

INTRODUCED: April 27, 2015

AN ORDINANCE No. 2015-99-123

As Amended

To amend Ord. No. 91-243-232, adopted Jul. 22, 1992, which authorized the use of real estate, property known as 501 N. 2<sup>nd</sup> Street, for the purposes of constructing a four-story office building, together with accessory parking, to permit medical office uses, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Jones (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: MAY 26 2015 AT 6 P.M.

I. That Ordinance No. 91-243-232, adopted July 22, 1992, be and is hereby amended and reordained as follows:

§ 1. That the [~~real-estate,~~] property known as 501 N. 2nd Street, located at the northeast corner of N. 2nd Street and Clay Street, being more completely described as follows: beginning at the point of intersection of the east right of way line of N. 2nd Street and the north right of way line of Clay Street; thence along N. 2nd Street N 36 58'06" E, 354.47 feet to a point; thence along a property line S 53 40'24" E, 90.00 feet to a point; thence along a property line S 36 58'06" W, 18.10 feet to a point; thence along a property line S 53 24'54" E 40.00 feet to a point; thence along a property line S 36 58'06" W, 187.41 feet to a point; thence along a

AYES:                    9                    NOES:                    0                    ABSTAIN:                    \_\_\_\_\_

ADOPTED:            JUNE 8 2015            REJECTED:            \_\_\_\_\_            STRICKEN:            \_\_\_\_\_

property line N 52 53'03" W, 30.23 feet to a point; thence along a property line S 36 34'35" W, 82.31 feet to a point; thence along a property line N 52 49'46" W, 0.08 feet to a point; thence along a property line S 36 58'16" W, 68.36 feet to a point on the north right of way line of Clay Street; thence along Clay Street N 52 49'46" W, 100.25 feet to the point of beginning, is hereby permitted to be used for the purposes of constructing a four-story office building, together with accessory parking, upon terms and conditions contained herein.

§ 2. That the Commissioner of Buildings is hereby authorized to issue to the owner or owners of said ~~[real estate]~~ property, or successor or successors in fee simple title, a special use permit for such purposes substantially in accordance with a site plan entitled "Jackson Center, City of Richmond, Virginia", prepared by E.D. Lewis and Associates, dated April 1, 1991, and revised May 21, 1991, a landscape plan entitled "Landscape Development Plan for the Jackson Center", prepared by Higgins Associates, Inc., dated June 14, 1991, floor plans and elevation drawings entitled "Jackson Center", prepared by Freeman and Morgan Architects, dated May 8, 1991 and revised May 21, 1991, copies of which plans are attached to ~~[the draft of this ordinance and made a part hereof]~~ and incorporated into Ordinance No. 91-243-232, adopted July 22, 1992. The permits shall be transferrable to the successor 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) The owner shall be bound by, observe and shall comply with all laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and buildings, except as otherwise provided in this ordinance, as amended;

(b) That use of the ~~[premises]~~ property shall be for ~~[non-medical]~~ clinical, dental general, or medical office use.

(c) That ~~[not less than a total of 139]~~ no fewer than 145 parking spaces shall be provided to serve the building. ~~[Not less]~~ No fewer than 57 parking spaces shall be provided on site, and up to 15 of those spaces may serve other properties. The remaining required parking spaces shall be provided ~~[at the northeast corner of Marshall and 2nd Streets substantially as shown on the attached plans or may be provided in accordance with Section 32.1 710.4 of the City of Richmond Zoning Regulations]~~ in accordance with section 114-710.4 of the Code of the City of Richmond (2004), as amended, except that the off-premises parking spaces for all uses other than clinical, dental, or medical office uses shall be located within a ~~[1,200-foot]~~ 1,000-foot radius from the front door of the building on the subject property. If any portion of the building is used for clinical, dental, or medical office uses, the following parking-related requirements also shall apply:

(1) Parking spaces for clients of the clinical, dental, or medical office uses shall be provided on site. The number of parking spaces required to be provided for these clients on site shall be the lesser of (i) a percentage of the 57 parking spaces required by this subsection (c) to be on site equal to the percentage of the space in the building that is used for clinical, dental, or medical office uses or (ii) 34 parking spaces.

