

INTRODUCED: June 12, 2017

AN ORDINANCE No. 2017-125

To conditionally rezone the property known as 2213 East Franklin Street from the M-1 Light Industrial District to the B-5C Central Business District, upon certain proffered 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.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the plat entitled “Lot Split Plat Showing a Parcel to Be Split Known as 2213 E. Franklin Street, Being Parcel ID E0000261005, for a Combined Total of 1.383 Acres More or Less,” prepared by AES Consulting Engineers, and dated January 16, 2017, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property known as 2213 East Franklin Street, with Tax Parcel No. E000-0261/005 as shown in the 2017 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 B-5C Central Business District and shall be subject to the provisions of sections 30-442.1 through 30-442.7 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2015), as amended.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JULY 24 2017 REJECTED: _____ STRICKEN: _____

§ 2. That this rezoning shall be conditioned upon the compliance by the owner, or owners, with all of the proffered conditions in the document entitled “Proffer Statement” and dated May 7, 2017, a copy of which is attached to, incorporated into, and made a part of this ordinance. These conditions having been proffered by the owner or owners and accepted by the City, shall continue in full force and effect until a subsequent amendment to the City’s zoning ordinance changes the zoning of the parcel rezoned by this ordinance and specifically repeals such conditions.

§ 3. 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. 2017-194

RECEIVED

MAY 31 2017

OFFICE OF CITY ATTORNEY

DATE: May 18, 2017

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 Mayor)

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer *SLG*

THROUGH: Peter L. Downey, Jr., Deputy Chief Administrative Officer for Economic Development and Planning *PLD 5-18-17*

FROM: Mark A. Olinger, Director, Dept. of Planning and Development Review *MAO*

RE: Rezoning of 2213 East Franklin Street from the M-1 Light Industrial District to the B-5C Central Business District (conditional), upon certain proffered conditions.

ORD. OR RES. No. _____

PURPOSE: To conditionally rezone the property known as 2213 East Franklin Street from the M-1 Light Industrial District to the B-5C Central Business District (conditional), upon certain proffered conditions.

REASON: The applicant has requested a rezoning to the B-5C - Central Business District (conditional) in order to accommodate mixed-use development of the parcel.

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 3, 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 1.37 acre (59,700 SF) parcel of land improved with a series of industrial building first constructed, per tax assessment records, in 1928 and a surface parking area containing approximately 50 parking spaces. The property is located in the block bound by

4-6556

Received

MAY 18 2017

OFFICE OF CITY ATTORNEY

O & R Request

EDITION: 1

Office of the
Chief Administrative Officer

JS 5/13/17

PLD 5-18-17

MAO

North 22nd Street, East Franklin Street, North 23rd Street, and East Main Street (with frontage on all four streets) in the Shockoe Bottom neighborhood.

The subject property falls within an Urban Center Area of the Shockoe District, as established by the Richmond Downtown Plan. Such areas are “characterized by higher density, mixed use development, typically arranged on a fine grained street network, with wide sidewalks, regular tree planting, and minimal setbacks.” Moreover, the Urban Center Area demonstrates “a dense mix of office space, apartments, and retail located in four to six story brick buildings that front the street. Pedestrians have an active presence in these neighborhoods” (pp. 3.25 3.26). Specifically for the subject property, the Downton Plan’s Illustrative Plan recommends a building be constructed in place of the surface parking area along the East Main Street frontage.

The Pulse Corridor Plan, which was recently adopted by the Planning Commission, designates the portion of the subject property along East Main Street (the Pulse BRT Corridor) for corridor mixed-use land use. Such a land use designation is found along major thoroughfares that have traditionally been commercial corridors. Medium-density pedestrian- and transit-oriented development is to be encouraged on vacant or underutilized parcels (p. 29). The plan designates the portion of the subject property along East Franklin Street for neighborhood mixed-use land use. Such a land use designation demonstrates cohesive districts that provide a mix of uses, but with a larger amount of residential uses than other mixed-use districts. They are an urban, walkable environment with limited neighborhood-oriented uses incorporated along key commercial corridors and at corner sites (p. 29). The B-5 zoning district is listed as an appropriate district for both land use designations.

