

INTRODUCED: October 9, 2017

AN ORDINANCE No. 2017-203

To authorize the special use of the property known as 1302 Floyd Avenue for the purpose of a multifamily dwelling with 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: NOV 13 2017 AT 6 P.M.

WHEREAS, the owner of the property known as 1302 Floyd Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of converting an existing building into a multifamily dwelling with 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 congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 11 2017 REJECTED: _____ STRICKEN: _____

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 1302 Floyd Avenue and identified as Tax Parcel No. W000-0457/014 in the 2017 records of the City Assessor, being more particularly shown on a survey entitled “Survey of Lot and Improvements Thereon Located at #1302 Floyd Avenue, Richmond, Virginia,” prepared by A.G. Harocopos & Associates, P.C., and dated December 28, 2016, 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 with up to four dwelling units, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “1302 Floyd Ave Renovation,” prepared by Johannas Design Group, and dated June 2, 2017, 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 use of the Property shall be as a multifamily dwelling with up to four dwelling units, substantially as shown on the Plans.

(b) Secure storage for no fewer than five bicycles shall be provided, substantially as shown on the Plans.

(c) No fewer than two off-street parking spaces shall be provided for the use of the Property, substantially as shown on the Plans.

(d) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way. Final location or screening of the mechanical equipment shall be approved by the Director of Planning and Development Review.

(e) No leasing office shall be located on the Property.

(f) Signage on the Property shall be limited to signage permitted within the underlying zoning district.

(g) All building materials and elevations shall be substantially as shown on the Plans.

§ 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) 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. 2017.344

RECEIVED

AUG 31 2017

OFFICE OF CITY ATTORNEY

O & R Request

O & R REQUEST

4-6919

AUG 18 2017

Office of the
Chief Administrative Officer

EDITION: 1

DATE: August 17, 2017

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor *LS 8/15/17*
(This in no way reflects a recommendation on behalf of the Mayor.)

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

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

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

SUBJECT: To authorize the special use of the property known as 1302 Floyd Avenue for the purpose of a multifamily dwelling with up to four units, upon certain terms and conditions

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 1302 Floyd Avenue for the purpose of a multifamily dwelling with up to four units, upon certain terms and conditions.

REASON: The applicant is proposing the renovation of the existing shell building into a multi-family dwelling with up to four units. Such a use is not permitted in the R-6 district. Therefore, the applicant is requesting a special use permit.

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 2, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is a 2,626 SF lot, which is situated on the north side of Floyd Avenue, in the Fan neighborhood of the Near West planning district. The property is improved with a three-story brick building circa 1895, measuring 3,750 SF. The structure is currently vacant and dilapidated.

The applicant proposes renovating the building into a multi-family dwelling with no more than four units. The proposed multi-family dwelling is comprised of two one-bedroom units on the first floor and one two-bedroom unit on the second floor. On the third floor is one 1-bedroom unit on the third floor. On-site parking for two vehicles, and well as on-site secure bicycle storage, will be provided.

The City of Richmond's Master Plan designates the subject property at 1302 Floyd Avenue for Single-Family (medium density) land use. Primary uses in this category are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. This includes residential support uses such as schools, places of worship, neighborhood parks recreation facilities, and limited public and semi-public uses. (p. 133). The Master Plan also states that, "infill development of like density, scale and use is appropriate." (p. 230) In general, the proposal is in keeping with traditional residential development patterns for the district in regards to density.

All surrounding properties are also located in the R-6 district. Multi-family and two-family residential, and institutional land uses predominate the 1300 block of Floyd Avenue.

FISCAL IMPACT: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$1800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: September 11, 2017

CITY COUNCIL PUBLIC HEARING DATE: October 9, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, October 2, 2017

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 ORDINANCES: None.

