

INTRODUCED: September 12, 2016

AN ORDINANCE No. 2016-235

To rezone the property known as 2400 East Franklin Street from the M-1 Light Industrial District to the R-6 Single-Family Attached Residential District.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 10 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the survey entitled “The Property Known as #2400 E. Franklin Street in the City of Richmond, VA,” prepared by Edwards, Kretz, Lohr & Associates, PLLC, and dated July 17, 2015, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property known as 2400 East Franklin Street, with Tax Parcel No. E000-0340/013 as shown in the 2016 records of the City Assessor, is excluded from the M-1 Light Industrial District and shall no longer be subject to the provisions of sections 30-452.1 through 30-452.4 of the Code of the City of Richmond (2015), as amended, and that the same is included in the R-6

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 10 2016 REJECTED: _____ STRICKEN: _____

Single-Family Attached Residential District and shall be subject to the provisions of sections 30-412.1 through 30-412.8 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2015), as amended.

§ 2. This ordinance shall be in force and effect upon adoption.

Single-Family Attached Residential District and shall be subject to the provisions of sections 30-412.1 through 30-412.8 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2015), as amended.

§ 2. 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

Intracity Correspondence

Pre Introduction to Council: PRE. 2016-202

RECEIVED

AUG 01 2016

File Number: PRE. 2016-202

OFFICE OF CITY ATTORNEY

To rezone the property known as 2400 East Franklin Street from the M-1 Light Industrial District to the R-6 Single-Family Attached Residential District.

4-5466

O & R Request

O & R REQUEST

JUL 29 2016

TO: The Honorable Members of City Council
THROUGH: Dwight C. Jones, Mayor (by request)
THROUGH: Selena Cuffee Glenn, Chief Administrative Officer
THROUGH: Peter L. Downey, Jr., Deputy Chief Administrative Officer for Economic Development and Planning
FROM: Mark A. Olinger, Director, Dept. of Planning and Development Review
RE: Rezoning of 2400 East Franklin Street from the M-1 Light Industrial District to the R-6 Single-Family Attached District.

Chief Administration Office
City of Richmond

ORD. OR RES. No.

PURPOSE: To rezone the property known as 2400 East Franklin Street from the M-1 Light Industrial District to the R-6 Single-Family Attached Residential District.

REASON: The applicant proposes to construct a single-family dwelling on the subject property. Residential uses are not permitted in the existing M-1 Light Industrial District. The subject property is also subject to a special use permit that authorized the conversion of the existing building on the adjacent property to residential use and required an amendment for any further development of the property. The applicant has requested an amendment for his property to be removed from the existing special use permit along with the requested rezoning to the R-6 zoning district in order to construct a single-family dwelling in accordance with the R-6 requirements.

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 3, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is located on the north side of Franklin Street between North 24th Street and North 25th Street. The site currently consists of a vacant vegetated lot of

approximately 0.4 acres.

Originally, applicant's lot was part of the adjacent lot, in total consisting of approximately 42,400 square feet, with a warehouse located on the site. The first Special Use Permit (SUP), Ordinance No. 97-287-289, adopted on October 13, 1997, authorized converting and expanding the warehouse on the lot to allow for 43 dwelling units and 43 parking spaces. The first amended SUP, Ordinance No. 98-246-275, adopted on September 14, 1998, reduced the number of dwelling units and parking spaces to 16, without requiring expansion of the building. The second amended SUP, Ordinance No. 2007-115-85, separated the original lot into two lots, with parcel one containing the building and parcel two, the applicant's lot, consisting of a vacant lot. Also under that SUP, the 16 apartment units in the building on parcel one were converted to condominiums. After that SUP amendment, parcel one was given a Tax Parcel Number of E000-0340/031, and parcel two, the applicant's lot, retained the original Tax Parcel Number of E000-0340/121. That SUP amendment, however, in Section 3(m) provided that any further development of the property, without specifying parcel one or parcel two, would require an amendment of the SUP.

A proposed ordinance would rezone the property from M-1 Light Industrial to R-6 Single-Family Residential, which would allow the construction of a single-family dwelling. As the current SUP does not allow development of the property without amendment, a separate ordinance is proposed to remove the property from the SUP.

The R-6 Single-Family Residential zoning district permits single-family detached dwellings on lots not less than 5,000 square feet in area with a width of not less than 50 feet. A front yard with a depth of not less than 15 feet would be required as well as side and rear yards with depths of not less than 5 feet. One off-street parking space would be required for the dwelling, which could be provided from the alley to the north of the property.

