

AN ORDINANCE No. 87-243-219

ADOPTED OCT 26 1987

To authorize the use of the real estate known as 10 Walnut Alley, containing 3,650 square feet, more or less, located at the northeast corner of Walnut and Whitlock Alleys (in the block bounded by 17th, 18th, Main and Franklin Streets), being more particularly described as follows: beginning at the point of intersection of the east right of way line of Whitlock Alley and the north right of way line of Walnut Alley; thence extending in a northerly direction 63.45 feet, more or less, along the east right of way line of Whitlock Alley to a property line; thence extending in an easterly direction 47.17 feet, more or less, along a property line to a property line; thence extending in a southerly direction 25.62 feet, more or less, along a property line to a property line; thence extending in an easterly direction 17.59 feet, more or less, along a property line to a property line; thence extending in a southerly direction 38.20 feet, more or less, along a property line to the north right of way line of Walnut Alley; thence extending in a westerly direction 65.08 feet, more or less, along the north right of way line of Walnut Alley to the point of beginning, for purposes permitted in the B-5 Central Business District as shown on survey, entitled: "Plat of 10 Walnut Alley, Richmond, Virginia", and as shown on floor plans and elevation drawings, entitled: "10 Walnut Alley", upon certain terms and conditions.

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Patron - City Manager (By Request)

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Approved as to form and legality  
by City Attorney

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THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the real estate known as 10 Walnut Alley, containing 3,650 square feet, more or less, located at the northeast corner of Walnut and Whitlock Alleys (in the block bounded by 17th, 18th, Main and Franklin Streets), being more particularly described as follows: beginning at the

point of intersection of the east right of way line of Whitlock Alley and the north right of way line of Walnut Alley; thence extending in a northerly direction 63.45 feet, more or less, along the east right of way line of Whitlock Alley to a property line; thence extending in an easterly direction 47.17 feet, more or less, along a property line to a property line; thence extending in a southerly direction 25.62 feet, more or less, along a property line to a property line; thence extending in an easterly direction 17.59 feet, more or less, along a property line to a property line; thence extending in a southerly direction 38.20 feet, more or less, along a property line to the north right of way line of Walnut Alley; thence extending in a westerly direction 65.08 feet, more or less, along the north right of way line of Walnut Alley to the point of beginning, is hereby permitted to be used for purposes permitted in the B-5 Central Business Districts as shown on survey, entitled: "Plat of 10 Walnut Alley, Richmond, Virginia", prepared by Paciulli, Simmons & Associates, LTD., dated March 16, 1987, and as shown on floor plans and elevation drawings, entitled: "10 Walnut Alley", prepared by Design Consortium, consisting of sheets A-1 through A-7, dated June 24, 1986, and revised March 30, 1987, copies of which plans are attached to, incorporated in, and to be read as a part of this ordinance, and the building on such parcel of real

estate is hereby permitted to be used for purposes authorized for B-5 Central Business Districts (Division 22 of Article IV of Chapter 32 of the Code of the City of Richmond, 1985, as amended).

§ 2. That the Commissioner of Buildings is hereby authorized to issue to the owner of said real estate, or successor or successors in fee simple title, a building permit for the purpose of making such alterations, improvements and repairs to the building as conform to the plans attached to the draft of this ordinance and to permit the occupancy of the property for purposes authorized for B-5 Central Business Districts in the City of Richmond. The special use permit shall be transferable to the successor or successors in title of the owner, whether acquired by operation of law, deed or otherwise and shall run with the land subject to the following terms and conditions:

(a) That the acceptance of the permit and the exercise of the privileges granted by this ordinance by the owner and successor or successors in title shall constitute a warranty on the part of the owner and successor or successors that title to the land and the building thereon shall be vested in the same person or persons or corporation;

(b) That the owner and tenants of the owner shall be bound by, observe and shall comply with all laws, ordinances and rules and regulations applicable to the land and

building, except as otherwise provided in this ordinance, that is, waiver of requirement that the building front on a public street;

(c) That required parking spaces for uses within the building shall be as specified in the City of Richmond Zoning Regulations;

(d) That use of the building shall be as permitted and authorized for B-5 Central Business Districts as set out in the City of Richmond Zoning Regulations;

(e) 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 within the building;

(f) 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 or building shall be provided by the owner at its cost and expense so as not to adversely affect or damage adjacent properties or public streets and the use thereof;

(g) That all electric and communication utilities adjacent to the building shall be placed underground in the alleys to provide necessary fire access. No awning or other attachment from the building shall extend into the alley right of way;

