

INTRODUCED: February 22, 2016

AN ORDINANCE No. 2016-044

As Amended

To conditionally rezone the property known as 2201 East Franklin Street from the M-1 Light Industrial District to the [~~B-5~~] B-5C Central Business District, upon certain proffered conditions.

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

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

PUBLIC HEARING: MAR 28 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the plat entitled “Plat of Property Situated on the Southeast Corner of Franklin Street and 22nd Street, Richmond, Va.,” prepared by Chas. H. Fleet & Assocs., and dated January 17, 1975, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property known as 2201 East Franklin Street, with Tax Parcel No. E000-0261/001 as shown in the 2016 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 30-452.1 through 30-452.4 of the Code of the City of Richmond (2015), as amended, and that the same is

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

ADOPTED:    APR 25 2016    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

included in the [~~B-5~~] B-5C Central Business District and shall be subject to the provisions of sections 30-442.1 through 30-442.7 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (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 document entitled “Proffer Statement” and dated March 15, 2016, 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.



# City of Richmond

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

## Intracity Correspondence

Pre Introduction to Council: PRE. 2016-35

FEB 01 2016

File Number: PRE. 2016-35

OFFICE OF THE ATTORNEY

To rezone the property known as 2201 East Franklin Street from the M-1 - Light Industrial District to the B-5 - Central Business District.

### O & R Request

### O & R REQUEST

DATE: January 20, 2016

EDITION:1

JAN 26 2016

4-4589

Chief Administration Office  
City of Richmond

TO: The Honorable Members of City Council

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

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer

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

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

RE: To rezone the property known as 2201 East Franklin Street from the M-1 - Light Industrial District to the B-5 - Central Business District.

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

**PURPOSE:** To rezone the property known as 2201 East Franklin Street from the M-1 - Light Industrial District to the B-5 - Central Business District.

**REASON:** The applicant has requested a rezoning to the B-5 - Central Business District in order to accommodate mixed-use development on the parcel.

**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 March 21, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property consists of a 0.492 acre (21,432 SF) parcel of land improved with an industrial building constructed, per tax assessment records, at the turn of the last century and a surface parking area. The property is located at the southeast corner of the intersection

of North 22nd Street and East Franklin Street in the Shockoe Bottom neighborhood.

The subject property falls within an Urban Center Area of the Shockoe District, as established by the Richmond Downtown Plan. Such areas are "characterized by higher density, mixed-use development, typically arranged on a fine-grained street network, with wide sidewalks, regular tree planting, and minimal setbacks." Moreover, the Urban Center Area demonstrates "a dense mix of office space, apartments, and retail located in four to six-story brick buildings that front the street. Pedestrians have an active presence in these neighborhoods" (pp. 3.25-3.26).

The subject property is currently zoned M-1 - Light Industrial and is located within the St. John's Church City Old and Historic District.

Properties to the north of the subject property are zoned R-6 - Single-Family Attached Residential, properties to the east, south, and west are in the same M-1 district as the subject property. Property zoned in the B-5C - Central Business (Conditional) District are also located to the west of the subject property. A larger B-5 district encompasses many of the parcels surrounding the block on which the subject property is located.

A mix of multi-family residential, office, commercial, industrial, institutional, public-open space, and mixed-use land uses are present in the vicinity.

**FISCAL IMPACT / COST:** The Department 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:** \$1,500.00

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** February 22, 2016

**CITY COUNCIL PUBLIC HEARING DATE:** March 28, 2016

**REQUESTED AGENDA:** Consent.

**RECOMMENDED COUNCIL COMMITTEE:** None.

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, March 21, 2016.