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

STAFF: Leigh V. Kelley, Planner II
Land Use Administration (Room 511) 646-6384

PDR O&R No.17-29



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: 1302 Floyd Ave Richmond, VA 23220 Date: 02/28/2017
Tax Map #: W0000457014 Fee: \$1800
Total area of affected site in acres: 0 acres, existing building

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

Zoning

Current Zoning: R-6

Existing Use: vacant

Proposed Use

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

Existing Use: deteriorated vacant

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: Dave Johannas

Company: Johannas Design Group

Mailing Address: 1901 W. Cary St

City: Richmond State: VA Zip Code: 23220

Telephone: (804) 3,584,993 Fax: ()

Email: _____

Property Owner: 1302 Floyd Ave, LLC

If Business Entity, name and title of authorized signee: Nolen Blackwood, Managing Member

(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: 7301 Boulder View Lane

City: North Chesterfield State: VA Zip Code: 23225

Telephone: (804) 3,200,422 Fax: ()

Email: nblackwood@blackwooddevelopment.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)



7301 BOULDER VIEW LANE
NORTH CHESTERFIELD, VA 23225
PHONE: (804) 320-0422 • FAX: (804) 497-5903
www.blackwooddevelopment.com

June 5, 2017

**Special Use Permit Application
Applicant's Report**

**1302 Floyd Avenue
W0000457014**

To whom it may concern,

The applicant, Nolen Blackwood of 1302 Floyd Ave, LLC, recently purchased 1302 Floyd Avenue, from the City. The prior owner failed to maintain the property. After decades of neglect, it will take heroics to salvage the building.

1302 Floyd Avenue is a three story 1895, Queen Anne, row house with roughly 3750 gross square feet of area, bounded by similar scale buildings from the corner of North Morris Street at 1300 Floyd Avenue to the 1316 Floyd Avenue. Nolen is proposing to limit the building to six bedrooms and four units. This approach will provide for an opportunity for a diverse tenant base and an occupancy similar to adjacent properties. The walk score is in the mid 90's.

The historic floor plan is typical of the period of architecture. There is a pair of front parlors, an interior center parlor and the rear service area of the building (at the first floor.)

Currently, the front two parlors are structurally intact at each of the floors. The roof and the first, and second floors at the interior, center parlor of the building, have collapsed. Additionally, the interior at the rear of the building is also breaking apart. Renovating and stabilizing the building will be required before construction can begin.

One unit will have a private roof top deck similar to many of the adjacent buildings. The applicant is also requesting that the two parking spaces which will be provided at the rear of the building will be acceptable and limit the amount of parking passes provided to two. We have included photographs showing that adjacent residents are able to use adjacent parking with the same back up space limitations.

The building is in the Fan Area National Historic District, and will be renovated in accordance with the Secretary Standards for Historic Rehabilitation Tax Credits. The north side of the 1300 block of Floyd Ave is dominated by multi-family and two family housing. There is one single family home. The adjacent corners include the VCU Dance Center, the child development center, Sydney Park adjacent to the Lamplighter restaurant, and a bed and breakfast.

The following are factors indicated in Section 17.11 of the City Charter and Section 114-1050.1 of the adopted City of Richmond Zoning Ordinances with regard to the approval of Special Use Permits by City Council. The proposed **Special Use Permit will not**:

- Be detrimental to the safety, health, morals and general welfare of the community involved.
 - The residential uses are compatible with the adjacent area.

- Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.
 - This project is a low occupancy use project that will not create congestion in streets, roads, alleys or other public ways and places.
- Create hazards from fire, panic or other dangers.
 - All work will be done in accordance with all local, state and national building codes and regulations and will not create hazards from fire, panic, or other dangers.
- Tend to overcrowding of land and cause an undue concentration of population.
 - The density of proposed residences is compatible with the master plan and adjacent properties.
- Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.
 - There will be no adverse effect on public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences, and improvements.
- Interfere with adequate light and air.
 - This applicant is proposing a minimal 1.5% addition to the existing structure. The project will not interfere with adequate light and air.

