INTRODUCED: June 26, 2017

AN ORDINANCE No. 2017-133

To repeal Ord. No. 96-148-137, adopted Jun. 10, 1996, and to authorize the special use of the property known as 932 West Franklin Street for the purpose of a dwelling unit to be constructed within a proposed accessory building, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JULY 24 2017 AT 6 P.M.

WHEREAS, the owner of the property known as 932 West Franklin Street, which is situated in a R-73 Multifamily Residential District, desires to use such property for the purpose of a dwelling unit to be constructed within a proposed accessory building, which use, among other things, is not currently allowed by section 30-420.2 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:	
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ADOPTED:	JULY 24 2017	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 932 West Franklin Street and identified as Tax Parcel No. W000-0468/037 in the 2017 records of the City Assessor, being more particularly as shown on a survey entitled "Survey of W. Franklin Street," prepared by A.G. Harocopos, and dated October 10, 2002, provided as an inset on sheet CS of the plans entitled "932 W. Franklin Street Carriage House," prepared by Johannas Design Group, and dated December 13, 2016, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted for a dwelling unit to be constructed within a proposed building accessory to an existing multifamily dwelling, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "932 W. Franklin Street Carriage House," prepared by Johannas Design Group, and dated December 13, 2016, 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 a dwelling unit within a building accessory to an existing multifamily dwelling, substantially as shown on the Plans.

- (b) The accessory building shall contain no more than one dwelling unit and the multifamily dwelling shall contain no more than three dwelling units, substantially as shown on the Plans.
- (c) All building materials, material colors, and site improvements shall be substantially as shown on the Plans.
- (d) Outdoor lighting shall be located, directed or shielded so as not to shine directly on adjoining properties or to create a traffic hazard by means of glare or similarity to or confusion with traffic signals, warning lights or lighting on emergency vehicles.
 - (e) The height of the Special Use shall not exceed the height as shown on the Plans.
- (f) Mechanical units shall be located so that they are not visible from any public right-of-way.
- (g) Secure storage for no fewer than five bicycles shall be provided on the Property for use by the dwelling units, as shown on the Plans.
- (h) No fewer than two on-site parking spaces shall be provided for the use of the Property, substantially 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) The Owner shall make improvements within the public right-of-way, including the installation of street trees according to the applicable guidelines of the Department of Public Works and replacement of the existing entrance to Harrison Street with matching sidewalk, curbing, and guttering, substantially as shown on the Plans, 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. That Ordinance No. 96-148-137, adopted June 10, 1996, be and is hereby repealed.
 - § 8. **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, 2017,201

RECEIVED

JUN 12 2017

OFFICE OF CITY ATTORNEY

O & R REQUEST 4-6607

Office of the Chief Administrative Officer

DATE:

May 30, 2017

EDITION: 1

TO:

The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request)

(This in no way reflects a recommendation on behalf of the

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer

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

O & R Request

Planning

FROM:

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

RE:

To repeal Ord. No. 96-148-137, adopted Jun. 10, 1996, and to authorize the special use of the property known as 932 West Franklin Street for the purpose of permitting a dwelling unit

located in a newly constructed accessory building, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To repeal Ord. No. 96-148-137, adopted Jun. 10, 1996, and to authorize the special use of the property known as 932 West Franklin Street for the purpose of permitting a dwelling unit located in a newly constructed accessory building, upon certain terms and conditions.

REASON: The applicant is proposing to construct a two story, 1,450 square foot, one-bedroom apartment carriage house with a two (2) car garage. The property is currently located in the R-73 zoning district and the proposed use is not permitted. A special use permit has therefore been requested by the applicant.

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 July 17, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 4600 SF or .1 acre parcel of land improved with a three (3) unit multi-family dwelling constructed, per tax assessment records, in 1885 as a Single-family dwelling and is located in the Fan neighborhood and Near West Planning District.

The City of Richmond's Downtown Master Plan designates a land use category for the subject property as Downtown Urban Center Area (DT-UCA). "The Urban Center Area is characterized by higher density, mixed-use development, typically arranged on a fine-grained street network, with wide sidewalks, regular tree planting, and minimal setbacks. The apartment buildings along The boulevard are an example of a residential urban center condition in Richmond, with a dense urban fabric of three to five story buildings, and limited retail at key intersections." (City of Richmond Downtown Master Plan, 3.25)

Adjacent and nearby properties are a combination the same R-73 Residential (Multi-Family), R-6 Residential (Single Family Attached) and Business (Central Business) Zones and are a part of the West Franklin Historic District.

