

INTRODUCED: September 10, 2018

AN ORDINANCE No. 2018-244

To amend and reordain Ord. No. 2005-347-2006-13, adopted Jan. 9, 2006, which conditionally rezoned the property known as 2101 East Franklin Street from the M-1 Light Industrial District to the B-5 Central Business District (Conditional), upon certain proffered conditions, to revise the proffered conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 8 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2005-347-2006-13, adopted January 9, 2006, be and is hereby amended and reordained as follows:

§ 1. That, as shown on the survey plat entitled “Plat of Property Situated on the Southeast Corner of Franklin Street and 21st Street, Richmond, Va”, prepared by Chas. H. Fleet & Associates, and dated August 13, 1986, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property, with Tax Parcel No. E000-0226/001 as shown in the [~~2005~~] 2018 records of the City Assessor, is excluded from the M-1 Light Industrial

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 8 2018 REJECTED: _____ STRICKEN: _____

District and shall no longer be subject to the provisions of sections [~~114-452.1~~] 30-452.1 through [~~114-452.4~~] 30-452.4 of the Code of the City of Richmond [~~(2004)~~] (2015), 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~~] 30-442.1 through [~~114-442.6~~] 30-442.6 and all other applicable provisions of Chapter [~~114~~] 30 of the Code of the City of Richmond [~~(2004)~~] (2015), as amended.

§ 2. That this rezoning shall be conditioned upon the compliance by the owner or owners with all of the proffered conditions contained in the agreement entitled [~~“Proffers, Conditional Rezoning”~~] “Proffer Statement” and dated [~~September 27, 2005~~] August 21, 2018, 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 parcels rezoned by this ordinance and specifically repeals such conditions.

§ 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
2nd Floor of City Hall
Richmond, VA 23219
www.richmondgov.com

Item Request
File Number: PRE.2018.307

O & R REQUEST

4-8074

AUG 15 2018

Office of the
Chief Administrative Officer

O & R Request

DATE: August 9, 2018

EDITION:1

RECEIVED

AUG 29 2018

TO: The Honorable Members of City Council

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

LD 8/28/18

OFFICE OF CITY ATTORNEY

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer

SCG

THROUGH: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic Development and Planning

[Signature]

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

[Signature]

RE: To amend Ord. No. 2005-347-2006-13, adopted Jan. 9, 2006, which conditionally rezoned the property known as 2101 East Franklin Street from the M-1 Light Industrial District to the B-5 Central Business District (Conditional), upon certain proffered conditions, to revise the proffered conditions.

ORD. OR RES. No. _____

PURPOSE: To amend Ord. No. 2005-347-2006-13, adopted Jan. 9, 2006, which conditionally rezoned the property known as 2101 East Franklin Street from the M-1 Light Industrial District to the B-5 Central Business District (Conditional), upon certain proffered conditions, to revise the proffered conditions.

REASON: The applicant has requested to amend the conditions of a previously approved rezoning ordinance which rezoned the property from M-1 Light Industrial to the B-5 Central Business District. The applicant wishes to allow for residential uses on the ground floor of the existing building and has amended the proffer statement to permit ground floor 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 October 1, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The property consists of a 2,600 SF, .06 acre parcel, of land currently improved with a historic structure and located in the East Planning District of the Shockoe Bottom neighborhood. The property is also within the Shockoe Bottom Station Area of the Pulse Corridor Plan.

The Pulse Corridor Plan designates the subject property for neighborhood mixed-use land use. Neighborhood mixed-use areas are 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. xii).

A mix of B-5, B-5C and M-1 zoning districts are present in the vicinity. A mix of office, commercial, mixed use, industrial, vacant, and residential land uses are present in the vicinity.

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: \$500 application fee.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: September 10, 2018

CITY COUNCIL PUBLIC HEARING DATE: October 8, 2018

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, October 1, 2018.

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.: Amend Ord No. 2005-347-2006-13

REQUIRED CHANGES TO WORK PROGRAM(S): None.