The subject property is currently zoned M-1 - Light Industrial. The portion of the property along East Franklin Street is located within the St. John’s Church City Old and Historic District.

Properties to the north of the subject property are zoned R-6 - Single-Family Attached Residential, properties to the east, south, and west are in the same M-1 district as the subject property. Property zoned in the B-5C - Central Business (Conditional) District are also located to the west of the subject property. A larger B-5 district encompasses many of the parcels surrounding the block on which the subject property is located.

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: \$1,600.00

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: June 12, 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 3, 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.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Matthew J. Ebinger, AICP, Acting Principal Planner
Land Use Administration (Room 511)
804-646-6308

PDR O&R No. 17-08

Proffer Statement

The owner of the parcel located at 2213 E. Franklin Street, having a tax identification number of E0000261005 (the "Property"), pursuant to Virginia Code (1950, as amended) for itself, its successors and assigns, voluntarily proffers in connection with the rezoning, the following condition:

1. All dwelling units located on the Property shall contain at least one (1) window that penetrates an exterior wall of the building. A maximum of eight (8) dwelling units may satisfy this requirement utilizing windows that penetrate an exterior wall of the building surrounding a courtyard, light well, or atrium that is open to the sky provided that such dwelling units contain at least two (2) windows with a minimum rough opening dimension of 36" x 72" and provided further that any such courtyard, light well, or atrium is at least one hundred and twenty-eight (128) square feet in area.

Sunset Strip Associates C/o Wolff-fording & Co Inc.

By: Stuart H. Feldstein
Stuart H. Feldstein, Sunset Strip Associates, LLC, G.P.

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to-wit:

The foregoing was acknowledged before me the 7th day of May, 2017, by (ENTER NAME), as the (ENTER TITLE) of Sunset Strip Associates C/o Wolff-fording & Co Inc. a Virginia corporation, on behalf of the corporation.

My commission expires: 12/31/2019.

[Notary Stamp]



Laura Rebel
Notary Public
Notary Reg No. 7614271



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) 646-6304
<http://www.richmondgov.com/>

RZON-013062-2017

Project Name/Location

Property Address: 2213 East Franklin Street Date: February 16, 2017
Tax Map #: E0000281005 Fee: \$1,600.00
Total area of affected site in acres: 1.383 Acres

(See page 6 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: M-1

Existing Use: Industrial

Proposed Zoning/Conditional Zoning

(Please include a detailed description of the proposed use and proffers in the required applicant's report)
Mixed-Use/Multi-Family Dwellings and Accessory Parking (B-5 Uses). See applicant's report.

Existing Use: Industrial

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number. N/A
N/A

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources for East Main Development Richmond LLC
Mailing Address: 919 East Main Street, Suite 2110
City: Richmond State: VA Zip Code: 23210-4625
Telephone: (804) 874-6275 Fax: ()
Email: markbaker@bakerdevelopmentresources.com

Property Owner: SUNSET STRIP ASSOCIATES C/O WOLFF-FORDING & CO INC

If Business Entity, name and title of authorized signee: STUART H. FELDSTEIN

(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: 1900 TUNBRIDGE DRIVE
City: HENRICO State: VA Zip Code: 23238
Telephone: (804) 840-8528 Fax: ()
Email:

Property Owner Signature: Stuart H. Feldstein

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.