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: June 26, 2017

CITY COUNCIL PUBLIC HEARING DATE: July 24, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, July 17, 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 ORD. OR RES.: Repeal Ord. No. 96-148-137

REQUIRED CHANGES TO WORK PROGRAM(S): None.

File Number: PRE. 2017.201

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

STAFF: Jonathan Brown, Senior Planner

Land Use Administration (Room 511) 646-5734

PDR O&R No.17-11



Application for SPECIAL USE PERMIT

Department of Planning and Development Review Land Use Admin stration Division 900 E. Broad Street, Room 511 Richmond, Virginia 23219 (804) 646-6304

http://www.richmondacy.com

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Perty Owner: Sonja řáxon (mother)		
usiness Entity, name and title of authorized signee:		
person or persons executing or attesting the execution of this Application or has or have been duly authorized and empowered to so execute or attest.)	behalf of the Co	mpany certifies that he or
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47/		
names, addresses, telephone numbers and signatures of all owners of the proets as needed. If a legal representative signs for a property owner, please atta		

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

photocopied signatures will not be accepted.



Special Use Permit Applicant's Report 12/13/2016

03/22/2017 UPDATE - Reference page 2 of this report.

932 West Franklin Street Carriage House

932 West Franklin Street is an 1885 Romanesque Revival mansion with a Jacobethan gabled dormer and triple arcade Sullivanesque gallery, prominently located in the heart of VCU on the corner of North Harrison Street. Sonja Nixon, the current owner, has moved and her son, Ron, intends to live in the main house, in the owner's 4,530 square foot owner's suite, which Sonja meticulously renovated and restored. In 2003 the Board of Zoning Appeals waived the side yard setback requirement when Sonja requested to convert the halfway house to a three unit multi-family use. The zoning appeal required that the house remain owner occupied. The basement level unit is a three bedroom unit with 1,168 square feet and the second floor dependency is 559 square feet.

Ron is applying for this special use to build a two story carriage house/garage which will provide for two, protected, parking spaces and additional bicycle space for five bicycles. Ron proposes to put a 725 square foot, one bedroom apartment on the second floor. He intends to continue to reside in the existing building. He will be the only home owner living in the 900 block of West Franklin Street.

The scale of the carriage house will be in keeping with the historic character of the district and will remove a redundant curb cut. It will also eliminate a concrete parking area in this prominent, corner location, and gateway into the historic district. The carriage house will also provide much needed visual and acoustical protection from the intense businesses and entertainment uses directly across the alley.

This property is in an R-73 multi-family district and is across the alley from a B-4 district. The B-4 Business District is bounded by the alley and continues West across Harrison Street and includes the property at 402 North Harrison Street, which faces the applicant's proposed carriage house. That property is a coffee shop frequented by VCU students. The uses across the alley include multiple restaurants and a night club.

The City's Downtown Plan designates this location as an Urban Center Area which "is characterized by higher density, mixed-use development." It also notes that parking "is located on-street, or at the rear of the lot...accessed from the alley." The city bicycle master plan notes both West Franklin Street and Harrison Street as existing shared lane bike routes. This location 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.

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. The number 10 and 16 GRTC bus lines pass by this corner. 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 current use allowed by the existing R-73 Zoning, is multi-family residential. The proposed project adds a singe one bedroom dwelling unit, which is inconsequential to the existing density of the neighborhood and welfare of the community.

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. The benefit of the new structure will be to provide a physical buffer at the border with the B-4 business district. Also, the existing surface parking lot allows for vehicles to drive over the existing pedestrian right of way. The new parking in the carriage house eliminates this condition, increasing the safety of pedestrians. Access to multi-modal transportation is exceptional.

The proposed special use will not create hazards from fire, panic or other dangers. The new construction will be built in accordance 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 part of downtown. The addition of a single one bedroom dwelling unit will be inconsequential to the density of this urban district.

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 carriage house will not require an increase of services to the property. The new construction is to be built over an impervious parking area and will not increase runoff onto the alley.

The proposed special use will not interfere with adequate light or air. The new structure will not interfere with the available light and air to adjacent habitable spaces.