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

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

PDR O&R No. 18-51



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/>

Project Name/Location

Property Address: 2101 East Franklin Street Date: May 2, 2018
Tax Map #: E0000226001 Fee: _____
Total area of affected site in acres: 0.06

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

Zoning

Current Zoning: B-5C
Existing Use: Vacant

Proposed Zoning/Conditional Zoning

(Please include a detailed description of the proposed use and proffers in the required applicant's report)
B-5C, amend previous conditional rezoning case proffers to permit ground floor residential
Existing Use: Vacant, originally Two-Family Dwelling

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: 2005-347-2006-13, conditional rezoning to B-5C

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources
Mailing Address: 11 South 12th Street, Suite 500
City: Richmond State: VA Zip Code: 23219
Telephone: (804) 874-6275 Fax: ()
Email: markbaker@bakerdevelopmentresources.com

Property Owner: Harper King

If Business Entity, name and title of authorized signer: N/A

(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: 423 South Washington Highway
City: Ashland State: VA Zip Code: 23005
Telephone: (804) 516-3032 Fax: ()
Email: harper@commboat.com

Property Owner Signature: 

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.



May 16, 2018

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 Proffer Amendment: 2101 East Franklin Street

Dear Matthew:

This letter shall serve as the Applicant's Report accompanying the application to amend the rezoning proffers applicable to 2101 East Franklin Street, identified as Tax Parcel E000-0226/001 (the "Property"). The Property is generally located in the block bound by East Franklin Street, North 21st Street, East Main Street, and North 22nd Street. The corner parcel has frontage on both East Franklin Street and North 21st Street and contains approximately 0.06 acres of lot area. The Property is occupied by two attached, two-story buildings. The buildings were constructed circa 1900 as a two-family dwelling, with the units configured side-by-side. The buildings contain approximately 1,552 square feet of floor area per side for a total of 3,104 square feet. The Property has been vacant for many years.

The Property was rezoned to B-5C Central Business (Conditional) in 2005 upon certain proffered conditions (Ordinance No. 2005-347-2006-13) but was never developed pursuant to that approval. Included among the proffered conditions at that time was a requirement that half the first floor must be used for office, retail or personal service uses. The owner at that time envisioned the redevelopment of the Property with approximately 750 square feet of commercial use on the first floor and three dwelling units – one on the first floor and two on the second floor. However, in over twelve years since the approval of this condition, the requirement for first floor commercial use has proven to be a limiting factor in the redevelopment of the property, which remains vacant. As a result, the current owner would now like amend this proffer to eliminate the requirement for the first-floor commercial space and to allow that space to be developed as a dwelling unit. This would allow the buildings to be configured as a total of up to 4 dwelling units.

The surrounding similarly situated properties South of East Franklin Street and West of North 21st Street are zoned a mix of unconditioned B-5 Central Business, B-5C and M-1 Light Industrial. The

2201 East Franklin Street
May 2, 2018
Page 2

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 two other developed properties at this intersection are occupied by multi-family dwelling projects that do not provide for ground floor commercial uses at this corner. To the north of the Property and east of 21st Street lies Taylors Hill Park, located within an R-6 Single-Family Attached Residential District.

The existing B-5 zoning is consistent with the Downtown Plan recommendation. This proffer amendment would provide an opportunity for the restoration and preservation of the long-vacant historic buildings on the Property while allowing for compatibility with surrounding land uses. The renovation would be in keeping with the original, residential use of the Property. The existing residential building design and lack of store front fenestration make the buildings ideally suited for residential rather than commercial use. The existing B-5 zoning 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 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 buildings ensures that appropriate design control will be provided for the rehabilitation through the State and Federal review of tax credit applications.

While not complete, it is anticipated that the long-range plan for the East Main Street corridor along the route of the GRTC Pulse: Bus Rapid Transit (BRT) system may 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 and with which this proposed development would be compatible.

