

OFFERED SEP 08 1997

AN ORDINANCE No. 97-287-289

ADOPTED OCT 13 1997

To authorize the use of the real estate, property known as 2418-2422 East Franklin Street, for the purpose of converting and expanding the existing building for use as forty-three (43) 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 OCT 13 1997 AT 8 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 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 records of the City Assessor, being more completely described as follows: beginning at a 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) 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, consisting of sheets A-1 through A-6, A1.3 and A1.4, 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) dwelling units with accessory parking, and up to 2300 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) parking spaces shall be provided on the ground floor, with access for occupants of the building by remote controlled devices, and one handicap

parking space 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) signs with a maximum aggregate sign area of forty-two (42) square feet, and no one sign exceeding nine (9) square feet in area. Three (3) 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:

Sharon J. ...
CITY CLERK



City of Richmond

(For Intracity Correspondence)

AUG 23 1997

OFFICE OF THE CITY CLERK

DATE: August 22, 1997 **EDITION:** 1

TO: THE HONORABLE MEMBERS OF COUNCIL

THRU: ROBERT C. BOBB, CITY MANAGER

FROM: CHARLES T. PETERS, JR., DIRECTOR OF COMMUNITY DEVELOPMENT *by SMS*

SUBJECT: SPECIAL USE PERMIT TO AUTHORIZE THE CONVERSION AND EXPANSION OF 2418-2422 EAST FRANKLIN STREET FOR FORTY-THREE DWELLING UNITS WITH COMMERCIAL SPACE AND ACCESSORY PARKING

ORD. or RES. No. _____

PURPOSE: To authorize a special use permit for forty-three dwelling units with commercial space and accessory parking.

REASON: The subject property is zoned M-1 Light Industrial, which does not permit the proposed residential use and the parking requirement for the commercial use is not met.

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 6, 1997 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 northeast corner of East Franklin and 25th Streets. The property is zoned M-1 Light Industrial, which does not permit the proposed dwelling use. The property is located in the Church Hill Old and Historic Overlay District. The existing building is 18,725 square feet and is currently occupied by a warehouse. The building was constructed in 1925 and has an addition constructed in the 1970s.

The petitioner proposes to preserve the 1925 two-story portion of the building for commercial use on the first floor and two dwelling units on the second floor. The modern warehouse addition would be converted and expanded to accommodate 43 parking spaces and 41 dwelling units. Parking and one dwelling unit would be located on the ground floor. The remainder of the dwelling units would be located on the proposed second and third floors. The total square footage of the building would be approximately 55,788 square feet. There would be 19 one bedroom units, 22 two bedroom units and two three bedroom units. The units would be air-conditioned and have washer and dryers. The use of the 2300 square foot commercial space would be limited to offices, personal service, retail and a restaurant with a maximum of seating capacity of 16 seats. The existing vegetation along the north alley line is to remain to provide a buffer for the existing dwellings fronting on East Grace Street.

As the property is located within an Old and Historic Overlay District, a Certificate of Appropriateness is required for the proposed construction. The Commission of Architectural Review would also have final approval of materials, colors and design details.

Under normal zoning 43 parking spaces are required for the dwelling units and 43 are proposed. The parking requirement for the commercial space would depend on the ultimate use of the space and could range from 8 to 23 spaces. No parking is proposed for the commercial space. Access to the parking level would be by remote control, so those spaces would not be accessible to the general public.

The properties to the north and east are zoned R-6 Single-Family Attached 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 a 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 \$1000 was received to process this request.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: September 8, 1997.

CITY PLANNING COMMISSION AGENDA DATE: October 6, 1997.

CITY COUNCIL PUBLIC HEARING DATE: October 13, 1997.

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: N/A

ATTACHMENTS: 1. Application Form, Applicant's Letter, Survey and, legal description (2 copies for Law Department, 5 copies for City Manager's Office, 1 copy for City Assessor, and 1 copy for the Zoning Administrator)
2. Fee Receipt (2 copies - Law Department Only)

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

DCD O&R No. 97-46



APPLICATION FOR SPECIAL USE PERMIT
CITY OF RICHMOND, VIRGINIA

Date: February 21, 1997

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 42 apartments and 2055 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.)