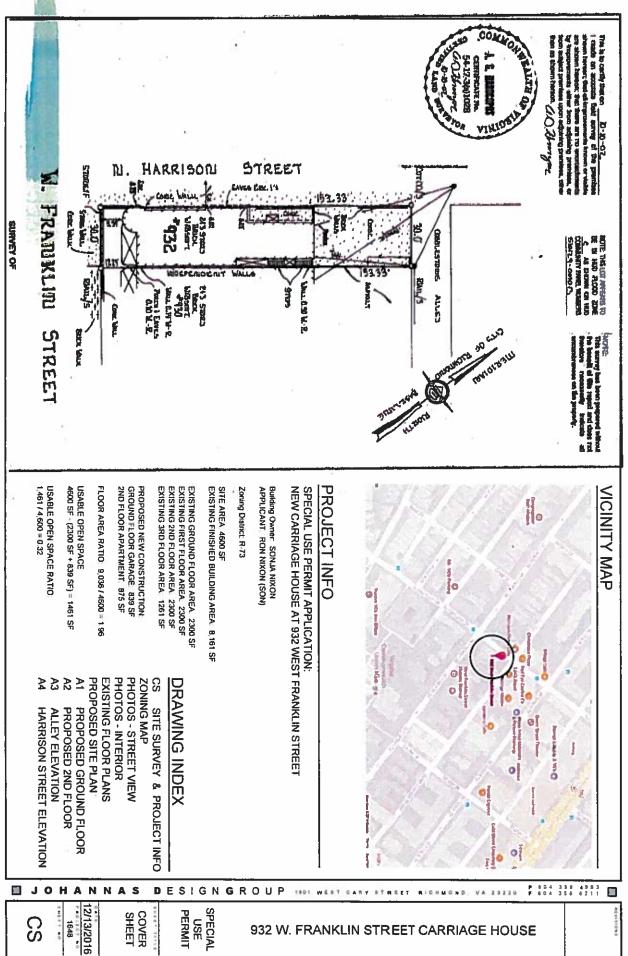
UPDATED CONTENT:

The proposed special use supports the goals of the City Master Plan - Near West Planning District Land Use Plan.

- The Land Use Plan "is meant to accommodate new and diverse development opportunities where appropriate, while preserving the urban character of an area almost entirely built-out." (p. 229)
- Among cited "guiding land use principles", one states "Infill development of like density, scale, and use is appropriate." (p. 230)
- "... higher density mixed residential uses are appropriate in both the Fan and West of the Boulevard neighborhoods. Concentrations of small, multi-family structures ... contribute to a strong sense of social and economic diversity." (p.234)

The proposed carriage house will be consistent with the scale and character of neighboring buildings and complement the historic context of the site. Some of the neighboring properties to the East have original historic carriage houses located at the alley. Also, both across the alley, and across Harrison Street from the proposed carriage house, are 2-story masonry structures.

end of report



USE

SPECIAL

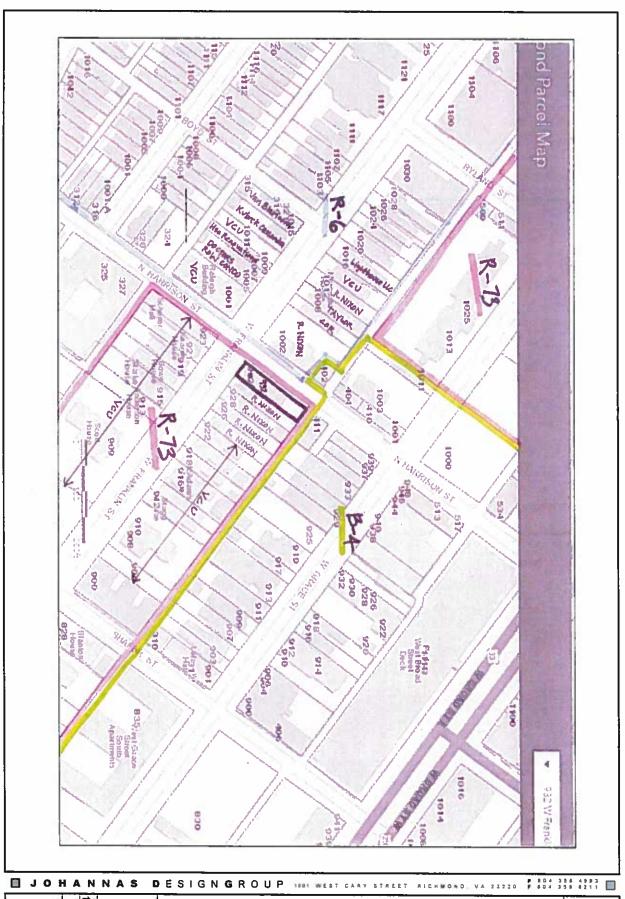
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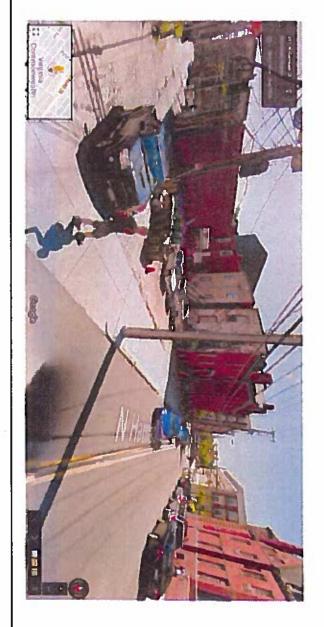
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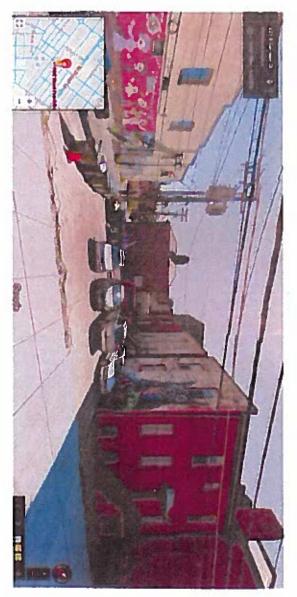
932 W. FRANKLIN STREET CARRIAGE HOUSE

