

INTRODUCED: July 27, 2020

AN ORDINANCE No. 2020-176

To authorize the special use of the property known as 311 West Franklin Street for the purpose of a multifamily dwelling containing up to 128 dwelling units, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEP 14 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 311 West Franklin Street, which is situated in a RO-3 Residential-Office District, desires to use such property for the purpose of a multifamily dwelling containing up to 128 dwelling units, which use, among other things, is not currently allowed by section 30-710.1(a)(4), concerning off-street parking requirements, of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2019), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: SEP 14 2020 REJECTED: _____ STRICKEN: _____

create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 311 West Franklin Street and identified as Tax Parcel No. W000-0173/003 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled “ALTA / NSPS Land Title Survey, Towers on Franklin Apartments at 104 W. Franklin Street, Richmond, VA 23220,” prepared by Landmark – fleet Surveyors, P.C., dated December 18, 2018, and last revised January 18, 2018, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a multifamily dwelling containing up to 128 dwelling units, with 29 off-street parking spaces, substantially as shown on the survey entitled “ALTA / NSPS Land Title Survey, Towers on Franklin Apartments at 104 W. Franklin Street, Richmond, VA 23220,” prepared by Landmark – fleet Surveyors, P.C., dated December 18, 2018, and last revised January 18, 2018, hereinafter referred to as “the Plans,” a copy of which is attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as a multifamily dwelling containing up to 128 dwelling units, with 29 off-street parking spaces, substantially as shown on the Plans.

(b) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) 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 so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

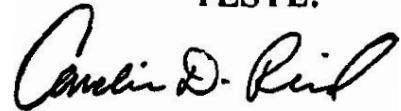
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made with the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, reading "Carlin D. Reed". The signature is written in a cursive style with a large initial 'C'.

City Clerk

City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.richmondgov.com

RECEIVED

By Barbara Fore at 9:38 am, Jul 07, 2020

Item Request

File Number: PRE.2020.226

RECEIVED

By Barbara Fore at 8:11 am, Jul 20, 2020

O & R Request

DATE: June 29, 2020

EDITION: 1

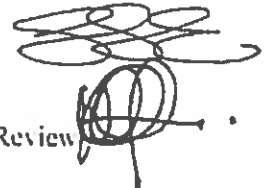
TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor.)

 7/17/2020

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer *lgr*

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic
Development and Planning



FROM: Mark A. Olinger, Director, Department of Planning and Development Review

RE: To authorize the special use of the property known as 311 West Franklin Street for the purpose of a multi-family building with accessory parking, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 311 West Franklin Street for the purpose of a multi-family building with accessory parking, upon certain terms and conditions.

REASON: The applicant is requesting relief from the current off-street parking requirements in the RO-3 Residential Office zoning district for a 128 unit multi-family building. Section 30-710.1(a)(4)a of the Zoning Ordinance calls for 1 parking space per dwelling unit. The application calls for 29 off-street parking spaces. A special use permit is therefore required.

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 September 8, 2020, meeting.

BACKGROUND: The subject property consists of a 15,571 SF or .36 acre parcel of land improved with a 128 unit multi-family building constructed, per tax assessment records, in 1964. The property is located in the Monroe Ward neighborhood within the City's Downtown Planning District along West Franklin Street between North Monroe and North Madison Streets. The property is also located within the Arts District Station area of the City's Pulse Corridor.

The City of Richmond's Pulse Corridor Plan designates the subject property as Downtown Mixed-Use which "...features high-density development with office buildings, apartments, and a mix of complementary uses, including regional destinations. Higher-density pedestrian- and transit-oriented development encouraged on vacant or underutilized sites; new development should be urban in form and may be of larger scale than existing context. Active commercial ground floor uses required on street-oriented commercial frontages. Active ground floor uses and design required on priority street frontages. Driveway entrances required to be off alleys whenever possible; new driveways prohibited on street-oriented commercial and priority street frontages. Little to no setback of new development unless to create pedestrian-oriented amenities like plazas and outdoor dining. Surface parking prohibited as a principal use; when surface parking is provided as an accessory use, it should be located to the rear of buildings and screened by shade trees. Parking requirements are substantially less in these areas than other areas of the city and are largely eliminated. Potential future zoning districts: B-4, RF-2 (City of Richmond, 2017) Adjacent properties are the same B-3 with nearby zones of B-4 (Central Business) to the North and East of 4th Street.