(2) If Chapter 114 of the Code of the City of Richmond (2004), as amended, requires more parking spaces to serve the clinical, dental, or medical office uses in the building than those provided on site pursuant to subdivision (1) of this subsection (c), the remaining parking spaces required shall be located within a 350-foot radius of the front door of the building.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection (c), no more than 145 parking spaces shall be required to serve all of the uses of the building.

(d) That 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.

(e) That identification of the premises shall be limited to a maximum of two signs attached flat against the building, not exceeding an aggregate area of 75 square feet. Signs may be illuminated provided the source of illumination is not visible.

~~[(e)]~~ (f) 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.

~~[(e)]~~ That final grading and drainage plans shall be approved by the Director of Community Development prior to the issuance of building permits.

~~(f)]~~ (g) That storm and surface water shall not be allowed to accumulate on the land and adequate facilities for the drainage of storm or surface water from the land or buildings 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 the special use permit is contingent upon City Council approval of the closing of the public alley which crosses the site and any encroachments that may be needed.]

(h) [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 (g) 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;]~~ The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), 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 114-1080 of the Code of the City of Richmond (2004), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(i) 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]~~ property shall be governed by the zoning regulations prescribed for the district in which the ~~[real-estate]~~ property is then situated.

(j) That application for a ~~[building permit for the construction of]~~ certificate of zoning compliance for a four-story office building, together with accessory parking, shall be made within twelve months from the effective date of this amendatory ordinance~~[-which building permit shall expire by limitation and become null and void if construction of the office building is not commenced within one hundred eighty days from the date of issuance of the building permit, or if construction 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, or should the building permit become null and void].~~ If application for the Certificate of Zoning Compliance is not be made within twenty-four (24) months from the effective date of this amendatory ordinance, 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.

II. This amendatory ordinance shall be in force and effect upon adoption.

# City of Richmond

900 East Broad Street  
Richmond, VA 23219  
www.Richmondgov.com

## Item Request File Number: TMP-987

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**RECEIVED**

APR 01 2015


OFFICE OF CITY ATTORNEY

### O & R Request

**DATE:** March 19, 2015 **EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** Dwight C. Jones, Mayor (Patron: Mayor, by Request)  
(This in no way reflects a recommendation on behalf of the Mayor)

**THROUGH:** Christopher L. Beschler, Interim Chief Administrative Officer 

**THROUGH:** Peter L. Downey, Interim Deputy Chief Administrative Officer for Economic Development and Planning

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

**SUBJECT:** To amend Ord. No. 91-243-232, adopted July 22, 1992, which authorized the use of real estate, property known as 501 N. 2nd Street, for the purposes of constructing a four-story office building, together with accessory parking, to permit medical office uses, upon certain terms and conditions.

**ORD. OR RES. No.** \_\_\_\_\_

**PURPOSE:** To amend Ord. No. 91-243-232, adopted July 22, 1992, which authorized the use of real estate, property known as 501 N. 2nd Street, for the purposes of constructing a four-story office building, together with accessory parking, to permit medical office uses, upon certain terms and conditions.

**REASON:** In 1992, City Council adopted Ord. No. 91-243-232, which authorized the use of the property for a four-story office building. However the ordinance did not permit medical office uses and therefore an amendment to the existing ordinance is needed.

**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 May 4, 2015, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The applicant proposes to amend Ord. No. 91-243-232 for purposes of authorizing medical office use on the property. The proposed medical office use is a permitted principal use in the B-2 district but was excluded by the original ordinance.

In addition, the proposed ordinance would amend the parking requirements for the office uses on the property. The amendments would require that not less than a total of 145 parking spaces be provided to serve the building with not less than 57 of those spaces being provided on site. The off-premises parking spaces shall be located within 1,200 foot radius from the front door of the building.

The Richmond Downtown Plan designates this area as Urban Core Area. "The Urban Core Area is the most urban Character Area. This area is characterized by high density, an intense mix of uses, and civic buildings of regional significance, distributed along urban blocks with wide sidewalks, regular street tree plantings, and buildings that front the street" (p. 3.27). In addition the Downtown Plan addresses parking in the Urban Core Area, stating, "Parking is located on-street, or mid-block in lined parking garages. If rear alleys exist, parking is accessed from the alley. Parking can also be located within a quarter-mile of the lot it serves" (p. 3.27).