April 3, 2017

BY HAND DELIVERY

Mr, Matthew Ebinger
City of Richmond
Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, Virginia 23219

Re: Conditional Rezoning: 2213 East Franklin Street

Dear Matthew:

This letter shall serve as the Applicant's Report accompanying the application for a conditional rezoning from M-1 Light Industrial to B-5 Central Business for the property known as 2213 East Franklin Street, identified as Tax Parcel E000-0261/005 (the "Property"). The Property is generally located in the block bound by East Franklin Street, North 23rd Street, East Main Street, and North 22nd Street. The irregular shaped parcel has frontage on all four streets and contains approximately 1.38 acres of lot area. The Property is occupied by a one and two-story building with a partial basement that was constructed incrementally beginning in 1928. The building contains approximately 74,116 square feet of floor area on the first and second floors and an additional 15,957 square feet of floor area in the basement. An accessory surface parking area containing approximately 52 parking spaces is also located on the Property. The Property was occupied by manufacturing uses from the time of its construction until recently. A small medical clinic still occupies a portion of the building.

The Property is zoned M-1 Light Industrial. The surrounding similarly situated properties south of Franklin Street are zoned a mix of B-5 Central Business and M-1 Light Industrial. The irregular overall zoning pattern in this area can be attributed to a past City policy of encouraging the property-by-property rezoning of the area to B-5 based on individual requests rather than an area-wide City-driven rezoning. The most recent such request conditionally rezoned the abutting property at 2201 East Franklin Street to B-5-C in 2016. To the north of the Property lies Taylors Hill Park, located within an R-6 Single-Family Attached Residential District.

The M-1 district has generally been recognized by the Downtown Plan (and previously the Master Plan and the Shockoe Bottom Land Use and Development Strategy) as being inappropriate for most of the Shockoe Bottom area. The Property is identified in the Downtown Plan as Urban Core Area which suggests mixed use is appropriate rather than industrial. The M-1 district allows a broad range of uses, which exceed the scope of uses typically associated with mixed use development, thereby permitting a mix of intense and potentially incompatible land uses. The M-1 district also prohibits residential uses. The rezoning request to B-5 is consistent with the

Downtown Plan recommendation and provides an opportunity for the redevelopment the former industrial building with a mixed use development, including residential use, on a scale that is compatible with the surrounding land uses. The B-5 district and proposed redevelopment are also consistent with the Master Plan land use goals and city-wide land use strategies which suggest, among other things, that vacant or, as in this case, underutilized sites should be developed with productive land uses of high quality, thereby enhancing commercial and economic development opportunities.

The availability of tax credits for the renovation of the existing building ensures that appropriate design control will be provided through the State and Federal review of tax credit applications. The B-5 district also includes "form-based" requirements, such as building façade fenestration, maximum setbacks, minimum heights and restrictions on the location of parking areas, which address concerns over mixed-use design and character. Should any portion of the site be redeveloped with new construction in the future, the B-6 district's additional design control requirements along with the likely requirement for a Plan of Development in that case would be helpful in ensuring development that is of appropriate mixed-use character and compatible with other development in the vicinity.

While not complete, it is anticipated that the long-range plan for the East Main Street corridor along the future route of the GRTC Pulse: Bus Rapid Transit (BRT) system will identify a new zoning classification which may be applicable to the area and the Property. That classification will likely include elements that are consistent with the intent of the B-5 district while potentially permitting more intense development based on transit oriented design principals. Elements of the B-5 district intent including, but not limited to, promoting mixed-uses, encouraging an active and safe pedestrian environment, and ensuring an appropriate mixed-use character through fenestration requirements and certain form-based requirements, are likely to be reflected in the recommendations of the study. As a result, the proposed B-5 district remains appropriate and will likely be much more consistent with the findings of the study than the existing M-1 district, which is not supportive of mixed-use or transit-oriented design.

Thank you for your time and consideration of this request. Please let me know if you have any questions.

Sincerely,

Mark R. Baker

Enclosures

cc: The Honorable Cynthia I. Newbille

HORIZONTAL DATA: HORIZONTAL DATA: (NAD83) VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE (1983) BY OPUS GPS SOLUTION.

VERTICAL DATA: VERTICAL DATA: NAVD83, BASED ON OPUS GPS SOLUTION.