The property is also located in the Saint John's District City Old and Historic District and is subject to review by the Commission of Architectural Review (CAR). The CAR conceptually reviewed the applicant's proposed single-family dwelling at their April 26, 2016 meeting.

The properties to the north, west, and east are zoned R-6 Single-Family Residential. The property to the east, across North 25th Street is improved with townhomes that are also subject to a Special Use Permit. The property to the west, across unimproved North 24th Street, is part of the Bellevue Elementary School property. The properties to the north are occupied by single and two family dwellings. The property to the south, across East Franklin Street, is located in the B-5 Central Business District and is improved with the Pohlig Box Factory apartments. All of the surrounding properties are also located in the St. John's Old and Historic District. The Master Plan recommends Single-Family (medium-density) for the subject property.

FISCAL IMPACT / COST: The Department 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: \$1,500.00 application fee.

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: September 12, 2016

CITY COUNCIL PUBLIC HEARING DATE: October 10, 2016

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission,
October 3, 2016.

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

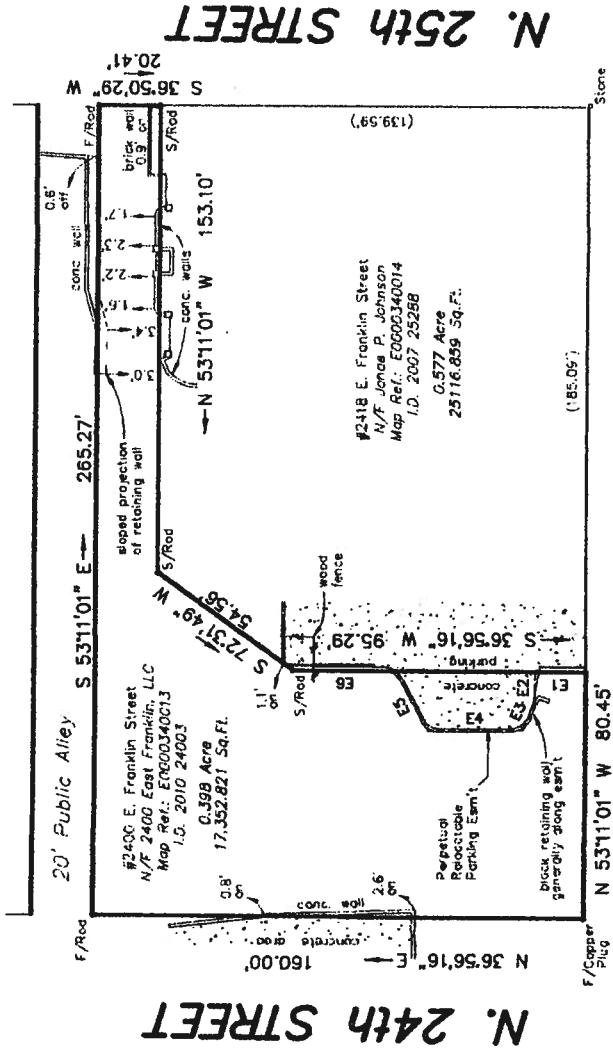
REQUIRED CHANGES TO WORK PROGRAM(S): None

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

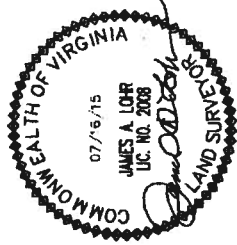
STAFF: Lory Markham, Principal Planner
Land Use Administration (Room 511)
804-646-6309

O&R 16-20

Halter & Associates, LLC 2007 2022
 Rev. Date 05/16/07



LINE	BEARING	DISTANCE
E1	N 36°56'16" E	16.40
E2	N 53°11'01" W	9.77
E3	N 29°30'27" W	9.95
E4	N 36°00'47" E	31.21
E5	S 81°05'00" E	21.97
E6	N 36°56'16" E	33.41



Edward, Kentz, Lohr & Associates, PLLC
 Land Surveyors-Planners
 Virginia-North Carolina
 1900 Byrd Avenue, Suite 103
 Richmond, Virginia, 23230
 Phone (804) 673-9668
 Fax (804) 673-9880
 Date: 07/17/15
 Checked: JAL
 Scale: 1"=40'
 Drawn: TCU
 Job: 1314-15

This is to certify that on 07/16/15 I made an accurate field survey of the premises shown herein, that all necessary measurements were taken and that the same are correct, that there are no encroachments by improvements other than adjoining premises or from subject premises that will encroach upon the subject premises, that I was not made without the benefit of a title survey or report.