**FISCAL IMPACT:** The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

**COST TO CITY:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

**REVENUE TO CITY:** \$1,300 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** April 13, 2015

**CITY COUNCIL PUBLIC HEARING DATE:** May 11, 2015

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission, May 4, 2015

**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 ORDINANCES:** None.

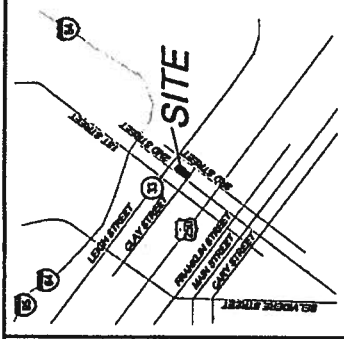
**ATTACHMENTS:** Application Form, Applicant's Letter, Draft Ordinance, Survey,

**STAFF:** Willy Thompson, Senior Planner; Land Use Administration (Room 511); 646-5734

*PDR O&R No. 15-03*

**STAFF:**





**SOURCE OF TITLE:**  
 1" = 2000'

**PARCEL A:**  
 JACKSON CENTER ASSOCIATES  
 REF ID: 2004-0414  
 4700 E CLAY ST.  
 15,083 SQ. FT.  
 ZONING: B-2

**PARCEL B:**  
 JACKSON CENTER LIMITED PARTNERSHIP  
 REF ID: 2004-0414  
 4717 N 2ND ST.  
 24,259 SQ. FT.  
 ZONING: B-2

\* BUILDING OFFSET DIMENSIONS MEASURED FROM FACE OF WALL

**NOTES:**  
 1.) THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT PREPARED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY, COMMITMENT NUMBER 931106005, EFFECTIVE DATE FEBRUARY 24, 2011.  
 THE FOLLOWING EASEMENTS AFFECT THE SUBJECT PROPERTY  
 EXCEPTION 4: C & P TELEPHONE AGREEMENT DB 246-B PG. 321  
 EXCEPTION 5: C & P TELEPHONE AGREEMENT DB 246-B PG. 322 (TELEPHONE LINES ACROSS NEAR OR PRECISES.)  
 EXCEPTION 6: VA. ELECTRIC AND POWER COMPANY DB 294, PG. 111  
 EXCEPTION 7: C & P TELEPHONE COMPANY DB 295 PG. 297