NOTE: OPUS GPS SOLUTION IS NOAA'S NATIONAL GEODETIC SURVEY (NGS) ONLINE POSITIONING USER SERVICE. POSITIONS FOR SOLUTIONS ARE COMPUTED RELATIVE TO NGS CONTINUOUSLY OPERATING REFERENCE STATION (CORS) NETWORK.

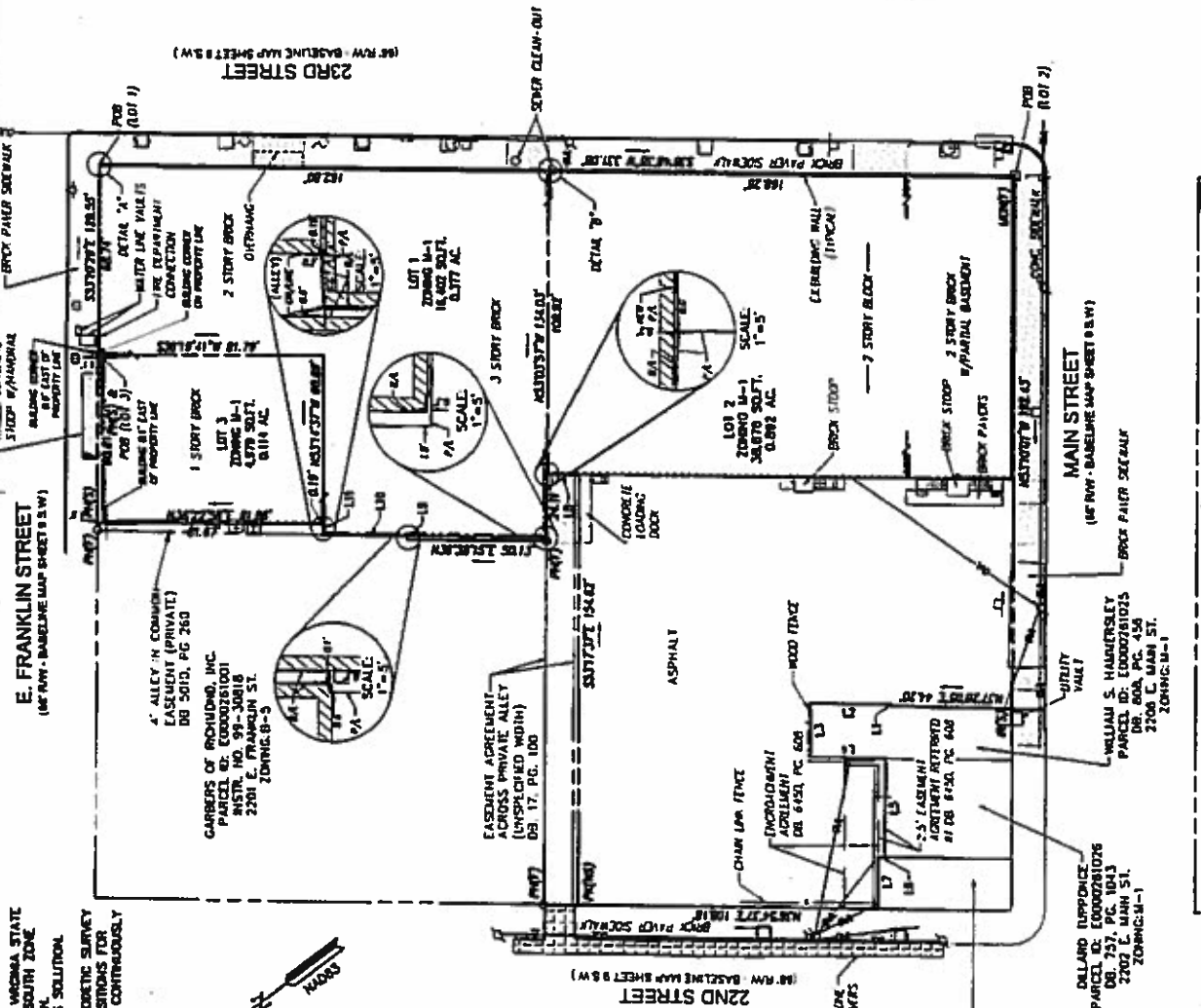
LEGEND

- (MUT) PUNCH HOLE FOUND
- (MUT) PUNCH HOLE SET
- (MUT) IR MALL SET
- (MUT) CONCRETE FOUND
- (MUT) IRON ROD FOUND
- (MUT) POINT OF BEGINNING
- (MUT) WATER WALK
- (MUT) FIRE HYDRANT
- (MUT) GAS WALK
- (MUT) UTILITY POLE
- (MUT) FIRE UNIT
- (MUT) IRON ROD
- (MUT) STEEL WARE
- (MUT) IRON WARE
- (MUT) OVERHEAD LINES
- (MUT) BRK
- (MUT) CONCRETE



LINE	BEARING	LENGTH
L1	S83°10'01"E	0.83'
L2	N30°06'33"E	28.99'
L3	N63°18'13"W	18.31'
L4	S83°32'23"W	27.03'
L5	N31°00'00"W	38.50'
L6	N43°54'37"E	2.50'
L7	N63°10'00"W	18.48'
L8	N43°30'18"E	11.34'
L9	S33°07'47"E	1.48'
L10	N30°22'58"E	30.76'
L11	S33°37'02"E	3.89'

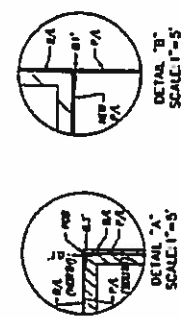
OCEAN VIEW OVERPRISES
 PARCEL ID: E000210128
 DB: 2306
 2200 E. MAIN STREET
 ZONING: M-1



NOTES:

PARCEL INFORMATION: STIMP ASSOCIATES, L.C.
 PARCEL ID: E000210109
 ADDRESS: 2213 E. FRANKLIN STREET
 ZONING: M-1
 DEED BOOK 11, PAGE 1302
 DEED BOOK 11, PAGE 1319
 INSTRUMENT NO. 94-2895

