

INTRODUCED: May 15, 2015

AN ORDINANCE No. 2015-113-124

To amend Ord. No. 2006-299-296, adopted Dec. 11, 2006, which conditionally rezoned the property known as 2101 East Main Street from the M-1 Light Industrial District to the B-5 Central Business District (Conditional), upon certain proffered conditions, for the purpose of repealing one of the proffered conditions applicable to the rezoned property.

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

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

PUBLIC HEARING: JUNE 8, 2015 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2006-299-296, adopted December 11, 2006, be and is hereby amended and reordained as follows:

§ 1. That, as shown on the plat entitled “Haxall Building, 2101 East Main Street, Richmond, Virginia,” prepared by Vanasse Hangen Brustlin, Inc., and dated May 31, 2005, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property known as 2101 East Main Street, with Tax Parcel No. E000-0227/004 as shown in the 2006 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 114-452.1 through 114-452.4 of the Code of the

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

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

City of Richmond (2004), as amended, and that the same is included in the B-5 Central Business District (Conditional) and shall be subject to the provisions of sections 114-442.1 through 114-442.6 and all other applicable provisions of Chapter 114 of the Code of the City of Richmond (2004), as amended.

§ 2. That this rezoning shall be conditioned upon the compliance by the owner or owners with ~~[all of the proffered conditions]~~ proffered condition number 2 contained in the agreement entitled “Proffers, Conditional Rezoning” and dated July 28, 2006, a copy of which is attached to, incorporated into, and made a part of ~~[this ordinance]~~ Ordinance No. 2006-299-296, adopted December 11, 2006. ~~[These conditions]~~ This condition, 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 ~~[parcels]~~ property rezoned by this ordinance and specifically repeals ~~[such conditions]~~ this condition.

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

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

MAY 11 2015

Chief Administration Office  
City of Richmond

4-3567



**CITY OF RICHMOND**  
INTRACITY CORRESPONDENCE

O&R REQUEST RECEIVED

**DATE:** May 11, 2015

MAY 11 2015

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

OFFICE OF CITY ATTORNEY

**THROUGH:** Dwight C. Jones, Mayor (By Request) *pcj*

**THROUGH:** Christopher L. Beschler, Acting Chief Administrative Officer *CB*

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

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

**SUBJECT:** Amend Ordinance 2006-299-296 to remove the condition that the property owner complies with proffer number 1 contained in the agreement entitled "Proffers, Conditional Rezoning" dated July 28, 2006.

**ORD. OR RES. No:**

**PURPOSE:** To amend Ordinance No. 2006-299-296 by removing the condition that the property owner complies with proffer number 1 listed in the agreement entitled "Proffers, Conditional Rezoning", dated July 28, 2006, which proffer states "The building will be renovated in accordance with the guidelines established by the Department of Historic Resources." The address of the property is 2101 East Main Street.

**REASON:** Proffer number 1 requires renovation of the property to adhere to the Department of Historic Resources ("DHR") guidelines even if it is not the intent of the developer to pursue historic tax credits and, because the original renovation complied with DHR guidelines, such a requirement is no longer necessary.

**RECOMMENDATION:** The City Administration recommends adoption of this ordinance.

**BACKGROUND:** The original project pursued approval by DHR as required by proffer number 1 and received historic tax credits. For future phases of the project, it is not the intent of the developer to pursue such funding. Proffer 1 is written in such a manner as to limit future development possibilities by requiring adherence to DHR and such a requirement severely limits future development of the property.

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

**COST TO CITY:** Staff time for processing the request and preparation of draft ordinance.

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** May 15, 2015

**CITY COUNCIL PUBLIC HEARING DATE:** June 8, 2015

**REQUESTED AGENDA:** Consent Agenda

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** Planning Commission

**AFFECTED AGENCIES:** Chief Administrative Officer; City Attorney; Planning and Development Review.

**RELATIONSHIP TO EXISTING ORDINANCES:** Ordinance No. 2006-299-296

**REQUIRED CHANGES TO WORK PROGRAMS:** None

**ATTACHMENTS:** Ordinance No. 2006-299-296

**STAFF:** Mark A. Olinger, Director of Planning and Development Review; Peter L. Downey, Interim Deputy Chief Administrative Officer for Economic Development and Planning

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**CITY OF RICHMOND**  
 INTRACITY CORRESPONDENCE  
**RECEIVED**  
 OCT 20 2006

OCT 18 2006

**OFFICE OF CITY ATTORNEY**  
**O&R REQUEST**

**DATE:** October 20, 2006 **EDITION:** 1

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

**THROUGH:** L. Douglas Wilder, Mayor (Patron: Mayor, by Request)  
 (This in no way reflects a recommendation on behalf of the Mayor.) *10/20/06*

**THROUGH:** William E. Harrell, Chief Administrative Officer

**FROM:** Rachel O'Dwyer Flynn, Director of Community Development *RF*

**SUBJECT:** To Conditionally Rezone the Property Known as 2101 East Main Street from M-1 Light Industrial District to the B-5 Central Business District (Conditional)

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

**PURPOSE:** To conditionally rezone the real estate property known as 2101 East Main Street from the M-1 Light Industrial District to B-5 Central Business District (Conditional), upon certain proffered conditions.