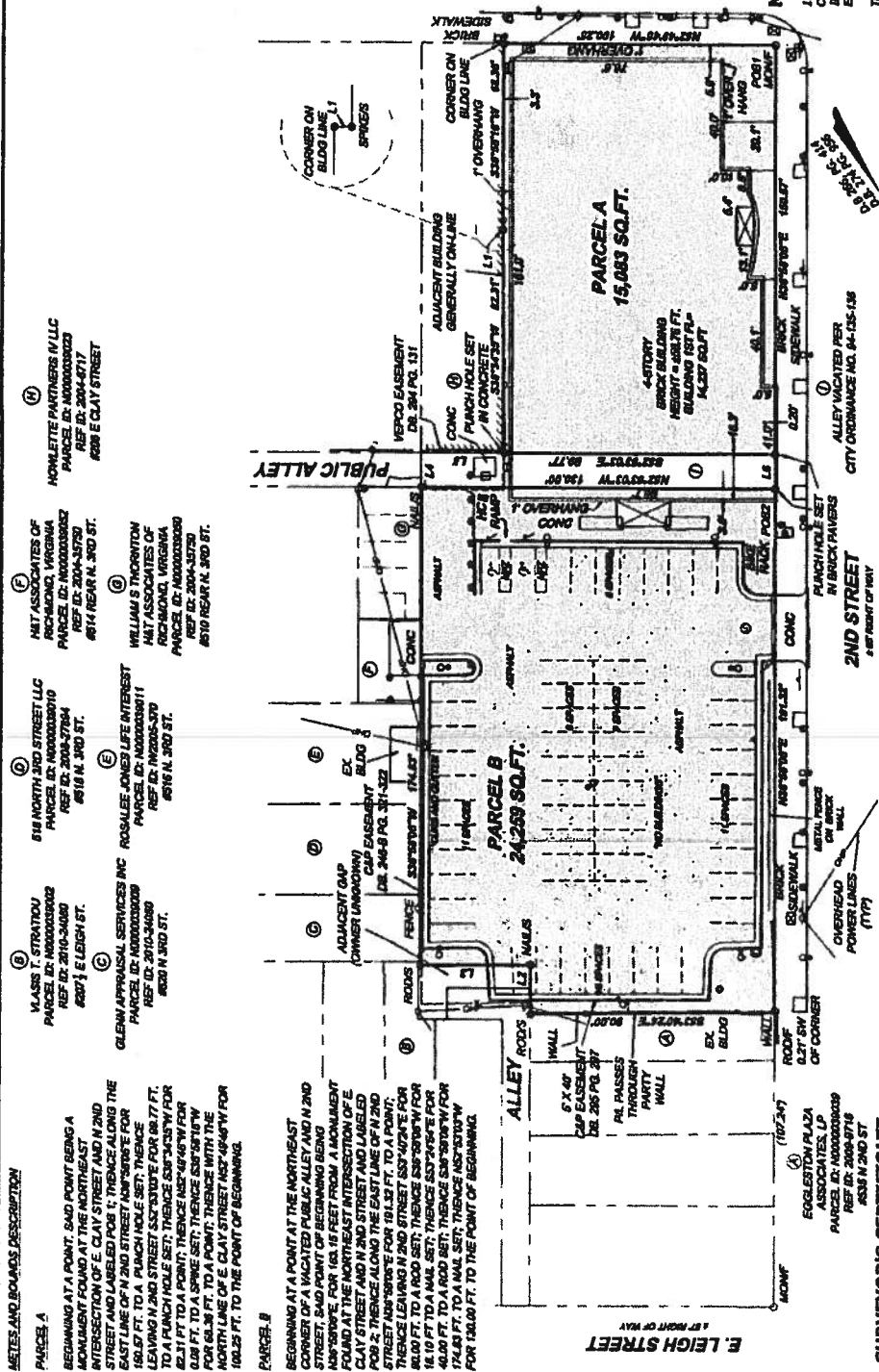
**ALTA/ACSM LAND TITLE SURVEY  
 SHOWING TWO PARCELS OF LAND  
 LYING ON THE EAST LINE OF 2ND  
 STREET AND THE NORTH LINE OF  
 E. CLAY STREET**

CITY OF RICHMOND, VIRGINIA

**TIMMONS GROUP**  
 YOUR VISION ACHIEVED THROUGH DATA

DATE: MAY 18, 2011  
 SURVEYS: BDT  
 SCALE: AS SHOWN  
 DRAWN BY: BDT  
 CAL. CHK  
 UTILITIES  
 J N 31445

THE PARCELS SHOWN ON THIS SURVEY ARE THE SAME AS SHOWN ON THE 2011 ALTA/ACSM LAND TITLE SURVEY BY COMMONWEALTH LAND TITLE INSURANCE COMPANY, COMMITMENT NUMBER 931106005, EFFECTIVE DATE FEBRUARY 24, 2011.



**LEGEND**

- POWER POLE
- LIGHT POLE
- POWER VALVE
- ELECTRICAL MANHOLE
- GAS METER
- GAS VALVE
- WATER METER
- GUIDE WIRE
- ROLLARD
- DRAINAGE MANHOLE
- NO PARKING ZONE
- TELEPHONE MANHOLE
- SANITARY MANHOLE
- CLOSURE
- ROOF DRAIN

SCALE 1" = 30'

DATE: MAY 18, 2011  
 SURVEYS: BDT  
 SCALE: AS SHOWN  
 DRAWN BY: BDT  
 CAL. CHK  
 UTILITIES  
 J N 31445

**NOTES:**  
 1.) ZONING: B-2 BUSINESS (COMMUNITY BUSINESS)  
 2.) FRONT YARD SETBACK = 25'  
 SIDE YARD SETBACK = NONE  
 BUILDING HEIGHT = 7 FT TO CORNER 15 FEET



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

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

Project Name: Jackson Center Date: December 30, 2014

Property Address: 517 North 2nd Street Richmond, VA 23219 Tax Map #: N0000039026

Fee: \$1,300.00 Total area of affected site in acres: .903 acres  
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

### Zoning

Current Zoning: B-2

### Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Existing Use: Office

Is this property subject to any previous land use cases? Medical Office

Yes  No

If Yes, please list the Ordinance Number: \_\_\_\_\_

91-243-232

Applicant/Contact Person: \*Please see attachment.

