

INTRODUCED JUL 27 1998

AN ORDINANCE **No. 98-246-275**

ADOPTED SEP 14 1998

To amend and reordain Ordinance No. 97-287-289, adopted October 13, 1997, which authorized a special use of the real estate, property known as 2418-2422 East Franklin Street, to authorize the conversion of the existing building for use as sixteen (16) dwelling units with commercial space and accessory parking, upon certain terms and conditions.

Patron – City Manager (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING SEP 14 1998 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 97-287-289, adopted October 13, 1997 is hereby amended and reordained as follows:

§ 1. That the real estate, property known as 2418-2422 East Franklin Street, located at the northwest intersection of East Franklin Street and North 25th Street, identified as Tax Parcel Number E000-0340/0121 in the [~~1997~~] 1998 records of the City Assessor, being more completely described as follows: beginning at the point of intersection of the north right of way line of East Franklin Street and the west right of way line of North 25th Street; thence extending in a westerly direction along the north right of way line of East Franklin Street 265.55 feet to a point; thence extending in a northerly direction along a property line 160.00 feet to a point on the south right of way line of an east-west 20.00 foot wide public alley; thence extending in an easterly direction along said alley 265.41 feet to a point on the west right of way line of North

25th Street; thence extending in a southerly direction along said right of way line 160.00 feet to the point of beginning, is hereby permitted to be used for the purpose of converting [~~and expanding~~] the existing building for use as [~~forty-three (43)~~] sixteen (16) dwelling units together with commercial space and accessory parking, substantially as shown on the site plan, floor plans, and elevation drawings entitled "Church Hill Gables", prepared by Wm Newman Architects, dated [~~August 22, 1997~~] March 26, 1998 and revised May 6, 1998, consisting of sheets [~~A-1 through A-6, A1.3 and A1.4~~] A1.1, A1.3, and A2.1, copies of which are attached hereto and made a part of this ordinance.

§ 2. That adoption of this ordinance shall constitute the granting of a special use permit for the real estate, which shall be transferable from the owner of the real estate to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of said real estate a building permit in accordance with the above-referenced plans for such purpose(s), subject to the following terms and conditions:

(a) That the owner of the property shall be bound by, observe, and shall comply with all other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and building, except as otherwise provided in this ordinance;

(b) That application for a building permit for construction of the building shall be made within twenty-four (24) months from the effective date of this ordinance, which building permit shall expire by limitation and become null and void if construction of the building is not commenced within one hundred eighty days (180) from the date of the building permit, or if

construction is suspended or abandoned for a period of one hundred eighty days (180) at any time after the work is commenced, as provided in applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within twenty-four (24) months from the effective date of this ordinance or should the building permit expire and become null and void after the expiration of the twenty-four (24) month time period for making application for the building permit, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void;

(c) That use of the property shall be as a maximum of [~~forty-three (43)~~] sixteen (16) dwelling units with accessory parking, and up to [~~2300~~] 1029 square feet of commercial floor area. The commercial area shall be limited to the location identified as "Lease Space No. 1" [~~and "Lease Space No. 2"~~] on the attached plans. Such commercial space shall be limited to business, professional and administrative offices, medical and dental offices, personal service establishments, stores and shops for the conduct of retail business, and a restaurant; provided that the hours of operation of any business within the commercial space shall be limited to 8:00 a.m. to 9:00 p.m., daily; that there shall be no live entertainment or amplified music permitted in the commercial space audible beyond the boundaries of the property; that for a restaurant, of which there shall only be one within the commercial space, the maximum seating capacity shall be sixteen (16) seats; and there shall be no outdoor dining permitted on the premises or permitted on the abutting City sidewalks accessory to the restaurant on the premises;

(d) That the design of the building shall be substantially as shown on the attached plans, provided that minor changes may be made in exterior architectural details of the building as may be necessary to meet the requirements of the Commission of Architectural Review;

(e) That not less than [~~forty-two (42)~~] sixteen (16) parking spaces shall be provided with six (6) on site, and ten (10) on the ground floor[⁷] with access for occupants of the building by remote controlled devices, [~~and one handicap parking space~~] such spaces shall be substantially as shown on the attached plans. Such parking shall be available only to the occupants of the building and may not be leased to others. The parking area and access aisles shall be paved with a dust free, all weather surface and parking spaces shall be delineated on the pavement surface;