1. THE PURPOSE OF THIS PLAT IS TO SPLIT NEW LOTS 1, 2 & 3 FROM EXISTING PARCEL 8; E000210109 KNOWN AS 2213 E. FRANKLIN STREET.
2. PROPERTY INFORMATION SHOWN IS COMPILED FROM PRIOR SURVEYS PERFORMED BY AFS CONSULTING ENGINEERS IN OCTOBER 2018, AND IS BASED ON FIELD FOUND MONUMENTS AND DEEDS/PLATS OF RECORD.
3. ZONING OF PARCEL TO BE SPLIT IS CURRENTLY M-1. ALL STRUCTURES ON THIS PARCEL ARE IN COMPLIANCE WITH THE RICHMOND (RICHMOND) PLANNING AND ZONING COMMISSION LETTER WAS PROVIDED FOR ANY PROPERTY SHOWN HEREBIN.
4. SETBACKS PER CITY OF RICHMOND M-1 ZONING:
 - FRONT YARD: 0'
 - SIDE YARD: 0'
 - REAR YARD: 0' (UNLESS ADJACENT TO R OR RO ZONING)
5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT; NOT ALL EASEMENTS OR ENCUMBRANCES MAY BE SHOWN.
6. ALL DEED AND PLAT REFERENCES SHOWN HEREBIN ARE BASED ON INFORMATION OF PUBLIC RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF RICHMOND, VIRGINIA.



Rev	Date	Description	Reviewed By



LOT SPLIT PLAT
 SHOWING
 A PARCEL TO BE SPLIT KNOWN AS 2213 E. FRANKLIN STREET, BEING PARCEL 8; E000210109, FOR A COMBINED TOTAL OF 1.363 ACRES MORE OR LESS
 CITY OF RICHMOND, VIRGINIA

Project Name:	GPD
Project Number:	R1111-08
Scale:	1"=30'
Date:	1/16/17
Sheet Number:	1 of 1