Company: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

Email: \_\_\_\_\_

Property Owner: United Network for Organ Sharing

If Business Entity, name and title of authorized signee: Brian M. Shepard, Chief Executive Officer

Mailing Address: 700 N. 4th Street

City: Richmond State: VA Zip Code: 23219

Telephone: ( 804 ) 782-4829 Fax: ( )

Email: \_\_\_\_\_

Property Owner Signature: [Signature] is attorney in fact

(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.)

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

**Application for Special Use Permit  
Attachment**

**Applicants/Contact Persons:**

**Ralph L. "Bill" Axselle, Jr.**  
Company: Williams Mullen

Mailing Address:  
200 South 10th Street, Suite 1600  
Richmond, VA 23219

Telephone: 804.420.6405  
Fax: 804.420.6507  
Email: baxselle@williamsmullen.com

**T. Preston Lloyd, Jr.**  
Company: Williams Mullen

Mailing Address:  
200 South 10th Street, Suite 1600  
Richmond, VA 23219

Telephone: 804.420.6615  
Fax: 804.420.6507  
Email: plloyd@williamsmullen.com

## SPECIAL LIMITED POWER OF ATTORNEY

**KNOW ALL MEN BY THESE PRESENTS**, that UNITED NETWORK FOR ORGAN SHARING, a Virginia corporation (the "Applicant") has made, constituted and appointed, and by these presents does make, constitute and appoint RALPH L. "BILL" AXSELLE, JR. and T. PRESTON LLOYD, JR., either of whom may act, my true and lawful attorney-in-fact ("Attorney"), to act as its true and lawful attorney-in-fact in its name, place and stead with such full power and authority it would have, if acting on its own behalf to file all such applications and supporting documentation to the Planning and Zoning Department of the City of Richmond, Virginia, as may be necessary or convenient in connection with the issuance of an amendment to a special use permit by such jurisdiction concerning real property located at 517 North 2<sup>nd</sup> Street, Richmond, Virginia (the "Application"). The Applicant's said Attorney is also authorized and directed to sign, seal, acknowledge and deliver all such documentation and consents as required for the Application and to do, execute and perform all and every other act or acts, thing or things in law needful and necessary to be done as required for the Application, as fully as the Applicant might or could do if acting on its own behalf.

The undersigned hereby confirms all lawful acts done by its Attorney pursuant to this Special Limited Power of Attorney. The undersigned further declares that as against the Applicant or persons claiming thereunder, everything which the Applicant's Attorney shall do pursuant to this Special Limited Power of Attorney shall be valid and binding in favor of any person or entity claiming the benefit hereof who has not received actual written notice that this Special Limited Power of Attorney has been revoked.

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

[SIGNATURE PAGE FOLLOWS]

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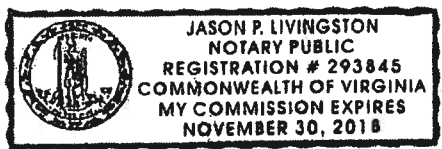
WITNESS the following signature and seal this 19<sup>th</sup> day of December, 2014.

UNITED NETWORK OF ORGAN SHARING,  
a Virginia corporation

By: [Signature] (SEAL)  
Name: Brian M. Shepard  
Title: Chief Executive Officer

COMMONWEALTH OF VIRGINIA,  
CITY OF RICHMOND, to-wit:

The foregoing instrument was acknowledged before me in my jurisdiction aforesaid by Brian M. Shepard as Chief Executive officer of United Network of Organ Sharing, a Virginia corporation, on its behalf, this 19<sup>th</sup> day of December, 2014, who is personally known to me or has submitted government-issued identification.