**REASON:** The property owner has requested the conditional rezoning in order to facilitate the adaptive reuse of the property for commercial and residential purposes. The current M-1 zoning does not permit residential uses.

**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 Monday, December 4, 2006 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property is located on the south side of East Main Street, between South 21st and South 22nd Streets. The property contains 22,662 square feet of land area and is occupied by three buildings constructed between the late 1800's and the early 1900's for industrial purposes. The buildings are brick/masonry and range from one to four stories in height.

The proposed drawings for the property indicate the following uses: Ground floor – retail, office and parking; First floor – office and residential; Second-Third floors – residential. The minimum apartment size is 813 square feet. The applicant proposes seventeen (17) residential

units and twenty (20) parking spaces in the basement level. The applicant has recently obtained building permits for office and retail (restaurant) shells, which are permitted by the underlying M-1 zoning.

The existing zoning designation of the property as M-1 Light Manufacturing permits commercial and office uses, however residential uses are not permitted. In addition, the M-1 district permits a variety of uses including car dealerships, drive-thru restaurants, and the manufacture of metal, wood, and food products. The B-5 Central Business District permits commercial, office, and residential uses, while restricting such uses as drive-thrus, the manufacturing of products, and the outdoor storage of products.

In order to offset any potential negative impacts by this development, the developer has proposed the following proffers:

1. The building will be renovated in accordance with the guidelines established by the department of historic resources.
2. The existing historic structure will not be demolished (Permit obtained and is in adherence)

The property to the east is the historic Henrico County Courthouse, which is also located in the M-1 district. The property to the south is the Edgeworth Building, which is occupied as an office building and is located in the B-5 district. The property to the west, across North 21<sup>st</sup> Street is a mixed office building, which is also located in the B-5 district. The properties to the north, across East Main Street are a mix of B-5C and M-1 and are improved with mixed commercial uses. The Downtown Plan recommends "Mixed-Use" for the property with an emphasis on Street Oriented Commercial Frontage and residential uses above or behind the commercial uses.

**FISCAL IMPACT:** The Department of Community Development 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:** An application fee of \$750 was received to process this request. In addition, the renovation of the building would most likely increase the assessment of the property, and as such, the tax revenue to the City would increase.

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** November 13, 2006

**CITY COUNCIL PUBLIC HEARING DATE:** December 11, 2006

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission,  
December 4, 2006

**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:** 1. Application Form, Applicant's Letter, Proffers, and Survey (1 copy for  
Law Department, 1 copy for Office of Chief Administrative Officer and 1  
copy for City Assessor)  
2. Fee Receipt (1 copy – Law Department Only)

**STAFF:** Chelse Maughan, Senior Planner  
Land Use Administration (Room 511)  
646-6349

*DCD O&R No. 06-52*



# APPLICATION CONDITIONAL REZONING

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  
Phone (804) 646-6304 Fax (804) 646-5789

Date: 8/14/04

**RECEIVED**  
AUG 13 2006

Please attach the required documents and a check for the application fee. See Conditional Rezoning Filing Procedures attached to the application. DEPT. OF COMMUNITY DEVELOPMENT

Application is hereby submitted for conditional rezoning for the property located at:

Property Address(es): 11 S. 24<sup>th</sup> St., 2101 - 2113 E. Main St.

Tax Parcel No(s): E0000227004

Existing Zoning: M1 Requested Conditional Zoning: B-5

Purpose of Conditional Rezoning: IT IS TO BE A MIXED USE BUILDING (RESIDENTIAL AND BUSINESS)

Applicant/Contact Person: MARGARET FREUND

Mailing Address: 1000 CARLISLE AVE.  
RICHMOND, VA 23231

Telephone: (804) 226-9555 Fax: (802) 226-9554 E-Mail: mfrend@fultonhillproperties.com

Applicant's Signature: \_\_\_\_\_

Property Owner: MARGARET FREUND

Mailing Address: 1000 CARLISLE AVE RICHMOND, VA 23231

Telephone: (802) 226-9555 Fax: (802) 226-9554 E-Mail: mfrend@fultonhillproperties.com

Property Owner's Signature: \_\_\_\_\_

The signatures of all owners of the property are required in the form of a Certificate of Title. Please attach additional sheets as required. If a legal representative signs for a property owner, please attach an executed power of attorney.





# PROFFERS CONDITIONAL REZONING

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  
Phone (804) 646-6304 Fax (804) 646-5789

Date: 7-28-06

Original: \_\_\_\_\_ Amended: \_\_\_\_\_

Applicant/Contact Person: MARGARET FREUND

Applicant's Signature: \_\_\_\_\_

Property Owner: MARGARET FREUND

Property Owner's Signature: \_\_\_\_\_

The signatures of all owners of the property are required in the form of a Certificate of Title. Please attach additional sheets as required. If a legal representative signs for a property owner, please attach an executed power of attorney.