Prepared by Johannas Design Group

Sincerely,



**Nolen W. Blackwood
Blackwood Development Co.
7301 Boulder View Lane
North Chesterfield, Va. 23225
nblackwood@blackwooddevelopment.com**

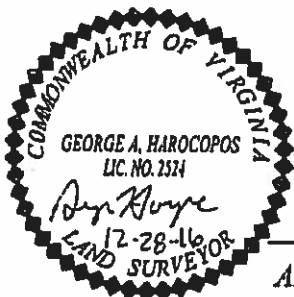
cc –

**Nathan March
Johannas Design Group
1901 W. Cary Street
Richmond, Virginia 23221
804.358.4993**

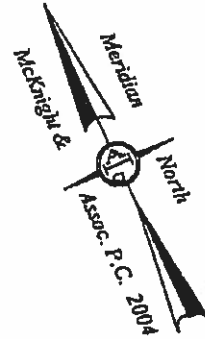
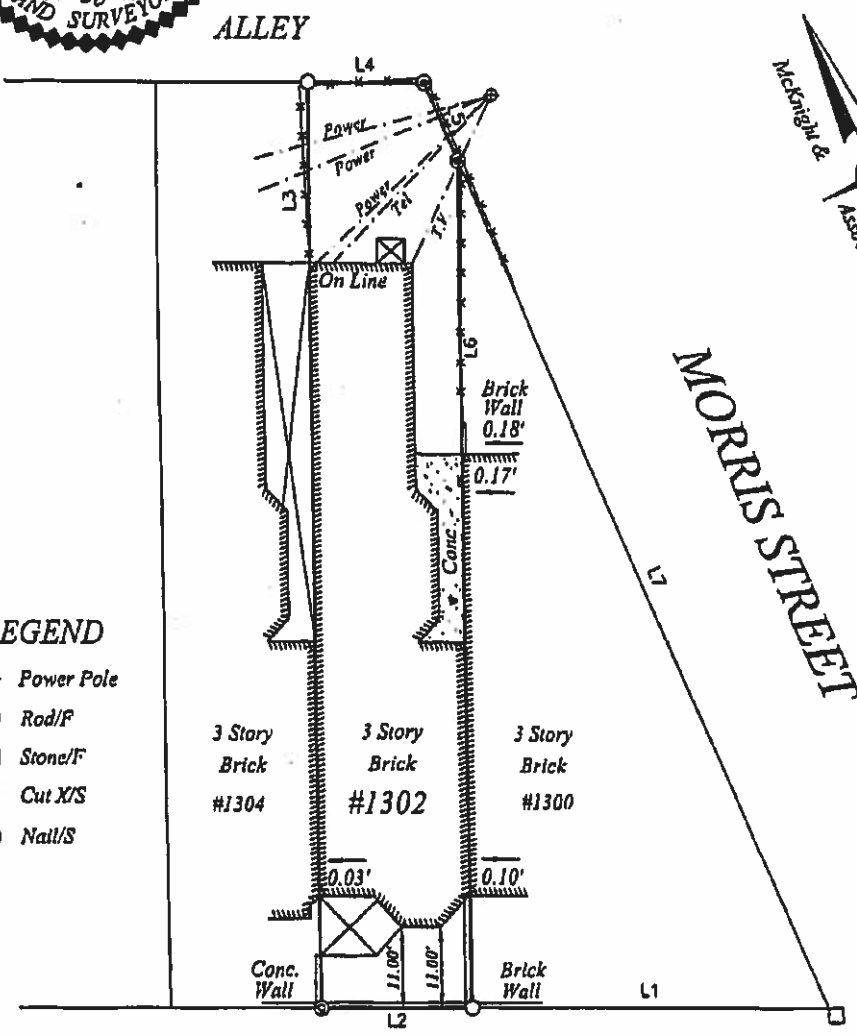
This is to certify that on 12/28/16
 I made an accurate field survey of the known premises shown hereon; that all improvements known or visible are shown hereon; that there are no encroachments by improvements either from adjoining premises, or from subject premises upon adjoining premises, other than shown hereon.

NOTE: THIS LOT APPEARS TO BE IN FEMA FLOOD ZONE X AS SHOWN ON HUD COMMUNITY PANEL NUMBERS 5101220037D

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



LINE	BEARING	DISTANCE
L1	N 65°00'00" W	50.00'
L2	N 65°00'00" W	20.87'
L3	N 25°04'48" E	125.12'
L4	S 64°59'12" E	16.13'
L5	S 01°23'58" W	11.67'
L6	S 25°00'11" W	114.43'
L7	S 01°23'58" W	124.87'