[Signature]  
Notary Public

Registration No.: 293845  
My commission expires: 11-30-18

# WILLIAMS MULLEN

Direct Dial: 804.420.6405  
baxselle@williamsmullen.com

Direct Dial: 804.420.6615  
plloyd@williamsmullen.com

December 30, 2014

## VIA HAND DELIVERY

Ms. Lory Markham  
City of Richmond Department of Community Development  
Land Use Administration Division, Room 511  
City Hall, 900 East Broad Street  
Richmond, Virginia 23219

Re: Special Use Permit Text Amendment Application – Jackson Center,  
517 North 2<sup>nd</sup> Street Richmond, VA 23219 – N0000039026 (the “Property”)

Dear Lory:

This firm is counsel to United Network for Organ Sharing (the “Applicant”) in connection with a proposed amendment to the special use permit adopted as Ordinance no. 91-243-232 (the “Ordinance”) for the captioned Property located at the northeast corner of N. 2<sup>nd</sup> Street and Clay Street in the Jackson Ward neighborhood in the City of Richmond, Virginia (the “Application”). This correspondence shall serve as the Applicant’s Report for the Application.

The Applicant proposes a text amendment to the Ordinance to permit the use of the Property for medical office, which use currently is not permitted pursuant to Section 2(b) of the Ordinance, and to update the parking requirements provided in Section 2(c) of the Ordinance to allow for off-premises parking within a radius of 1,200 feet of the principal entrance of the Building (defined below). The Applicant does not propose any changes to the structure or physical attributes of the Building in connection with the Application, other than interior tenant improvements consistent with the plans approved with the existing Ordinance.

### **A. The Application is consistent with underlying B-2 district use regulations.**

The Property is comprised of a four-story office building with a total floor area of 51,898.34 square feet<sup>1</sup> (the “Building”) and a surface parking lot. The Applicant desires to lease all of the third and fourth floors and a portion of the ground floor of the Building to Virginia Commonwealth University Health System for medical office and clinical uses. The balance of the Building is currently occupied by the Applicant.

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<sup>1</sup> Pursuant to City Code Section 114-710.3, the calculated “floor area” of the Building is based on the gross square footage of floors one through four less vertical penetrations, as shown on BOMA calculation annexed hereto as Exhibit A.

The zoning map of the City designates the Property as B-2 (Community Business District). The corresponding zoning district regulations provided in Sec. 114-436.1(23) of the Code of Ordinances of the City (the "City Code") permit the following principal uses: "Offices, including business, professional and administrative offices, medical and dental offices and clinics, ...." Accordingly, the proposed use is consistent with the generally-applicable zoning regulations set forth in the City Code.

This raises the question of why the Ordinance included the restriction against medical office. The Applicant's Report and corresponding materials in the Zoning Administration file from 1991 do not include any reference to medical office use or why it was excluded as a permitted principal use. We understand that at the time the Ordinance was approved, the parking regulations set forth in the City Code required additional parking for medical office uses as compared to non-medical office. As discussed below, this is no longer the case.

**B. The Application proposes bringing Property into conformance with applicable parking regulations.**

Section 2(C) of the Ordinance requires "[t]hat not less than a total of 139 parking spaces shall be provided to serve the building", of which 57 parking spaces must be provided on-site and the balance "shall be provided at the northeast corner of Marshall and 2nd Streets" as shown on plans approved with the Ordinance "or may be provided in accordance with Section 32.1-710.4 of the city of Richmond Zoning Regulations." The recited reference to the City Code no longer applies due to intervening amendments. The Applicant proposes to bring the Property into conformance with the parking regulations set forth in the City Code as are currently in force.

Section 114-710.1(a)(23) of the City Code provides that property used for "Office: general; medical or dental office or clinic; social service delivery use; animal hospital" must provide a minimum of 1 space per 300 square feet of floor area for the first 1,500 square feet, plus 1 per 400 square feet in excess thereof. Based on the floor area of the Building, the City Code requires 131 off-street parking spaces. Currently, the surface lot located on the Property provides fifty-nine (59) parking spaces. The Applicant proposes to accommodate the remaining seventy-two (72) parking spaces off-premises within a radius of 1,200 feet of the principal entrance of the Building.