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

Sincerely,

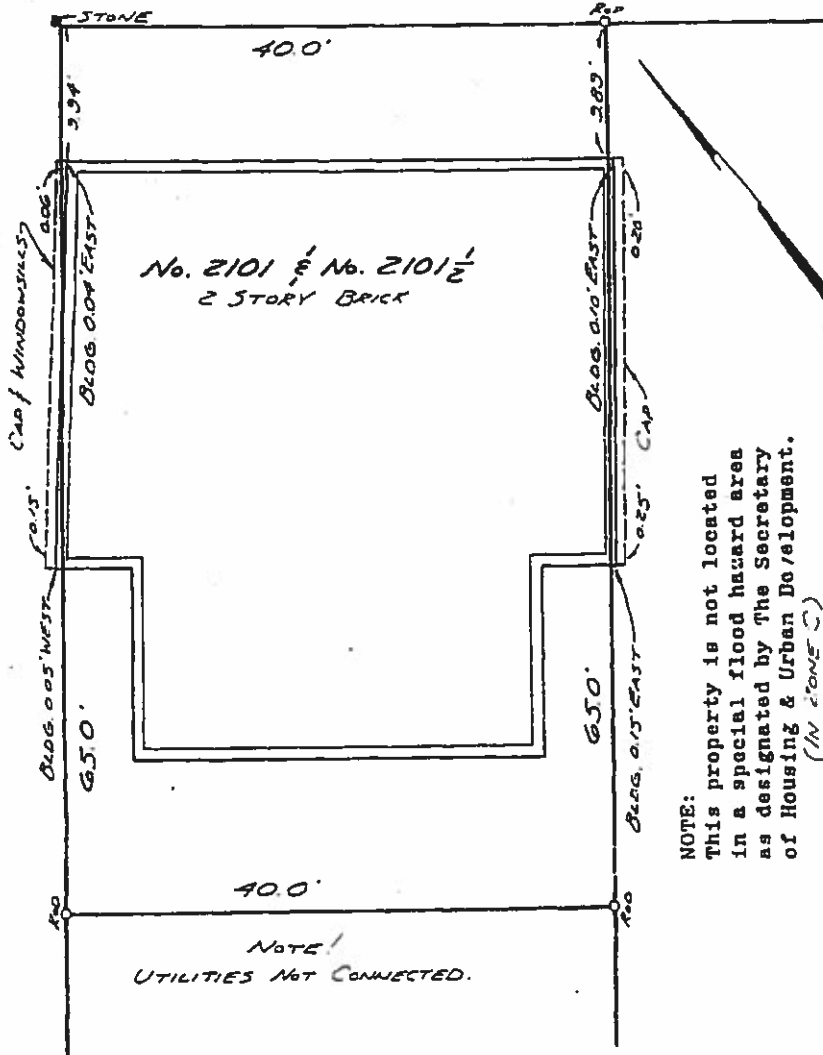
Mark R. Baker

Enclosures

cc: The Honorable Cynthia I. Newbille

EAST FRANKLIN ST.

NORTH 21ST STREET



NOTE:
This property is not located
in a special flood hazard area
as designated by The Secretary
of Housing & Urban Development.
(IN STONE)

PLAT OF
PROPERTY SITUATED ON THE SOUTHEAST
CORNER OF FRANKLIN STREET AND
21ST STREET.
RICHMOND, VA.

AUGUST 13, 1986
SCALE: 1"=10'



CHAS. H. FLEET & ASSOCS
ENGINEER & SURVEYORS
RICHMOND, VA.

CERTIFICATION
The is to certify that on 8-13-86
we made an accurate field survey of the premises
shown herein, that all measurements and visible
assessments are shown herein, that there is no
encroachment by improvements other than adjoining
premises, or that subject premises own adjoining
premises, other than as shown herein.

R.F. Jett

Proffer Statement

The owner of the parcel located at 2101 E. Franklin Street, having a tax identification number of E0000226001 (the "Property"), pursuant to Virginia Code (1950, as amended) for itself, its successors and assigns, voluntarily proffers in connection with the rezoning, the following conditions:

The proffered conditions of Ordinance No. 2005-347-2006-13 set forth below shall be deleted and/or amended and replaced with the following proffered conditions.

Proffer 1 of Ordinance No. 2005-347-2006-13 is hereby deleted.

Proffer 2 of Ordinance No. 2005-347-2006-13 is hereby deleted and replaced with the following:


The Property shall be occupied by a maximum of four (4) dwelling units.

By: 
Harper King, Owner

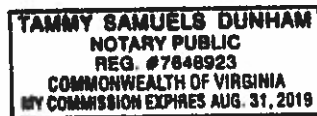
COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to-wit:

The foregoing was acknowledged before me the 21 day of August, 2018, by Harper King, Owner.

My commission expires: 08/31/2019.


Notary Public
Notary Reg No. 7648923

[Notary Stamp]





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: 9/27/05

Original: XX Amended: _____

Applicant/Contact Person: B. J. Drummond or Joyce G. Hicks

Applicant's Signature: *B. J. Drummond* *Joyce G. Hicks*

Property Owner: 2101 EAST FRANKLIN STREET ASSOCIATES

Property Owner's Signature: *B. J. Drummond* *Herbert Hicks* *Joyce G. Hicks*
B. J. Drummond, Herbert Hicks, Joyce G. Hicks

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) *We will have a less intense use of the first floor commercial space. That space will be used for office, retail or personal services.*
- (2) *The other three remaining spaces will be used for apartment units, that will be a minimum of 750 square feet.*