(f) That brick City standard sidewalk improvements shall be bonded or installed substantially as depicted on the attached plans prior to the issuance of the certificate of occupancy. The sidewalks shall be installed by the owner at the owners expense unless an agreement is reached where the City of Richmond will provide the sidewalks;

(g) That 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 as not to be visible from adjacent properties and public streets[~~. That the collection of trash shall be provided by a private collecting firm and removal hours shall be limited to between 8:00 a.m. and 9:00 p.m. daily~~];

(h) That final grading and drainage plans, if required, shall be approved by the Director of Community Development prior to the issuance of building permits;

(i) That storm or surface water shall not be allowed to accumulate on the land and adequate facilities for drainage of storm or surface water from the land and building shall be provided and maintained at all times by the owner at its costs and expense so as not to adversely affect or damage adjacent property or public streets and the use thereof;

(j) That the existing painted sign “United States Historical Society” may be retained and shall not be removed or altered unless approved by the Commission of Architectural Review. In addition to the existing sign, identification of the premises shall be limited to [~~four (4)~~] three (3) signs with a maximum aggregate sign area of [~~forty-two (42)~~] twenty-seven (27) square feet, and no one sign exceeding nine (9) square feet in area. [~~Three (3)~~] Two (2) of the said signs shall be attached flat to the exterior surface of the building, one (1) sign may project from the exterior wall as depicted on the plans. The signs shall not be illuminated by a visible source or internally illuminated. The final design and location of the signage shall be approved by the Commission of Architectural Review prior to the issuance of a sign permit;

(k) That any encroachments within the public right of way, including building improvements, awnings and signage shall be subject to the review and approval of the City under standard City requirements pertaining to such encroachments; and

(l) That the existing vegetation along the north alley line as depicted on the attached plans shall be protected and preserved during the development of the site. The vegetation shall be maintained to provide a buffer for the dwellings facing East Grace Street. Additional landscaping shall be provided substantially as shown on the attached plans.

§ 4. That should the owner use the premises for any purpose which is not permitted by this ordinance, or fails, refuses or neglects to comply with all applicable terms and conditions, and does not terminate such use or comply with such terms and conditions within sixty (60) days after written notice to do so has been given by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void, unless an application for a special use amendment is filed with the Director of the Department of

Community Development, which shall stay the sixty (60) day period. Failure to comply with the terms of this ordinance shall constitute a violation of § 32.1-1080 of the Code of the City of Richmond, 1985, or other applicable provision.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the premises is abandoned for a period of twenty-four (24) consecutive months, use of the real estate shall be governed thereafter by the zoning regulations prescribed for the district in which the real estate is then situated.

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

A TRUE COPY

TESTE:

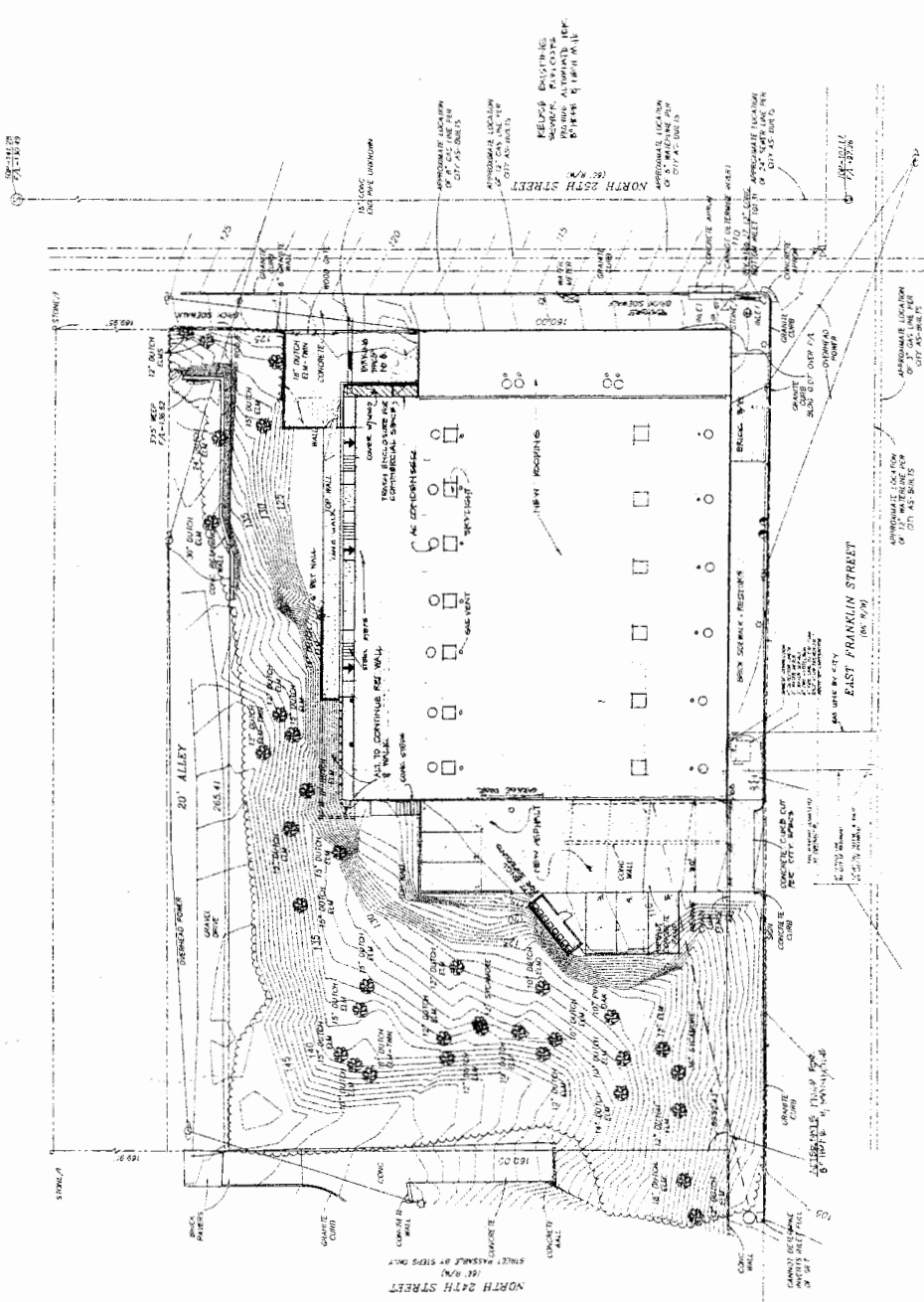


CITY CLERK

PRESENTING
**CHURCH HILL
GABLES**
25TH & EAST FRANKLIN STREET
RICHMOND, VIRGINIA

OWNER BY: J.E. GABLES
PROJECT NO.: 9807
SHEET NO.: A.1.1
DATE: 1/17/98
PLANNING: N/10/98

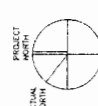
CONCEPTUAL DRAWINGS



- LEGEND
- POWER POLE
 - GAS VALVE
 - WATER VALVE
 - CITY WIRE
 - SOCK
 - LIGHT POLE
 - ELECTRIC MANHOLE



OWNER: ADRIAN-WARREN ASSOCIATES
D.P. 37 PG. 1617
1/24 P.C.E. E 000-0340-171



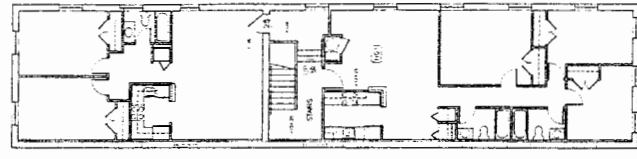
TOPOGRAPHIC SURVEY ON
NO. 2408 2430 & 2422
EAST FRANKLIN STREET
CITY OF RICHMOND, VIRGINIA
J.N. 11722