Section 2(c) of the Ordinance requires that all off-premises parking be provided in the lot at the northeast corner of Marshall and 2<sup>nd</sup> Streets, which is property currently owned by the Richmond Economic Development Authority and being marketed for sale. While the Applicant is willing to continue to lease off-premises parking spaces in this lot,<sup>2</sup> the Applicant desires to provide for flexibility in the event that the referenced lot should be sold and redeveloped. The Applicant has identified various lots within 1,200 feet of the principal entrance of the Building that have sufficient capacity to meet the off-premises parking requirements, which are shown on Exhibit B attached hereto.

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<sup>2</sup> The Applicant currently leases 83 spaces in the lot located on the EDA property.

The proposed 1,200-foot radius is consistent with other special use permits approved in the vicinity of the Property. For example, three parcels immediately to the north of the Property (e.g. 535 ½, 537 and 541 N. 2nd Street) are subject to the special use permit adopted as Ordinance no. 2011-211-2012-6 concerning a proposed mixed-use building containing up to 31 dwelling units and uses permitted in the underlying zoning district, commonly known as “Eggleston Plaza.” The SUP includes the condition that no parking is required for the permitted commercial uses of the properties; provided, however, that “[a] minimum of eight (8) parking spaces shall be provided for the dwelling use ... [and] [a]n additional eight (8) parking spaces shall be provided for the dwelling use **within a 1,250-foot radius of the principal residential entrance to the building.**”<sup>3</sup> This Application reflects a similar approach to off-premises parking, the benefits of which are further outlined in the City’s Downtown Plan, described below.

**C. The Application is consistent with Downtown Plan and City Charter.**

The Downtown Plan, approved in 2009, recognizes that despite experiencing vacancies and blight in certain blocks, the Jackson Ward neighborhood “remains ideally suited for vibrant mixed use district” as Broad Street retains “the walkable, pedestrian-friendly urban fabric that once supported thriving commerce.”<sup>4</sup> The Downtown Plan specifically recognizes the efforts of Virginia Commonwealth University, among other “imaginative investors,” to successfully revitalize sections of the neighborhood.<sup>5</sup> Among the General Recommendations made by the Downtown Plan for Jackson Ward, page 4.6 includes a map that labels the 500 block of N. 2<sup>nd</sup> Street with the following legend: “Revitalize 2nd Street as a great Downtown Main Street.” By increasing the diversity of permitted uses, the Application is consistent with the Downtown Plan’s recommendations.

Likewise, the Downtown Plan outlines proposed improvements to the streetscapes and public realm to facilitate “pedestrian safety”, “pedestrian comfort” and “pedestrian interest”<sup>6</sup> and prioritizes improvements to “increase pedestrian activity.”<sup>7</sup> The following excerpt summarizes the case for greater flexibility in off-premises parking in this urban neighborhood:

Although lack of parking is a recurring complaint in many cities, detailed analysis of parking capacity typically reveals under-utilization of existing parking. Parking requirements have often had the unintended consequence of complicating residential feasibility; even halting otherwise viable proposed developments. ... By use of shared parking and parking demand management agreements, the cost of providing parking Downtown can be substantially reduced for all of the participating parties.<sup>8</sup>

The proposed 1,200-foot radius to off-premises parking increases pedestrian activity in the vicinity of the Property, which fosters economic vitality and streetscape revitalization in the neighborhood, while

<sup>3</sup> Ordinance no. 2011-211-2012-6 , § 3(j) (emphasis added).

<sup>4</sup> Downtown Plan at 4.4.

<sup>5</sup> Id.

<sup>6</sup> Id. at 4.7.

<sup>7</sup> Id. at 4.10.

<sup>8</sup> Id. at 7.7.



offering flexibility and allowing the EDA to develop a underutilized parcel of property in this emerging neighborhood.

Allowing use of a portion of the Property by VCU Health Systems bolsters the numbers of employees in the Building and leverages the economic impact of the Property. The Applicant acquired the Property in 2011 and since that time has invested approximately \$1,600,000 to modernize and improve the building systems, roof, exterior and interior finishes. The result is a Class A office building that is poised to be a high quality generator of economic activity within the neighborhood.

The Ordinance as previously approved demonstrated that the use on the Property meets the criteria set forth in the Charter of the City of Richmond that the Application is not (i) 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 cause overcrowding of land and 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. This requested amendment is to permit a use that is otherwise permitted by the underlying zoning and to clarify the necessary parking, which continues to have all the features that comply with the six above-referenced criteria.

