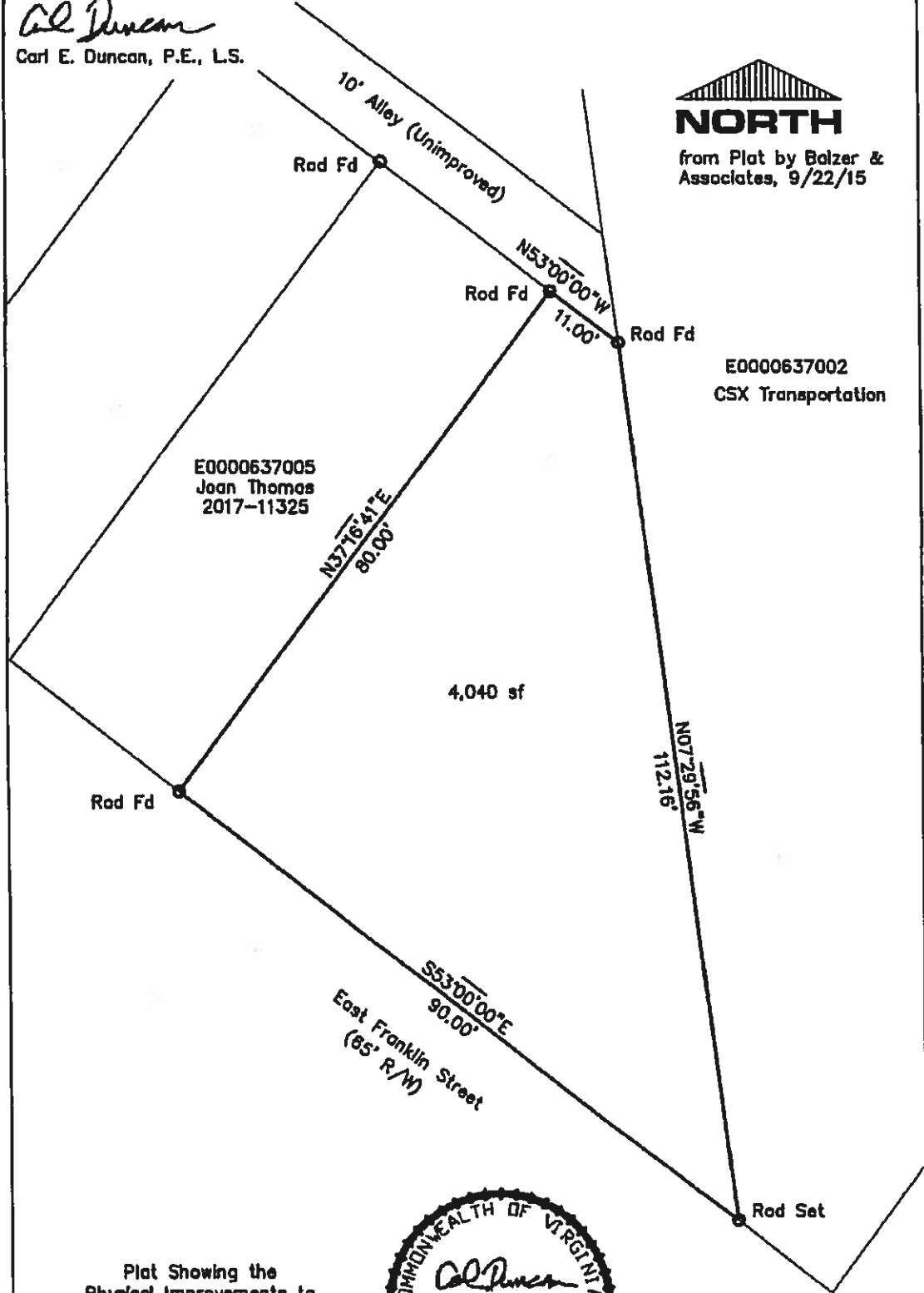
3078 E FRANKLIN STREET, RICHMOND, VA 23223

I hereby certify that an accurate survey of the property was made on June 22, 2017 and that any encroachments are noted hereon. This survey was made without benefit of a title report and there may be encumbrances present that are not shown.