The property has been utilizing off-street surface parking lots along the northern side of the 300 block of West Grace Street between North Monroe and North Madison Streets. The ordinance, if approved, would remove these off-street parking lots from servicing 311 West Franklin Street.

FISCAL IMPACT / COST: The Department of 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: \$1,200 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: July 27, 2020

CITY COUNCIL PUBLIC HEARING DATE: September 14, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
September 8, 2020

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646 5734



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6504
<http://www.richmond.gov/>

Application is hereby submitted for (check one)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

Project Name/Location

Property Address 311 West Franklin Street Date 3/30/2020
 Tax Map # W0000173003 Fee: \$2,400
 Total area of affected site in acres: 0.357

(See **page 6** for fee schedule; please make checks payable to the **City of Richmond**.)

Zoning

Current Zoning RO 3
 Existing Use Multifamily

Proposed Use

(Please include a detailed description of the proposed use in the required applicability report.)

Multifamily
Existing Use Multifamily

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number, _____

Applicant/Contact Person: Lory Markham

Company Markham Planning LLC
 Mailing Address: 23 West Broad Street
 City: Richmond State: VA Zip Code 23241
 Telephone: (804) 248-2561 Fax: ()
 Email: lory@markhamplanning.com

Property Owner: Thalhimer Franklin LLC

If Business Entity, name and title of authorized signer: Matthew Raggi

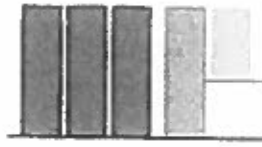
(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 11100 West Broad Street
 City: Glen Allen State: VA Zip Code: 23060
 Telephone: (804) 344-7156 Fax: ()
 Email: matt.raggi@thalhimer.com

Property Owner Signature: Matthew J. Raggi

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach a notarial sheet as needed. If a local representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

NOTE: Please attach the relevant plans, checklist, and a check for the application fee (see Filing Procedures for special use permits).



MARKHAM PLANNING

23 WEST BROAD STREET #304 RICHMOND, VIRGINIA 23220

May 4, 2020

Mark Olinger, Director
Department of Planning & Development Review
900 East Broad Street, Suite 511
Richmond, VA 23219
mark.olinger@richmondgov.com

Re: 311 West Franklin Street, Tax Map No. W000-0173/003, SUP Request

Dear Mr. Olinger,

On behalf of the owner of 311 West Franklin Street, please accept this letter as the Applicant's Report for a Special Use Permit request to reduce the required parking for an existing multi-family dwelling. With this application, Thalhimer Franklin LLC is petitioning City Council to reduce the parking requirement for the existing 128 apartments, which are served by both parking on-site and parking located in a surface lot a block away. The reduction in parking requirement would allow for property to operate independently with the 29 parking spaces available on-site. This would make the surface parking lot located at 321 West Grace Street available for development in accordance with the recommendations in the Pulse Corridor Plan.

Existing Site Conditions

The subject property is located on the south side of West Franklin Street and is improved with a 128-unit multi-family dwelling constructed in 1964. The parcel is 15,570 square feet or 0.357 acres and the twelve-story building is approximately 93,000 square feet. There are currently 29 parking spaces located on the property. The remaining 70 required parking spaces are located in a surface parking lot at 321 West Grace Street, which is 20,749 square feet or 0.476 acres.

Current Zoning Regulations

The property is located in the RO-3 zoned RO-3 (Residential-Office) and is subject only to the use restrictions generally applicable to that classification which are contained in the Zoning Ordinance. The RO-3 zoning district permits use of the Property as apartments and offices, and such accessory uses as may be applicable thereto.

Based on the materials available from the City of Richmond, the Zoning Office has determined that the property has multiple nonconforming features. The Property is legally nonconforming in respects to the

Side and Rear Yards, Floor Area Ratio, and Land Area Coverage requirements. There is no proposal to change these nonconforming aspects of the property.

