



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

Existing Use: Office

Is this property subject to any previous land use cases?

- Yes
- No

If Yes, please list the Ordinance Number:

91-243-232

Proposed Use

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

Medical Office

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 2nd 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]

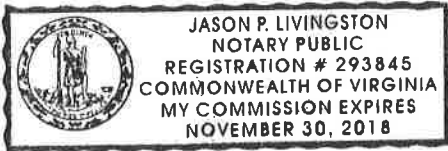
WITNESS the following signature and seal this 19th day of December, 2014.

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 19th day of December, 201 4, 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 2nd 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. 2nd 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 feet¹ (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.

¹ 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 2nd 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,² 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.

² 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.**”³ 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.”⁴ The Downtown Plan specifically recognizes the efforts of Virginia Commonwealth University, among other “imaginative investors,” to successfully revitalize sections of the neighborhood.⁵ 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. 2nd 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”⁶ and prioritizes improvements to “increase pedestrian activity.”⁷ 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.⁸

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

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

⁴ Downtown Plan at 4.4.

⁵ Id.

⁶ Id. at 4.7.

⁷ Id. at 4.10.

⁸ 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 Axselle at 804.420.6405 or baxselle@williamsmullen.com, or Preston Lloyd at 804.420.6615 or plloyd@williamsmullen.com, at any time if you have any questions or require additional materials.

Sincerely,

/s/

Ralph L. "Bill" Axselle, Jr.

Sincerely,

/s/

T. Preston Lloyd, Jr.

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.	<u>10,343</u>
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 x 1.12 = 3,434
Tenant -2	3,163 x 1.12 = 3,543
Tenant -3	2,415 x 1.12 = 2,705
Tenant -4	1,699 x 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.



Hummel Associates

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

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
Total Usable Sq.Ft.	<u>13,006.78</u>

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**

2nd+3rd+4th 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. 1st St. Richmond, VA 23219
(804)643-7337 Fax (804)643-7720

EXHIBIT B

Item	Description	Type	Rate	Address	Spaces	Notes
1.	BioTech Surface Lot – 4th & Jackson	Standard	\$63.00/month	649-7275	90	Downtown Parking Near UNOS and the Jackson Center
2.	Consolidated Lab PD – N. 4th St.	Standard	\$70.00/month	No Spaces Available	31	
3.	Coliseum Parking Deck – N 7th St.	Standard	\$90.00/month	No Spaces Available	0	
4.	Surface Lot – 1st & Marshall	City Parking	\$36.00/month	344-3353	0	
5.	Surface Lot – 2nd & Marshall	Mr. Bitew	\$50.00/month	338-8212	25	
6.	Marriott PD – 5th & Marshall	Standard	\$100.00/month	649-2155	0	
7.	Parking Deck – 7th & Marshall	Standard	\$100.00/month	649-7275	0	
8.	Surface Lot – 407 N. 10th St.	Standard	\$125.00/month	649-7275	0	
9.	Parking Deck – 7th & E. Marshall	Central Parking	\$65.00/month	No Spaces Available	0	
10.	Surface Lot – 310 N. 8th St.	Standard	\$150.00/month	649-7275	0	
11.	Surface Lot – 10th & Broad St.		\$100.00/month	644-0494	0	
18.	Surface Lot – 5th & Broad	Standard	\$100.00/month	649-2155	0	
64.	Surface Lot – 7th & Leigh	Parkway-P. Daily	\$95.00/month	339-3233	0	
S1.	Surface Lot – 3rd & Marshall	Parkway-P. Daily	\$60.00/month	339-3233	0	
S2.	Surface Lot – 3rd & Jackson	Club 533			0	
S3.	Parking Deck – 8th & Jackson	VCU	\$100.00/month		0	



UNOS Parking by
c. brydges s. white
Revised 1/22/2013