LEGEND

- ⊕ Power Pole
- Rod/F
- Stone/F
- ⊙ Cut X/S
- ⊙ Nail/S

FLOYD AVENUE

SURVEY OF
 LOT AND IMPROVEMENTS THEREON LOCATED AT

#1302 FLOYD AVENUE
 RICHMOND, VIRGINIA

JN 46064

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

Scale 1"=20' Date 12/28/16 Drawn by GAH

NOTE: PLAT PREPARED FOR THE EXCLUSIVE USE OF THE CONVEYANCE TO 1302 FLOYD AVENUE LLC

1302 Floyd Ave Renovation

Owner

1302 Floyd Ave, LLC

PROJECT DATA

SCOPE OF WORK

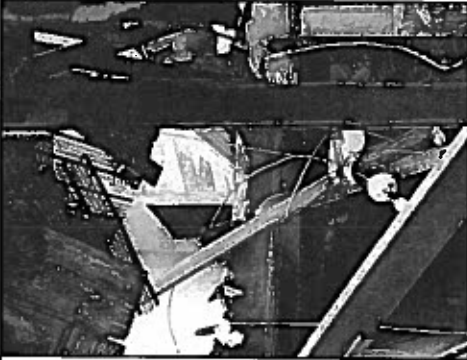
RENOVATE ABANDONED
MULTI-FAMILY BUILDING TO 4 UNITS

UNIT INFO

First Floor Front	637 SF Gross
First Floor Rear	1705 SF Gross
Second Floor Front	929 SF Gross
Third Floor	695 SF Gross

Building Areas:

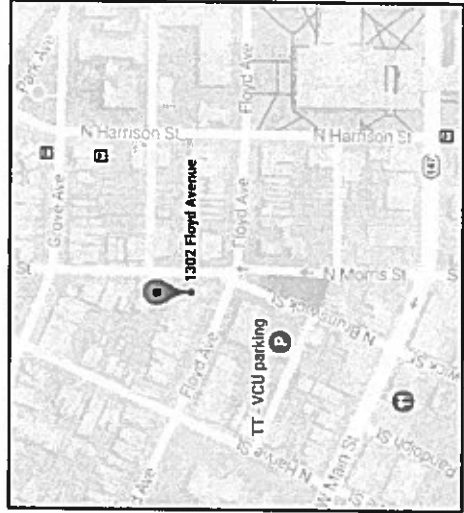
Main Building	
Bsmnt./Back	= 468 sf
1st floor	= 1566 sf
2nd floor	= 1566 sf
3rd floor	= 825 sf