**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.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

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

**STAFF:** Matthew J. Ebinger, AICP, Senior Planner  
Land Use Administration (Room 511)  
804-646-6308

*O&R 16-03*



# 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

Project Name: 22st and Franklin Street Date: 10/1/15

Property Address: 2201 E. Franklin Street Tax Map #: E0000261001

Fee: \$1,500.00 Total area of affected site in acres: 0.492 acres  
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

## Zoning

Current Zoning: M-1

Existing Use: Warehouse

Is this property subject to any previous land use cases? B-5

☐ Yes ☒ No

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

## Proposed Zoning/Conditional Zoning

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

Applicant/Contact Person: Jennifer Mullen

Company: Roth Doner Jackson Gibbons Condlin, PLC

Mailing Address: 919 E. Main Street, Suite 2110

City: Richmond State: VA Zip Code: 23219 Telephone: (804)-977-3374

Fax: (804)441-8438 Email: jullen@rothdonerjackson.com

RECEIVED

OCT 13 2015

LAND USE ADMINISTRATION

Property Owner: GARDEN OF RICHMOND, INC

If Business Entity, name and title of authorized signee: CARL H OTTO, PRESIDENT

(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: 2201 E. Franklin Street

City: Richmond State: VA Zip Code: 23223

Telephone: (804) 648-3041 Fax: (804) 782-9709

Email: CARL - GARDEN @ WFLA.TN.NET

Property Owner Signature: CARL H OTTO

(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.)



roth doner jackson gibbons condlin, plc

ATTORNEYS AT LAW

919 East Main Street, Suite 2110, Richmond, VA 23219-4625

(804) 441-8440 (main) - (804) 441-8438 (fax)

www.rothdonerjackson.com

Jennifer D. Mullen

(804) 977-3374 (direct)

jmullen@rothdonerjackson.com

October 13, 2015

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

RECEIVED

OCT 13 2015

LAND USE ADMINISTRATION

Re: **2201 E. Franklin Street – Rezoning from M-1 to B-5**  
**Applicant's Report**

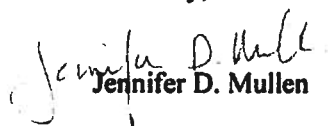
Dear Lory:

This letter shall serve the Applicant's Report accompanying the application for the rezoning request from the M-1 Light Industrial District to the B-5 Central Business District for the property known as 2201 E. Franklin Street, identified as Tax Parcel E0000261001 (the "Property"). The Property is located on the northwest corner of N. 22<sup>nd</sup> and E. Franklin Street across from Taylors Hill Park, within the St. John's Church Old and Historic District. Properties on the blocks to the East and West of the Property are zoned B-5; the parcel adjacent is zoned M-1 and used for medical office and the remainder is vacant space and parking lot and three parcels on the southwest corner of 22<sup>nd</sup> and E. Franklin are used for residential purposes. The Property has been used for the Garbers Garage Door Company, a garage door sales, service, repair and installation business, since the 1970s, however currently occupies only a portion of the building. The applicant requests rezoning of the Property from the M-1 District to the B-5, Central Business District.