Thank you for your consideration of this matter. Please feel free to contact Bill Axelle at 804.420.6405 or [baxelle@williamsmullen.com](mailto:baxelle@williamsmullen.com), or Preston Lloyd at 804.420.6615 or [plloyd@williamsmullen.com](mailto:plloyd@williamsmullen.com), at any time if you have any questions or require additional materials.

Sincerely,

/s/

Ralph L. "Bill" Axelle, Jr.

Sincerely,

/s/

T. Preston Lloyd, Jr.

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Enclosures

cc: John D. Persons, Esq. and Jason P. Livingston, Esq., UNOS (via email)

## **Jackson Center – BOMA Calculations**

First Floor / Multi-Tenant

### **Usable Sq.Ft. Calculations**

Gross Sq.Ft.	13,500
Less Vertical Penetrations	-622
Less Building Common	-2,406
Less Floor Common	-129

Total Usable Sq.Ft. 10,343

Tenant -1	3,066
Tenant -2	3,163
Tenant -3	2,415
Tenant -4	1,699

### **Rentable Sq.Ft. Calculations**

\*Floor Core Factor (12%)

Tenant -1	$3,066 \times 1.12 = 3,434$
Tenant -2	$3,163 \times 1.12 = 3,543$
Tenant -3	$2,415 \times 1.12 = 2,705$
Tenant -4	$1,699 \times 1.12 = 1,903$

### **Tenant Rentable Sq.Ft.**

Tenant -1	<u>3,434 RSF</u>
Tenant -2	<u>3,543 RSF</u>
Tenant -3	<u>2,705 RSF</u>
Tenant -4	<u>1,903 RSF</u>

**Total Tenant Rentable Sq.Ft. 11,585 RSF**

- Calculations are based on 1996 BOMA.
- \* 12% Core Factor per building owner's agreement.



223 N. 1<sup>st</sup> St. Richmond, VA 23219  
(804)643-7337 Fax (804)643-7720

11/17/2014

## **Jackson Center – BOMA Calculations**

Second to Fourth Floor / Single Tenant

### **Usable Sq.Ft. Calculations**

Gross Sq.Ft.	13,722.42
Less Vertical Penetrations	-715.64
Less Building Common	0
Less Floor Common	0
<b>Total Usable Sq.Ft.</b>	<b><u>13,006.78</u></b>

### **Rentable Sq.Ft. Calculations**

\* 6% core factor = 1.06

Tenant Usable x Core Factor = Tenant Rentable Sq.Ft.

13,006.78 x 1.06 = **13,787.18**

**Total Tenant Rentable Sq.Ft.** **13,787 RSF**

2<sup>nd</sup>+3<sup>rd</sup>+4<sup>th</sup> floors (13,787 x3) **41,361 RSF**

- Calculations are based on 1996 BOMA.
- \* 6% Core Factor per building owner's agreement.

52,946  
Total  
Sq. Feet



223 N. 1<sup>st</sup> St. Richmond, VA 23219  
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Downtown Parking Near UNOS and the Jackson Center

		649-7275	90
1	Big Tech Surface Lot - 4th & Jackson	\$63.00/month	31
2	Consolidated Lab PD - N. 4th St	\$70.00/month	0
3	Coliseum Parking Deck - N 7th St	\$80.00/month	0
4	Surface Lot - 1st & Marshall	\$36.00/month	0
5	Surface Lot - 2nd & Marshall	\$50.00/month	25
6	Marshall PD - 5th & Marshall	\$100.00/month	0
7	Parking Deck - 7th & Marshall	\$100.00/month	0
8	Surface Lot - 407 N. 10th St	\$125.00/month	0
9	Parking Deck - 7th & E. Marshall	\$65.00/month	0
10	Surface Lot - 310 N. 8th St	\$150.00/month	0
11	Surface Lot - 10th & Broad St	\$100.00/month	0
12	Surface Lot - 5th & Broad	\$100.00/month	0
13	Surface Lot - 7th & Leigh	Parkway-P. Daily	339-3239
14	Surface Lot - 3rd & Marshall	Parkway-P. Daily	339-3239
15	Surface Lot - 5th & Jackson	Club 533	0
16	Parking Deck - 8th & Jackson	VCU	0