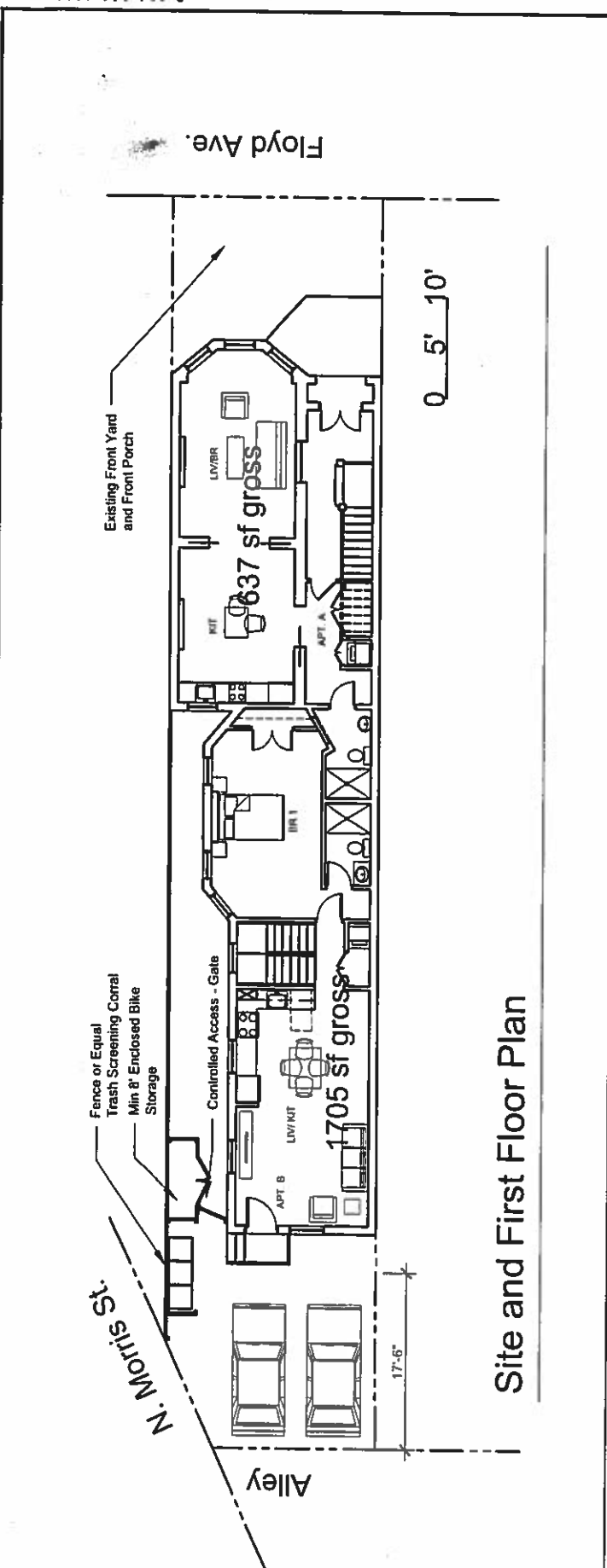


DRAWING LIST

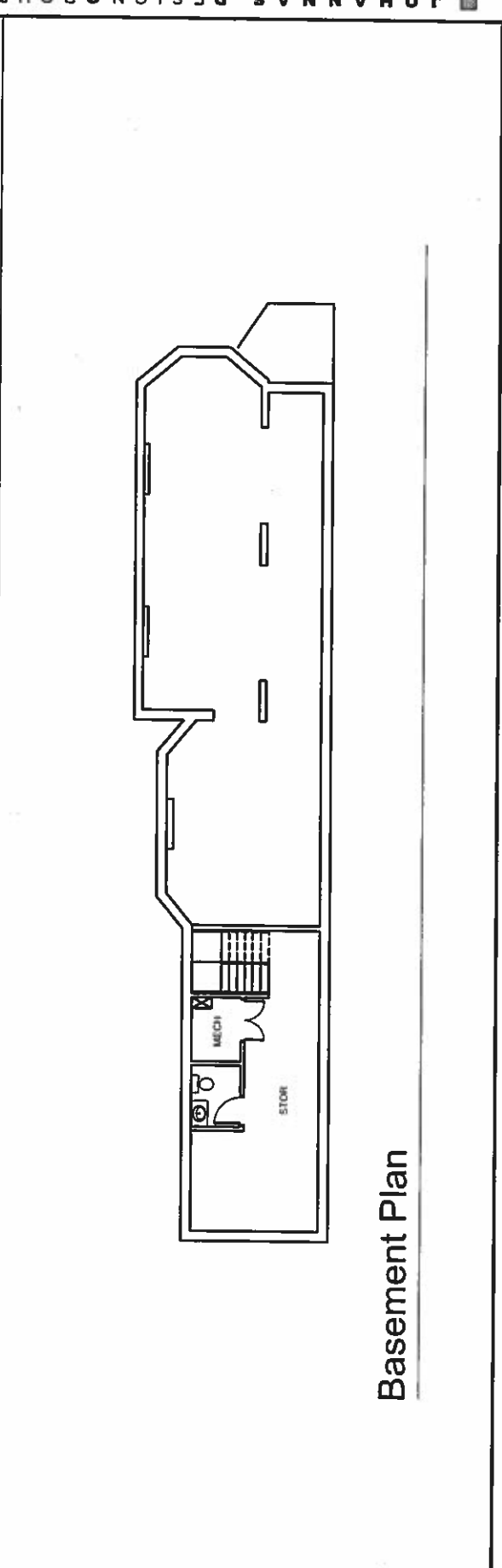
SUP 1	COVER SHEET
SUP 2	BASEMENT & FIRST FLOOR
SUP 3	SECOND & THIRD FLOOR
SUP 4	ELEVATIONS
SUP 5	PHOTOS

LOCATION MAP

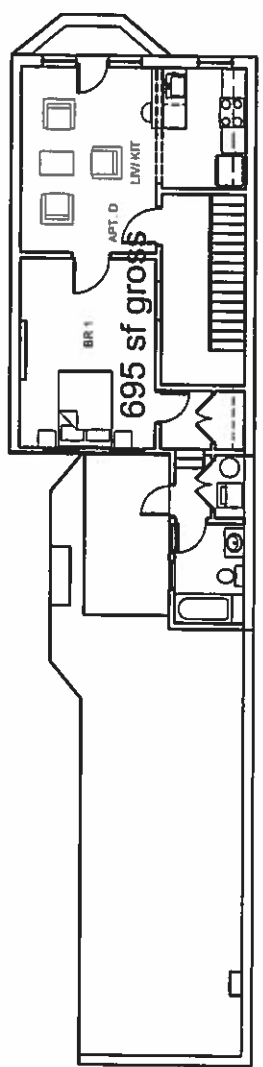




Site and First Floor Plan

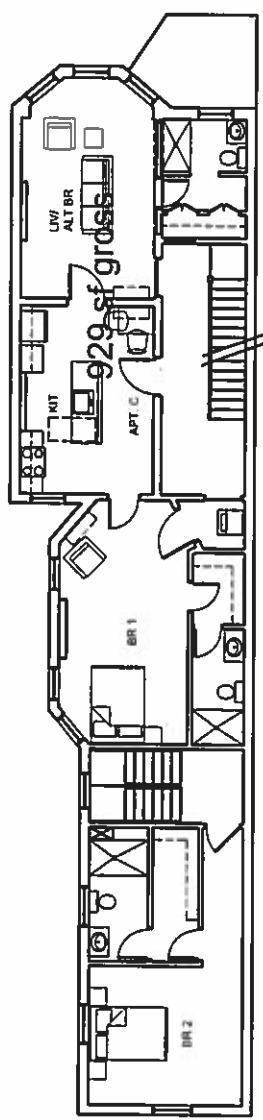


Basement Plan



0 5' 10'

Third Floor Plan



Second Floor Plan

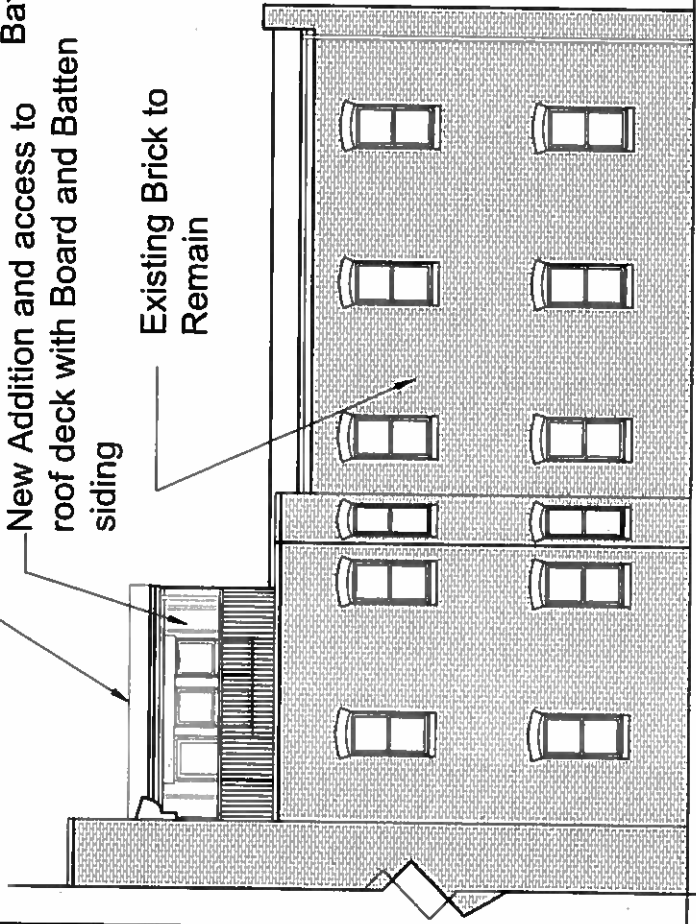
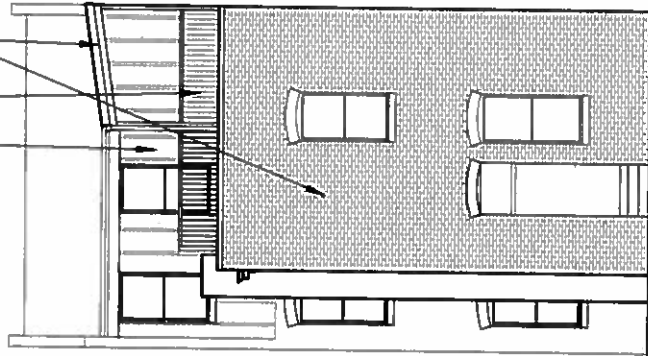
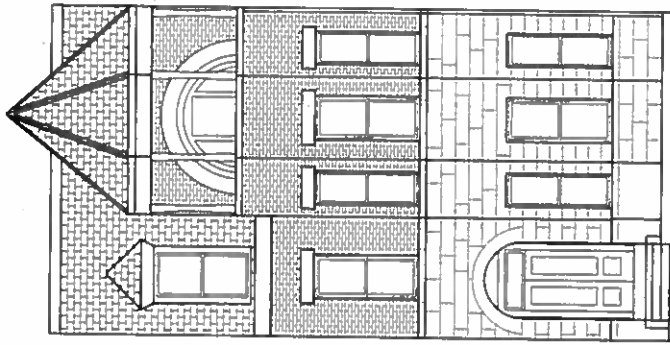
Existing Brick to
 Remain