NOTES

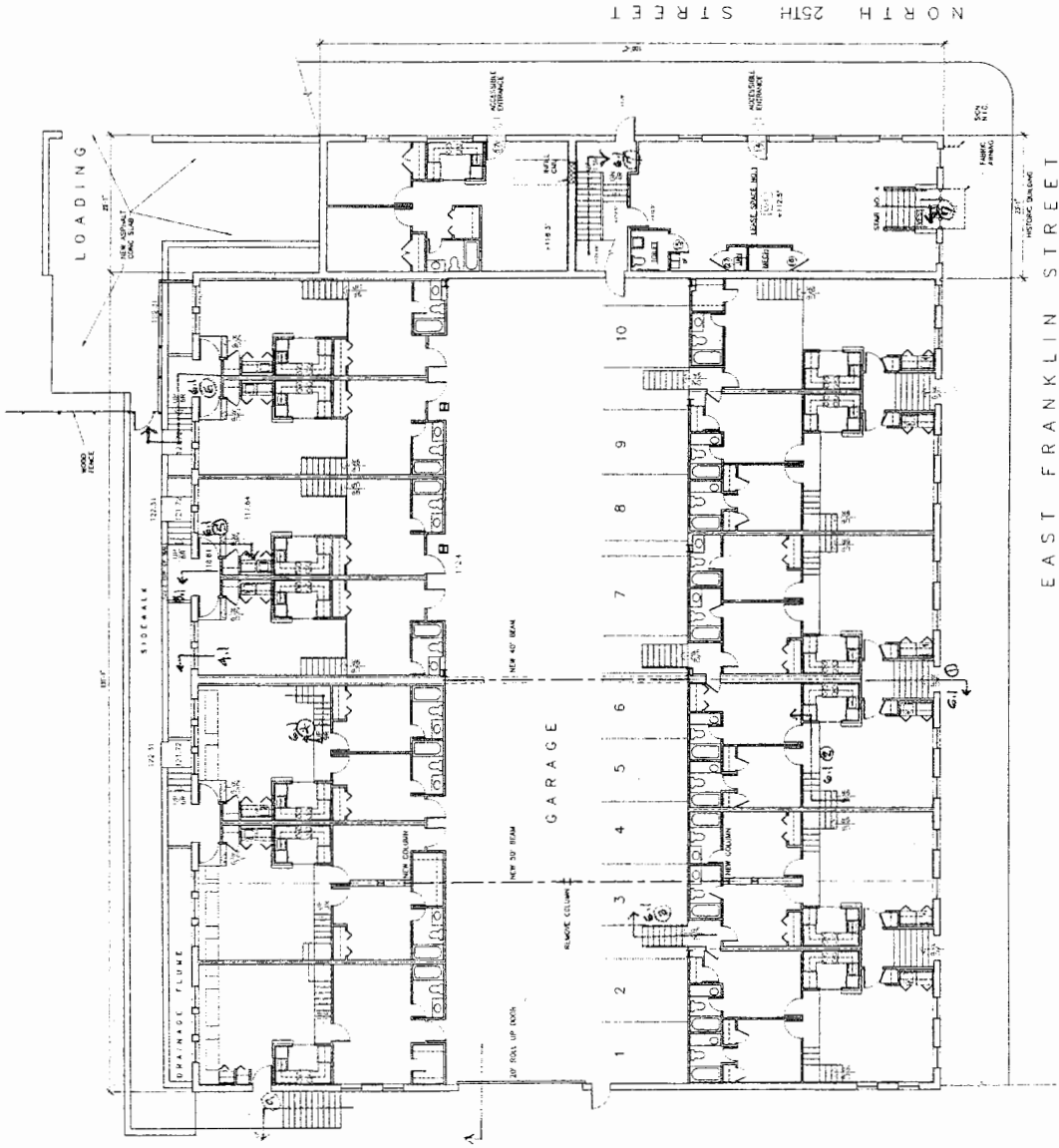
ENGINEERS: J.M.
RICHMOND, VA.