APPLICANT'S REPORT

This Application seeks to eliminate the current M1 zoning (industrial) from the Owner's site, located at the NW corner of 25th & East Franklin Street, in residential Church Hill. In its place is proposed Church Hill Gables, housing 42 apartments in a configuration with parking in the basement and apartments on the 2 stories above. Commercial space will be offered in the restored historical building.

COMPATIBILITY WITH SURROUNDING AREA

Aesthetically the building will reflect the environment of its block, where factories of the 19th Century were built at the edge of the residential district, within walking distance from the homes of workers and owners. Facing half of the site across Franklin Street is Pohlig Brothers Box Factory, 3 stories tall with sloping roof, built of the red-brown brick prevalent in Church Hill. Facing the balance of Franklin Street is the Norris Furniture Corporation building, 4 stories tall, with sloping roof and brown brick. Both buildings feature the distinctive stepped gable wall seen so frequently on Church Hill buildings.

Church Hill Gables will reflect the features of these two important buildings, stepped gable walls, sloping roof, and brown brick. It will also use other characteristics of the area. We will use the Victorian factory window with its tall proportions, heavy frame, brick lintel, and small window lites, usually 3 across and 4 down.

APPROPRIATE USE OF THE SITE

We believe that this block of Franklin Street will soon become entirely residential, probably in the form of apartments. This trend is moving in the area already. Two blocks away, Tobacco Row is expanding with a new apartment building. Four blocks west on Franklin Street are two large apartment buildings, the Cheroot Building and the Superior Apartment building. At Grace and 21st, the American Tobacco building is being converted into 50 apartment units. It seems likely that the Pohlig building will be converted to apartments based on the trends and its compatibility with that use. Studies have been made to convert the Norris building into apartments. We believe that apartment use is the highest and best use for the site.

COMMUNITY SAFETY, HEALTH & MORALE

Nothing could make a better contribution to the development of the community safety, health, morale and general welfare than these apartments. The units will rent higher than neighboring units and will draw relatively well paid and educated professionals working in Richmond's urban center. These 80 new citizens will add wealth and influence to Church Hill. They will help to attract residential services such as grocery and drug stores. They will resist convenience stores and bars. The building will promote security with its garage parking, with units raised one level above the ground, and with secure entrance doors.

CONGESTION IN STREETS, ALLEYS AND PUBLIC PLACES

The building will provide 56 off-street parking places for its 42 apartments, more than 1.3 per apartment. This will be enough to prevent competition for curb side parking on Grace Street.

Since the building entrances are on Franklin Street, building visitors will tend to park there. As for traffic congestion, no increased congestion will incur to the low volume on Franklin Street where most of the ingress and egress into the apartment parking areas will take place. As the apartment drives will not empty into Franklin Street, we do not believe the impact will be noticeable there.

HAZARDS FROM FIRE, PANIC

Fire exits from the building empty directly onto Franklin Street and 25th Street. The streets fronting the building are all wide and easily accessible for City fire and emergency vehicles.

OTHER PUBLIC REQUIREMENTS AND CONVENIENCES

- Schools and Playgrounds. It is not anticipated that the apartments will attract families with children. Rather the tenants will be singles and empty nester couples.
- Parks. We hope that the tenants will take advantage of the many parks in the area. This will not increase congestion but rather will improve security.
- Water Supply and Sewerage Disposal. Not an issue.
- Transportation. Most tenants will have their own cars. For users of public transportation, the building is located on the bus routes.
- Light and Air. On the south side, the building does not rise above the existing Norris building on Franklin Street. On the North side of the site, facing the alley and Bellevue School, its height above the 24th Street sidewalk is less than a one-story house. This is a full story lower than a two-story house, which is what one would expect to be built there.

DEVELOPMENT PLAN

The construction will start in July of this year and occupancy will occur in Spring of 1998.