New Addition
 Vertical board or
 beadboard

Rebuilt third floor
 with Board and
 Batten Infill wall

New Addition and access to
 roof deck
 New Addition and access to
 roof deck with Board and Batten
 siding

Existing Brick to
 Remain



East Elevation Facing N. Morris St.

North Elevation

South Elevation

REVISIONS

104 358 4883
104 358 8217

1991 WEST CARY STREET RICHMOND, VA 23220

JOHANNAS DESIGN GROUP

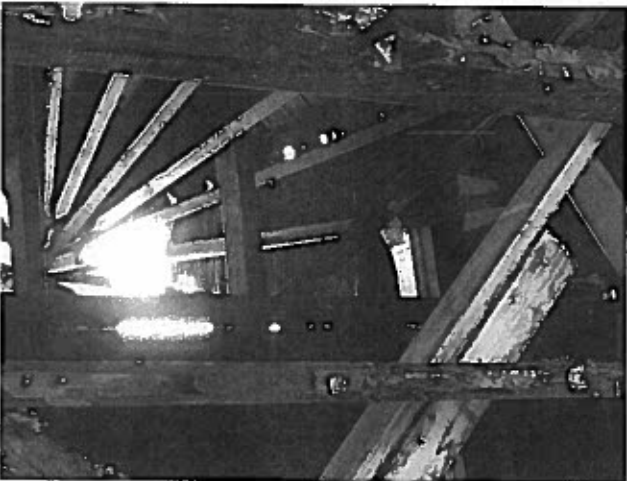
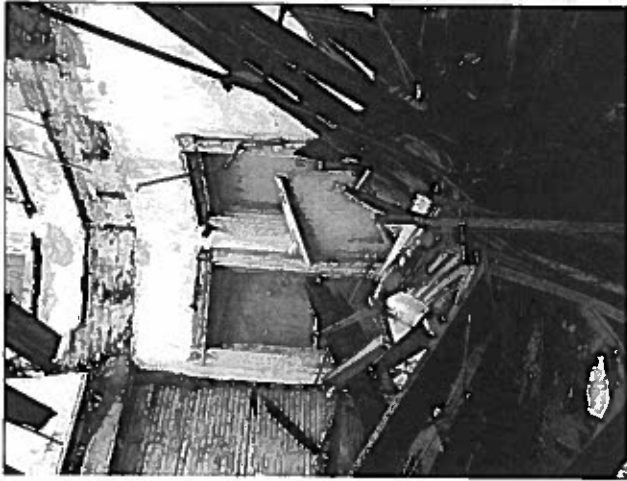
1302 FLOYD AVE

Photos

1646

06.02.17

SUP 5



deteriorated conditions at the interior



typical parking at the rear