Pursuant to the Code of the City of Richmond, Virginia, the owner(s) or duly authorized agent hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned: (attach additional sheets as necessary)

- 1- THE BUILDING WILL BE RENOVATED IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED BY THE DEPARTMENT OF HISTORIC RESOURCES.
2. THE EXISTING HISTORIC STRUCTURE WILL NOT BE DEMOLISHED.  
( PERMIT OBTAINED AND IS IN ADHERENCE )



**CREATIVE SPACE**

**804-226-9555**

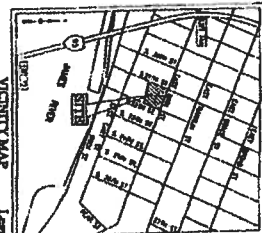
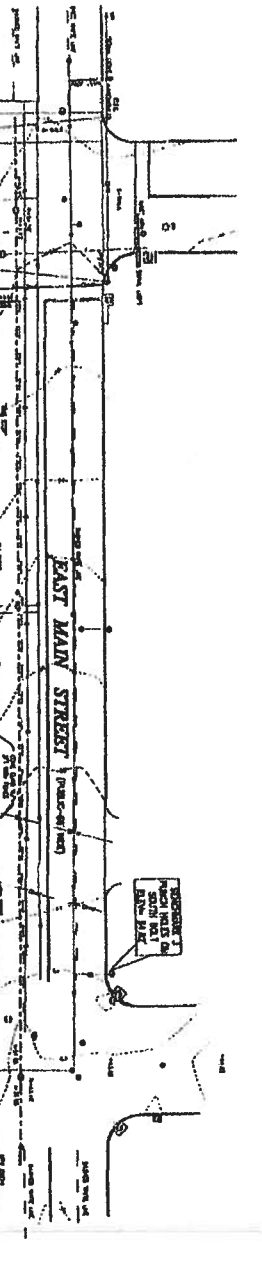
To Whom It May Concern:

This report regards our request to rezone our property Haxall View located at 11 S. 21<sup>st</sup> St, 2101 E. Main St., and 2133 E. Main St. We are asking for the property to be rezoned, because its existing zoning is M-1 (light industrial) and our intended purpose for the property is B-5 (business). In our research we have found that the majority of the properties surrounding ours are zoned for B-5.

Thank you for your time and consideration into this matter.

Sincerely,

Brad J. Peacock



**WHB**  
 Wallace Hargrove Brown, Inc.  
 112 South 14th Street, Suite 200  
 Norfolk, Virginia 23510  
 Tel: 757-247-1111

**Legal Description - Lot 4**  
 A certain parcel of land lying in the City of Norfolk, State of Virginia, bounded as follows: on the north by S 21st Street, on the south by S 22nd Street, on the east by East Main Street, and on the west by the center line of the Norfolk and Western Railway, containing 22,642 square feet, more or less, as shown on the attached plan, and as more fully described in the deed of conveyance to the said Lot 4, recorded in the Public Records of the County of Norfolk, Virginia, in Book 11, Page 111.

**General Notes**  
 1) The property is shown and situated in the City of Norfolk, Virginia, as shown on the attached plan, and as more fully described in the deed of conveyance to the said Lot 4, recorded in the Public Records of the County of Norfolk, Virginia, in Book 11, Page 111.  
 2) The property is shown and situated in the City of Norfolk, Virginia, as shown on the attached plan, and as more fully described in the deed of conveyance to the said Lot 4, recorded in the Public Records of the County of Norfolk, Virginia, in Book 11, Page 111.  
 3) The property is shown and situated in the City of Norfolk, Virginia, as shown on the attached plan, and as more fully described in the deed of conveyance to the said Lot 4, recorded in the Public Records of the County of Norfolk, Virginia, in Book 11, Page 111.  
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 5) The property is shown and situated in the City of Norfolk, Virginia, as shown on the attached plan, and as more fully described in the deed of conveyance to the said Lot 4, recorded in the Public Records of the County of Norfolk, Virginia, in Book 11, Page 111.

**Conditions**  
 The above described property is shown and situated in the City of Norfolk, Virginia, as shown on the attached plan, and as more fully described in the deed of conveyance to the said Lot 4, recorded in the Public Records of the County of Norfolk, Virginia, in Book 11, Page 111.

**Title Notes**  
 The above described property is shown and situated in the City of Norfolk, Virginia, as shown on the attached plan, and as more fully described in the deed of conveyance to the said Lot 4, recorded in the Public Records of the County of Norfolk, Virginia, in Book 11, Page 111.

**General Notes**  
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**Relational, Virginia**  
**ALTA/MCSM**  
 Land Title Survey

**Hazell Building**  
 2101 East Main Street

Lot No.	Area (S.F.)	Dimensions
1	22,642	110' x 206'