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AD 12/13/2016 932 W. FRANKLIN STREET CARRIAGE HOUSE





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РНОТОЅ	12/13/2016	STREET	932 W. FRANKLIN STREET CARRIAGE HOUSE	20 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

















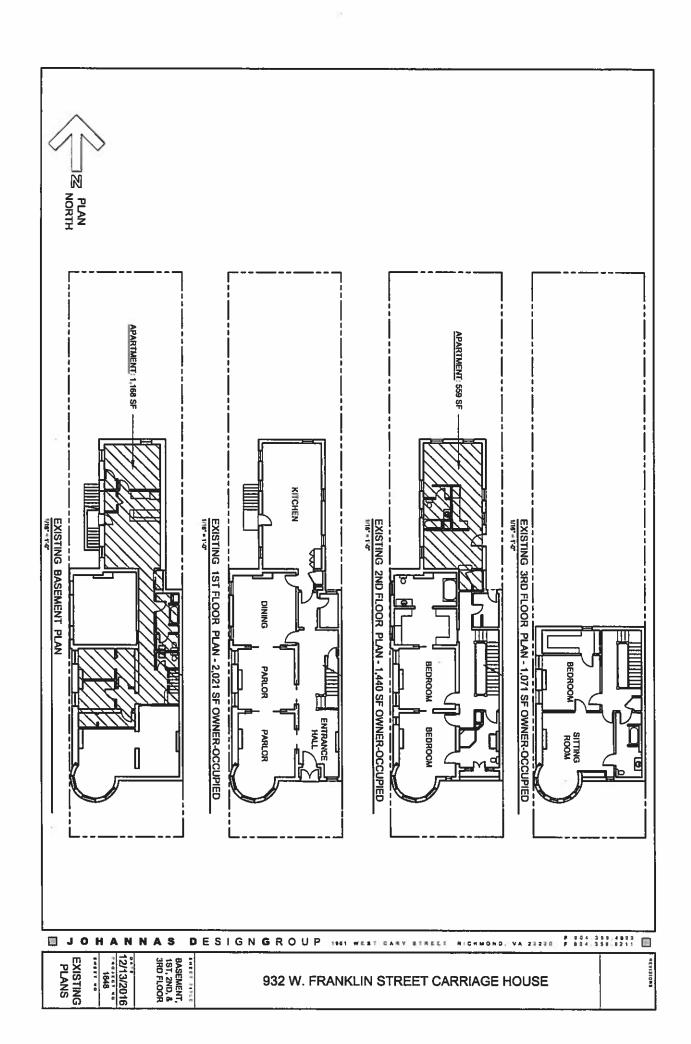


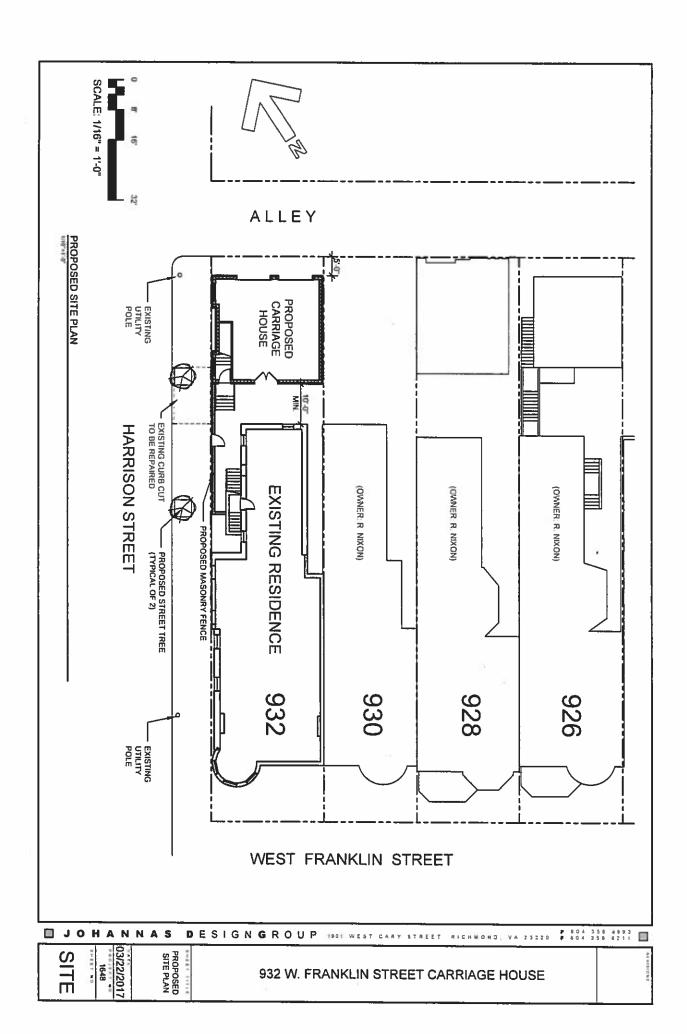


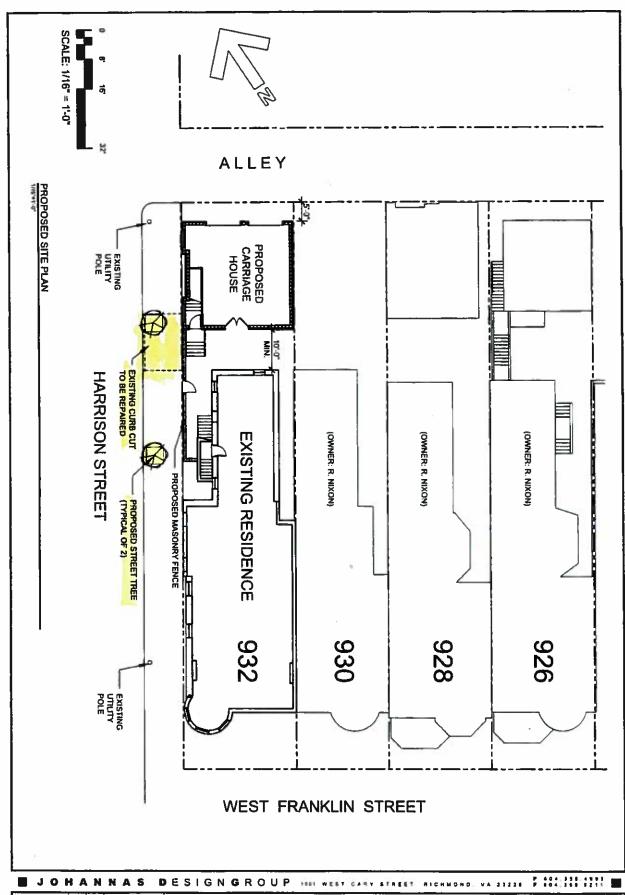
JOHANNAS DESIGNGROUP 1901 WEST CARY STREET RICHWORD, VA 23222 F 804 356 8211

INTERIOR VIEWS 12/13/2016 1848 PHOTOS

932 W. FRANKLIN STREET CARRIAGE HOUSE







STEPPOSE 932 W. FRANKLIN STREET CARRIAGE HOUSE