(h) That in all other respects, the property shall be subject to the B-5 Central Business District requirements of the City of Richmond Zoning Regulations;

(i) 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 the provisions of foregoing paragraphs (a) through (h) and does not terminate such use or comply with such provisions within ninety days after written notice so to do has been given to the owner by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void;

(j) 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 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; and

(k) That application for a building permit to adapt the building shall be made within twelve months from the effective date of this ordinance, which building permit shall expire by limitation and become null and void if construction authorized upon and within the building is not

commenced within one hundred eighty days from the date of building permit, or if work upon the building is suspended or abandoned for a period of one hundred eighty days at any time after the work is commenced, as provided in Section 109.1 of the Uniform Statewide Building Code. Should application for the building permit not made within twelve months from the effective date of this ordinance or should the building permit expire and become null and void, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

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

SPECIAL USE PERMIT APPLICATION  
CITY OF RICHMOND, VIRGINIA

DATE: August 5, 1987

TO: The Honorable Council of the City of Richmond  
C/O The Department of Planning & Community Development  
900 East Broad Street, Room 511  
Richmond, Virginia 23219

Application is hereby made for a SPECIAL USE PERMIT for (proposed use):

Apartments/Condominiums on upper floors and Commercial on ground floor

at the premises designated or described as follows: \_\_\_\_\_

10 Walnut Alley, Richmond, Virginia

in accordance with attached plans designated (title, sheet numbers,  
preparer, date)

See plans attached

The current zoning of the property is: M-1

Attached is a check for \$ 500.00, payable to "City of Richmond."

Signature of owner of property: By: \_\_\_\_\_  
Walnut Alley Limited Partnership

Mailing Address: Walnut Alley Limited Partnership

12 North 19th Street

Richmond, Virginia ZIP CODE: 23223

PHONE: (804) 788-1949

Applicant or owner's representative: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

ZIP CODE: \_\_\_\_\_

PHONE: \_\_\_\_\_

STAFF NOTE:

Application, plans, report, fee and other required information received:

AFFECTS MASTER PLAN YES \_\_\_\_\_ NO \_\_\_\_\_



August 4, 1987

The Honorable Council of the  
City of Richmond  
c/o The Department of Planning and  
Community Development  
900 East Broad Street  
Room 511  
Richmond, Virginia 23219

Re: 10 Walnut Alley, Richmond, Virginia

Gentlemen:

10 Walnut Alley, Richmond, Virginia is a part of the plan of the owners to develop various properties in the Shockoe Bottom area into a combination of commercial and residential use. In this instance the upper floors of the building will be used for residential purposes and the ground floor for commercial.

Inasmuch as the owners will not be occupying the building for their own use, it is impossible at this time to determine the hours of operation, number of employees or vehicular traffic that the first floor use will generate. Similar projects in the area being developed by the same owners have commercial on the first floor and residential above. That property is zoned B-5. It is anticipated that office or retail will be sought for 10 Walnut Alley.

With other residential, retail and office development being done in Shockoe Bottom and the anticipated Tobacco Row Project having the same type of mix, this use is certainly in keeping with the planned development in the surrounding area.

Regarding the five criteria set forth before Council can approve a Special Use, the applicant states that:

1. The proposed use for commercial and residential will not be detrimental to the safety, health, morals and general welfare of the community because the project involves recycling a vacant structure into residential and commercial uses. As an industrial

site the building is now inadequate and its rehabilitation would enhance the general welfare of the community.

2. The proposed use has no on-site parking but the Owners have other property in the area which will meet the needs of the residents. With only seven residential units, congestion in any public ways or places will not be a problem.
3. The proposed use will meet all Code requirements relating to fire, hazards and other dangers.
4. The proposed use will have no adverse effect upon any public facilities, conveniences or improvements.
5. There are no light and air questions associated with this project as it is a renovation of an existing structure.

In addition to the above, it should be noted that the surrounding area is in transition from industrial to commercial/-residential, and because of that fact it will enhance the values of the property around it and positively affect the general welfare of the Shockoe Bottom area.

Sincerely,



Kenneth V. Farino

KVF/lh

ORDINANCE OR RESOLUTION SUMMARY

CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. <u>87-243</u>	Subject
Patron(s) <u>City Manager</u>	Special use permit - to waive public street frontage requirement for a existing buidling at 10 Walnut Alley

SUMMARY

This Ordinance would waive the public street frontage requirement for an existing building at 10 Walnut Alley. The property is located at the north-east corner of Walnut and Whitlock Alleys in the block bounded by 17th, 18th, Main and Franklin Streets.