Carl E. Duncan
 Carl E. Duncan, P.E., L.S.



from Plat by Balzer & Associates, 9/22/15



E0000637005
 Joan Thomas
 2017-11325

E0000637002
 CSX Transportation

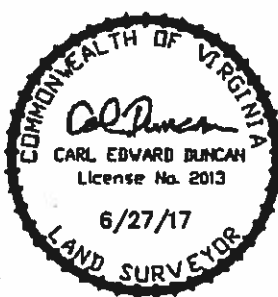
4,040 sf

Rod Fd

Rod Set

Plat Showing the
 Physical Improvements to
 E0000637003
 3020 East Franklin Street
 Upward Builders

7th District
 City of Richmond



C. E. Duncan & Associates, Inc.
 2809 Rocky Oak Road
 POKKIATAN, VIRGINIA 23138
 (804) 598-8240 Fax (804) 598-8240
 DATE: 6/22/17 SCALE: 1" = 15'
 DRAWN BY: CED JOB NO.: 17-1096



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>

SUP-027529-2017

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: 3020 E Franklin Street Date: 11/29/17
 Tax Map #: E0000637003 Fee: _____
 Total area of affected site in acres: 0.926

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

Zoning

Current Zoning: R6

Existing Use: Vacant Land

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

The creation of 2 attached single family residences

Existing Use: vacant land

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Zach Kennedy

Company: Cheney Creek LLC
 Mailing Address: 6700 Stuart Avenue
 City: Richmond State: VA Zip Code: 23226
 Telephone: (804) 980-7377 Fax: (877) 857-0883
 Email: _____

Property Owner: Cheney Creek LLC

If Business Entity, name and title of authorized signee: Zach Kennedy, Manager

(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: 6700 Stuart Avenue
 City: Richmond State: VA Zip Code: 23226
 Telephone: (804) 980-7377 Fax: (877) 857-0883
 Email: zkennedy1@gmail.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)

Applicant Report:

I am submitting this Special Use Permit Application because the parcel located at 3020 E Franklin Street meets all the necessary requirements to allow for a legal lot split except for one. The one issue preventing a legal lot split is the parcels lot area. The parcel is 367 square feet short of the minimum required for R6 zoning. My hope is that this department will see the value in allowing for a lot split based on the below summary:

Currently 3020 E Franklin is a vacant residential lot that has been poorly cared for over the years and requires a unique owner to develop the land. The topography of the lot poses many challenges to construction. The lot has 92 feet of road frontage on Franklin Street and narrows as it extends to the rear yard next to the old CSX Transportation train tracks.

Existing and proposed homes on Franklin are either attached units or detached with very little space between neighboring units. The close proximity of these homes provides a consistent level of uniformity that is reflected throughout the City and provides a high level of charm to the urban setting. In complying with current zoning requirements 3020 E Franklin would skew the appearance of the current neighborhood by leaving a large gap between residences and would not allow for consistency in the neighborhood.

We believe that allowing for 2 attached single family residences to be constructed on this parcel would further provide uniformity to the neighborhood and provide an aesthetically appealing "bookend" to Franklin Street. If the parcel did not have such a drastic angle on the right side of the property splitting the property would be an allowable use. Currently we are approximately 367 square feet short of this option.

Our goal is to continue to enrich the neighborhood with high quality single-family homes. By providing us the opportunity to construct 2 homes we would be able to continue improving the uniformity of the neighborhood while bringing value to the neighbors and the community.

Our proposed use does not adversely impact the community or the neighbors. In fact in constructing two homes on this parcel, it would allow the city the opportunity to widen a portion of Franklin and 31st Street if they chose to do so. The land would be cleared of the rubbish and over growth allowing for more light and air to impact the area. By removing the over growth this would also improve the safety of the neighbors. The steep slope of the parcel would consist of 2 homes and would be landscaped in a way that would prevent citizens from hurting themselves on the treacherous terrain. This land clearing and clean up would also improve the visibility of commuters in the area.