FLOOD INSURANCE NOTE: By graphics plotting only, this property is in ZONE X of the Flood Insurance Rate Map, Community Panel No. 310129005SE, effective date of 07/18/14. Exact designations can only be determined by an Elevation Certificate. Based on the above information, this property is NOT in a Special Flood Hazard Area.

Purchaser: David W. Kapella

E. FRANKLIN STREET

Survey and Plat of
The Property Known as
#2400 E. Franklin Street
in the City of Richmond, VA



Application for REZONING/CONDITIONAL REZONING

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 648-6304
<http://www.richmondgov.com/>

RECEIVED
JAN 15 2016

Project Name/Location

Project Name: KAPELLA - DOUTY RESIDENCE Date: 01/04/16

Property Address: 2400 E. FRANKLIN ST. Tax Map #: E0000340013

Fee: \$1500 Total area of affected site in acres: 0.3983
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: M-1

Existing Use: VACANT

Is this property subject to any previous land use cases?
 Yes No

If Yes, please list the Ordinance Number:

Proposed Zoning/Conditional Zoning

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

R-6: (1) SINGLE FAMILY
RESIDENCE

Applicant/Contact Person: TAYLOR MEDLIN

Company: THE RALEIGH ARCHITECTURE CO.

Mailing Address: 502 S. WEST ST. SUITE 100

City: RALEIGH State: NC Zip Code: 27601

Telephone: (919) 831 2955 Fax: (919) 831 2956

Email: TAYLOR@RALEIGH-ARCHITECTURE.COM

Property Owner: DAVID KAPELLA

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: 3826 CASEY LANE

City: RALEIGH State: NC Zip Code: 27612

Telephone: (919) 656 1373 Fax: ()

Email: DWKAPPELLA@GMAIL.COM

Property Owner Signature: *[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.)



December 22, 2015

APPLICANT REPORT – REZONING

Property = 2400 E. Franklin Street Richmond, VA 23223

Attn:

Department of Planning and Development
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street, Richmond, Virginia 23219
Telephone (804) 646-6304

Property Description:

Address: 2400 E. Franklin Street, Richmond VA 23223

Currently Zoned : M-1

Proposed Zoning : R-6

Acreage: 0.3983

Owner: David Kapella

Existing Use: Empty Lot

The lot owned by David Kapella at 2400 E. Franklin Street, Richmond is currently zoned M-1 "Light Industrial". It is Mr. Kapella's desire to build a detached single family residence on the lot, therefore we are proposing the property be rezoned R-6 "Single Family Attached Residential".

We ask you to consider the following when reviewing this proposal to rezone the property from M-1 to R-6:

The property borders a developed commercial corridor to the southwest, zoned M-1 & B-5, but is surrounded by an established residential neighborhood to the east, north, and northeast. These adjacent residential neighborhoods are zoned R-6. The property is currently vacant, and based on our initial research has historically been naturally wooded. The intent is to locate a single family private residence on the north end of the site to connect to the scale and mass of the existing adjacent residential neighborhood. Sec. 114-412.7, under the R-6 division of the Richmond Zoning Ordinance mandates that "No driveway intersecting a street shall be permitted on a lot devoted to dwelling use when alley access is available to serve such a lot." A public alley exists on the northeastern end of the property and as such driveway access would be required from the northeast alley, not E. Franklin Street. It would be appropriate then to allow the property to be developed with a residential program, adding to the already established residential fabric to the north, northeast, and east.

The site is 0.393 acres and is of an irregular size, which makes it more suitable for residential development than the larger footprint of an industrial or commercial use building. Additionally, a steep grade consisting of a 30' rise over 50' exists on the southern side of the property adjoining E. Franklin Street. To locate a building on E. Franklin Street would require extensive and expensive site alteration, utility (sanitary) access, and drainage solutions. A building located on the northern end of the property would alleviate these burdens and at this location logically relate to/be of a residential scale and use found to the north, northeast, and east.

Application Report continued on next page

CONCLUSIONS: The proposal to re-zone 2400 E. Franklin St. from M-1 to R-6 is consistent with the use and zoning of the adjacent neighborhood. Given the restrictions of the grade and site, rezoning the property to allow for a single family home is appropriate.

-----END COMMENTS & RESPONSES-----

We appreciate your thorough review and time to address our application. If there are any additional questions or additional information required, please contact me directly at 919.831.2955 or by email, taylor@raleigh-architecture.com

Sincerely,

The Raleigh Architecture Co.

Taylor Medlin