The property contains approximately 3650 sq. ft. of lot area and is zoned B-5 Central Business, which is appropriate for the proposed use. However, zoning regulations require that every building be on a lot which has improved public frontage or has access to a public street by means of a recorded permanent easement. The proposed re-use of property does not meet the zoning requirement.

The existing 2 and 3-story plus basement building contains approximately 12,000 sq. ft. of floor area. It would be renovated with commercial use in the basement and first floor with 7 apartment units on the second and third floors.

The petitioner has resolved all of the life, safety, health and access issues relative to the conversion. Electric and communication utilities adjacent to the building shall be placed underground in the alleys. An automatic sprinkler system shall be installed.

The conditions and safeguards set forth in the Charter relative to the issuance of Special Use Permits appear to be met.

Planning Commission granted approval (6-0) October 19, 1987.

COUNCIL ACTION

- On Docket 10/26/87
- Amended \_\_\_\_\_
- Adopted \_\_\_\_\_
- Rejected \_\_\_\_\_
- Stricken \_\_\_\_\_

City of Richmond  
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219  
804•780-6304

October 20, 1987

To the Honorable Council of the  
City of Richmond, Virginia

At its meeting of October 19, 1987, the City Planning Commission voted  
(6-0) to recommend APPROVAL of:

Ordinance No. 87-243

**To authorize the use of the real estate known as 10 Walnut  
Alley, \*\*\* for purposes permitted in the B-5 Central Business  
District, etc.**

The purpose of this paper is to waive the public street frontage requirement for an existing building at 10 Walnut Alley. The property is located at the northeast corner of Walnut and Whitlock Alleys, in the block bounded by 17th, 18th, Main and Franklin Streets. The building lies 57 feet west of 18th Street, and 93 feet south of Franklin Street. The property contains approximately 3650 square feet of lot area and is zoned B-5 Central Business. The existing building would be used for purposes permitted in the B-5 District. However, the zoning regulations require that every building "hereafter constructed and every use hereafter established," must be on a lot which has improved public street frontage or has access to a public street by means of a recorded permanent easement. Although the building has been used for many years for warehouse purposes, it is currently vacant, and any new use of it would be subject to this requirement.

Properties to the north, south and east are also zoned B-5. To the west are properties zoned M-1 Light Industrial. Surrounding properties are developed with a mixture of retail, wholesale and warehouse businesses. There are also a number of dwelling units located above businesses in the immediate area. The Master Plan recommends mixed-use development for this area and encourages residential uses over shops and offices and conversion of larger buildings into multi-family uses.

The existing 2 and 3-story plus basement building contains approximately 12,000 square feet of floor area. The petitioner proposes to renovate the building for commercial uses in the basement and first floor, with seven apartment units on the second and third floors. The special use ordinance would only waive the public street frontage requirement. In all other respects, the property would be subject to the normal B-5 zoning regulations. The petitioner has been working with the Commissioner of Buildings and Fire Bureau, and has resolved all of the safety, health and access issues relative to the proposed conversion. The ordinance requires that all electric and communication utilities adjacent to the building be

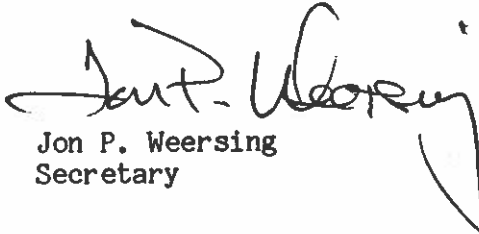
October 20, 1987

placed underground in the alleys to enable necessary fire access. In addition, an automatic sprinkler system would be installed as a part of the renovation work.

The primary purpose of the street frontage requirement is to provide access to properties. The two adjacent alleys provide adequate access to the property. Walnut Alley, the primary access, is 20 feet in width, and Whitlock Alley is 16 feet in width. All fire and safety requirements would be met. The proposed adaptive re-use of the building is consistent with Master Plan objectives for the area. The Commission feels it is desirable to have active uses within the alley network in the Shockoe Valley area. This kind of development can provide a catalyst for further adaptive re-use projects and renovations. The conditions and safeguards set forth in the Charter relative to the issuance of special use permits appear to be met, and approval is recommended.

No opposition has been expressed to the Commission.

Very truly yours,



Jon P. Weersing  
Secretary

JPW:lk

cc: Mr. Kenneth V. Farino - Applicant