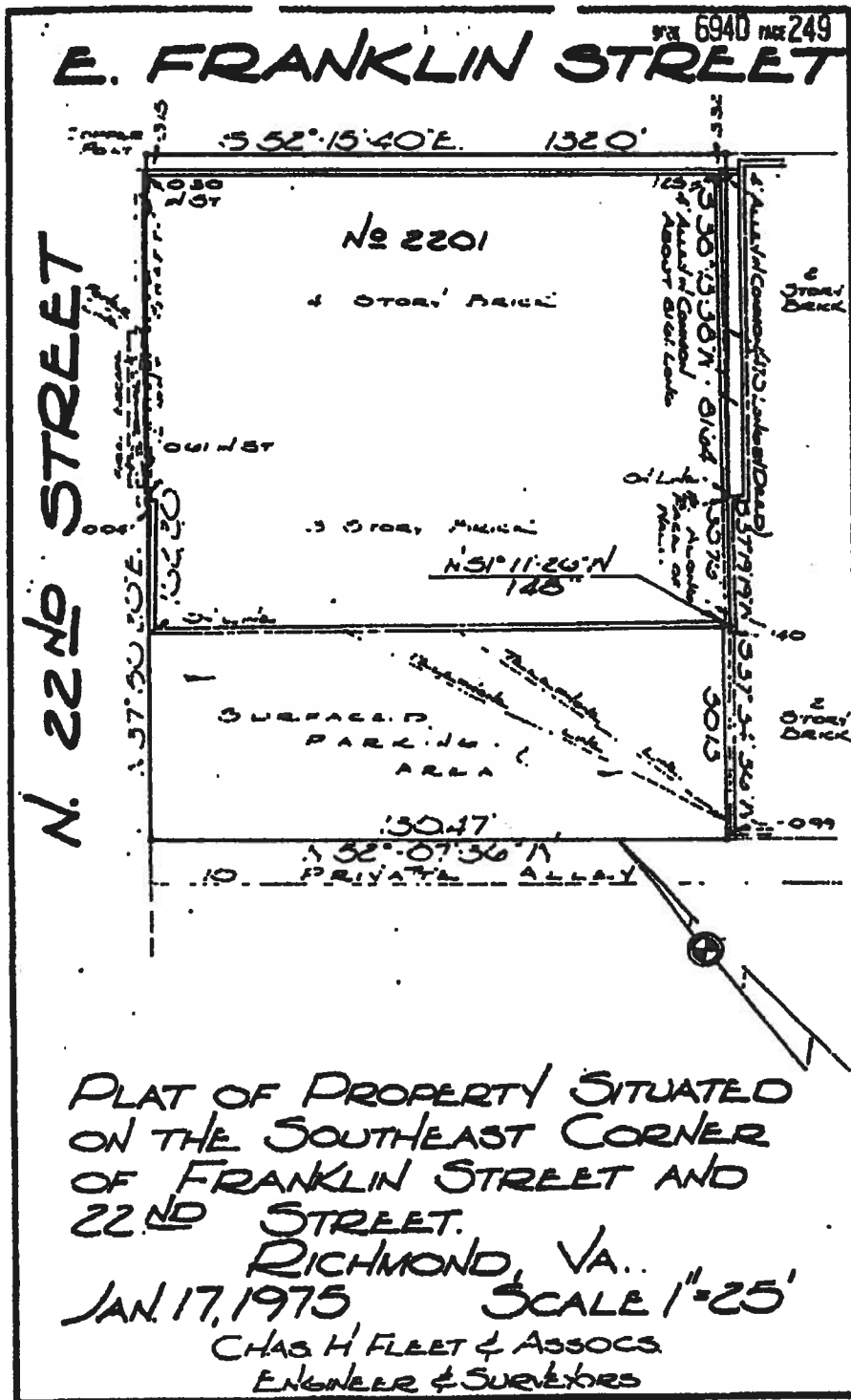
The Property is identified in the Downtown Plan as Urban Core Area and the B-5 district is an appropriate zoning category to encourage redevelopment with a mix of uses. The building on the Property was constructed in 1900, and extends to the right of way on 22<sup>nd</sup> Street and E. Franklin Street with off-street parking spaces accessed off the alley located on the southern side of the Property, promoting pedestrian activity. The Property is well situated within Shockoe Bottom and rezoning the Property to the B-5 district provides flexibility for commercial and residential purposes, consistent with the encouraged pedestrian-oriented redevelopment of the area.

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

Sincerely,

  
Jennifer D. Mullen

Enclosures



BK. 330-74

FILE 362



## PROFFER STATEMENT

The owner of the parcel located at 2201 E. Franklin Street, have a tax identification number of E0000261001 (the "Property"), pursuant to Virginia Code (1950, as amended) for itself, its successors and assigns, voluntarily proffers in connection with the rezoning, the following condition:

1. No residential unit located on the Property shall be windowless.


Garbers of Richmond, Inc.

By:   
Carl Otto, President

COMMONWEALTH OF VIRGINIA  
CITY OF RICHMOND, to-wit:

The foregoing was acknowledged before me the 15 day of March, 2016, by Carl Otto, as the President of Garbers of Richmond, Inc. a Virginia corporation, on behalf of the corporation.

My commission expires: 6-30-18.

  
Notary Public  
Notary Reg No. 7020899

[Notary Stamp]