PRESENTING
**CHURCH HILL
GABLES**
25TH & EAST FRANKLIN STREET
RICHMOND, VIRGINIA

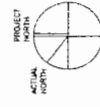
DATE: 1/20/78	BY: J.M.
CHECKED BY: W.N.	DATE: 2/5/78
PROJECT NO: 9807	SHEET NO: A1.3



SECOND FLOOR PLAN



FIRST FLOOR PLAN



EAST FRANKLIN STREET

NORTH 25TH STREET

LOADING DOCK

GARAGE

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City of Richmond

(For Intracity Correspondence)

DATE: JULY 10, 1998 **EDITION:** 1

TO: THE HONORABLE MEMBERS OF COUNCIL

THRU: CONNIE BAWCUM, ACTING CITY MANAGER

FROM: S. MARK STRICKLER, ACTING DIRECTOR OF COMMUNITY DEVELOPMENT *MS for SMS*

SUBJECT: SPECIAL USE PERMIT AMENDMENT FOR THE PROPERTY AT 2418-22 EAST FRANKLIN STREET TO REDUCE THE NUMBER OF DWELLING UNITS AND TO REDUCE THE COMMERCIAL AREA AND TO SUBSTITUTE REVISED PLANS FOR THE CONVERSION OF THE BUILDING FOR MULTI-FAMILY DWELLING.

ORD. or RES. No. _____

PURPOSE: To amend Ordinance No. 97-287-289, adopted October 13, 1997, which authorized a special use of the real estate, property known as 2418-22 East Franklin Street, to reduce the number of dwelling units and to reduce the commercial area, and to substitute revised plans for the conversion of the building for multi-family dwelling purposes, upon certain terms and conditions.

REASON: The property is zoned M-1 Light Industrial, which does not permit the proposed multi-family use. The previous special use permit on this property, adopted in 1997, authorized up to 43 dwelling units as part of a plan to expand the existing building on the property. The developer is altering the plans so that the extent of the existing building would not be changed and the number of dwelling units would be reduced to 16 so as to fit within the existing building, thereby eliminating the need for an expansion. An amendment, therefore, is necessary.

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 Tuesday, September 8, 1998 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is located at the northwest corner of East Franklin and North 25th Streets and contains approximately 42,400 square feet of land area. The property is zoned M-1 Light Industrial, which does not permit the proposed dwelling use. The property is also located in the Church Hill Old and Historic Overlay District. The building contains 18,725 square feet and is currently utilized as a warehouse. The original portion of the structure was constructed in 1925 and an addition was constructed in the 1970s.

The original special use permit required the petitioner to preserve the 1925 two-story portion of the building and authorized that portion for commercial use on the first floor and two dwelling units on the second floor. The modern warehouse portion would be converted and expanded to accommodate 43 parking spaces and 41 dwelling units. The original ordinance limited the occupancy of the commercial space to offices, personal service, retail, and/or a restaurant with a maximum seating capacity of 16. However, the petitioner indicates that federal and state tax credits were not sufficient to fund the original plan. This amendment would reduce the number of dwelling units from 43 to 16 by using only the

existing building. Of the 16 units, one would be a three bedroom unit, eight would be two bedroom units, and seven would be one bedroom units. All units would be air-conditioned and twelve units would have washers and dryers. The commercial space would be reduced to 1,029 square feet, and would be subject to the same uses and limitations imposed by the original special use permit. At its meeting of May 27, 1998 the Commission of Architectural Review granted final approval of the proposed exterior alterations.

Under normal zoning, 16 parking spaces are required for the 16 proposed dwelling units. The parking requirement for the commercial space would depend on the ultimate use of the space and could range from three to ten parking spaces. A total of 16 parking spaces would be provided, six on site and ten within an enclosed parking area on the first floor for the dwelling units. No parking is proposed for the commercial use. Access to the enclosed parking level would be by remote control, so those spaces would not be accessible to the general public. The existing vegetation along the north alley line would remain to provide a buffer for the existing dwellings fronting on East Grace Street.

The properties to the north and east are zoned R-6 Single-Family Residential. The properties to the north are occupied by single and two-family dwellings. The property to the east is occupied by a townhouse development authorized by special use. The properties to the south and west are zoned M-1 Light Industrial. The property to the south is occupied by a vacant building. The property to the west is vacant. The Master Plan recommends "mixed-use" industrial for the subject property. Policy statements in the Plan indicate that "a wide variety of residential development should be encouraged in this mixed use area where appropriate. Such development should consider single-family use of residential or small commercial buildings, apartments over shops and offices, and multi-family use of appropriate old industrial and commercial buildings through adaptive reuse."

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; publishing, mailing and posting of public notices; and updating of zoning maps if the ordinance is adopted.

REVENUE TO CITY: The application fee of \$500 was received to process this request.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: July 27, 1998

CITY PLANNING COMMISSION AGENDA DATE: Tuesday, September 8, 1998

CITY COUNCIL PUBLIC HEARING DATE: September 14, 1998

AFFECTED AGENCIES: City Manager's Office
Law Department (for preparation of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: Ordinance 97-287-289 would be amended by this request.

ATTACHMENTS:

1. Application Form, Applicant's Letter, Special Use Plan, Legal Description of the Property and Draft Ordinance Conditions, (2 copies for Law Department, 5 copies for City Manager's Office and 1 copy for City Assessor)
2. Fee Receipt (2 copies - Law Department Only)

STAFF: Gretchen M. Schneider, Senior Planner
Land Use Administration (Room 511)
780-6307



APPLICATION FOR SPECIAL USE PERMIT
CITY OF RICHMOND, VIRGINIA

Date: April 8, 1998

To: The Honorable Council of the City of Richmond
c/o The Department of Community Development
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219

Application is hereby submitted for a special use permit for property located at:

25th Street and Franklin Street (Church Hill)

Purpose of Special Use Permit: To build 16 apartments and 1029 square
feet of commercial space.

Area of Property: .972 acres (Application fee is based on area)

Attached is a check for \$previously paid, payable to "City of Richmond"

Applicant/Contact Person: William C. Newman

Mailing Address: 408 W. Franklin Street

Richmond, Virginia 23220 Telephone: () 804 644-0170

Property Owner: Robert H. Kline

Mailing Address: U.S. Historical Society - 25 E. Main Street

Richmond, Virginia 23219 Telephone: () 804 648-4736

Property Owner's Signature: *Robert H. Kline*

(The signatures of all owners of the property are required. Please attach additional sheets as required. If a legal representative signs for a property owner, please attach an executed power of attorney.)

NOTE: Please attach the required site plans, floor plans, elevation drawings, applicant's report, and a check for the application fee. (See Special Use Permit Filing Procedure.)

April 8, 1998

Ms. Gretchen M. Schneider
Department of Community Development
City of Richmond
900 East Broad Street, Rm. 511
Richmond, VA 23219

RE: Church Hill Gables
Amendment to SUP 97-287-289
Adopted October 13, 1997

Dear Ms. Schneider

We herewith apply for an amendment to the subject Special Use Permit. Included here are:

- Application Form with Check for \$500 (.975 Acres)
- 6 sets of drawings, including site plan, floor plan and elevations
- Revisions to adopted Ordinance #97-287-289

The reason for this amendment is that the Federal and State Tax Credits were not sufficient to help finance the original plan. It has become necessary to significantly reduce the scope of the project. In doing so, we are proposing to make no structural additions to the existing building. Our plan is to provide 13 apartments and 11 parking spaces within the existing "warehouse" structure on the Ground Floor. For the "historic structure" there will be two apartments on the second floor, one apartment and a 1,029 sf commercial space on the Ground Floor. There will be 5 parking spaces on the site, making a total of 16 off-street parking spaces.

The "warehouse" structure will have its Franklin Street facade punched with residential windows, and three arched entrance openings which will have a wrought iron gate for security and an attractive Victorian-style carriage light. There will be a painted wood cornice, 5 ft. deep, running the length of the facade and turning on the west wall for 15 ft. The west wall will have brick under the cornice. The balance of the west wall and the north wall are virtually hidden from the street by the topography. These existing walls will be painted to match the brick color.

Page 2
Gretchen Schneider
April 8, 1998

As before, we are working with the Church Hill Association in order to have their support. We have already met with the Church Hill Association Zoning Committee and are scheduled for the Executive Committee on the 14th and the Church Hill Association Membership Meeting on the 28th of April. As our intention is not to enlarge, but rather to limit the building changes to adding windows, doors, and cornice, we are receiving a favorable reaction.

Thank you for your assistance. Please let me know if we need to make any changes to these documents.

Sincerely,

A handwritten signature in black ink that reads "W C Newman". The signature is written in a cursive style with a long horizontal line extending to the right.

William C. Newman

Encl.

(file: 1922)