Pursuant to a letter from December 10, 2012, from the City regarding the property, 99 parking spaces are required for the 128 dwelling units. This was based on nonconforming spaces at the time. The normal RO-3 zoning would require one space per dwelling unit. However, the adjacent B-4 zoning would not require any parking for the dwelling units as long as there is another principal use located in the building. Even if there were no other principal use, the adjacent B-4 district would require 32 parking spaces.

City's Master Plan for Future Land Use

The City's Pulse Corridor Plan recommends Downtown Mixed-Use land uses for the property. The plan encourages higher density and transit-oriented development on vacant or underutilized sites within this designation. Specifically, for the Arts District Station Area, the Plan recommends encouraging and supporting the redevelopment of surface parking lots into uses that support transit. In order to encourage these redevelopments, the plans specifically states that in Downtown Mixed-Use areas:

- "Surface parking prohibited as a principal use; when surface parking is provided as an accessory use, it should be located to the rear of buildings and screened by shade trees"
- "Parking requirements are substantially less in these areas than other areas of the city and are largely eliminated."

The proposal to reduce the parking requirement for this existing building is directly in keeping with these recommendations in the Pulse Corridor Plan and will allow for the elimination of a surface parking that currently serves as a principal use.

Neighborhood and City Communication

A pre-application meeting was held with Planning & Development Review on March 30, 2020. We have a request in to the Downtown Neighborhood Association to present the proposal at their next available meeting.

City Charter Conditions

We trust that you will agree with us that this proposed SUP meets the City Charter criteria for the granting of SUPs as the project will not (i) be detrimental to the safety, health, morals and general welfare of the community involved; (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved; (iii) create hazards from fire, panic or other dangers; (iv) tend to overcrowding of land and cause an undue concentration of population; (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or (vi) interfere with adequate light and air.

Thank you for your consideration of this rezoning request. Please feel free to contact me at lory@markhamplanning.com or (804) 248-2561 if you have any questions or require additional materials to process the application.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Lory Markham". The signature is written in a cursive, flowing style.

Lory Markham

Enclosure: application form, fee payment, existing survey

cc: Matthew Ebinger, Secretary to the City Planning Commission
The Honorable Kimberly B. Gray, 2nd Voter District
Matthew Raggi, Thalhimier
Gabi Syska, Markham Planning

11-11-1944
11-11-1944
11-11-1944

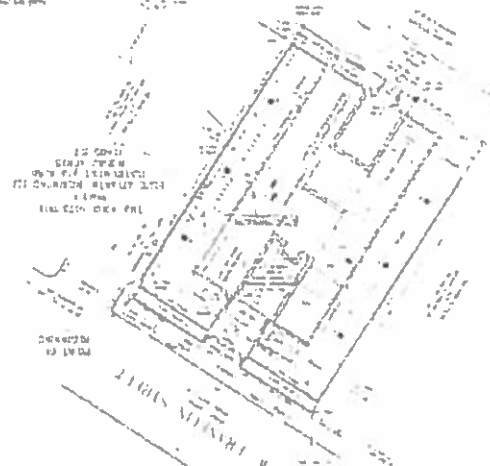


1. The purpose of this report is to provide a detailed description of the structure and its components. The structure is a rectangular building with a flat roof and is situated on a plot of land. The building is divided into several rooms and is surrounded by a fence. The structure is made of brick and is in good condition. The following is a list of the rooms and their approximate dimensions:



2. The structure is a rectangular building with a flat roof and is situated on a plot of land. The building is divided into several rooms and is surrounded by a fence. The structure is made of brick and is in good condition. The following is a list of the rooms and their approximate dimensions:

3. The structure is a rectangular building with a flat roof and is situated on a plot of land. The building is divided into several rooms and is surrounded by a fence. The structure is made of brick and is in good condition. The following is a list of the rooms and their approximate dimensions:



4. The structure is a rectangular building with a flat roof and is situated on a plot of land. The building is divided into several rooms and is surrounded by a fence. The structure is made of brick and is in good condition. The following is a list of the rooms and their approximate dimensions:

5. The structure is a rectangular building with a flat roof and is situated on a plot of land. The building is divided into several rooms and is surrounded by a fence. The structure is made of brick and is in good condition. The following is a list of the rooms and their approximate dimensions:

