

INTRODUCED: July 27, 2020

AN ORDINANCE No. 2020-174

To amend and reordain Ord. No. 64-161-147, adopted Jun. 22, 1964, which authorized the use of certain real estate situated on the north side of Franklin Street beginning at a point 60.5 feet west of the west line of Adams Street, fronting 104.25 feet on the north side of Franklin Street and extending back between parallel or nearly parallel lines 200.5 feet, also known as the property located at 104 West Franklin Street, for the purpose of the construction and occupancy of an apartment building, to modify the off-street parking space requirements, upon certain terms and conditions.

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

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

PUBLIC HEARING: SEP 14 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 64-161-147, adopted June 22, 1964, be and is hereby amended and reordained as follows:

§ 1. That the ~~[real estate situated on the north side of Franklin Street beginning at a point 60.5 feet west of the west line of Adams Street, fronting 104.25 feet on the north side of Franklin Street and extending back between parallel or nearly parallel lines 200.5 feet]~~ property known as 104 West Franklin Street and identified as Tax Parcel No. W000-0126/013 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled “ALTA/NSPS Land Title

AYES: 8 NOES: 0 ABSTAIN: \_\_\_\_\_

ADOPTED: SEP 14 2020 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

Survey,” prepared by Landmark – fleet Surveyors, P.C., and undated, a copy of which is attached to and made a part of this amendatory ordinance, which is situated in an RO-3 Residential-Office District, desires to use such property for the purpose of a multifamily building containing up to 204 dwelling units, which use, among other things, is not currently allowed by section 30-710.1(a)(4)(a), concerning off-street parking spaces, of the Code of the City of Richmond (2015), as amended, is hereby authorized to be used for the construction and occupancy of an apartment building, with 57 on-site parking spaces, in accordance with and at the location shown on the plan attached to the draft of [~~this ordinance~~] Ordinance No. 64-161-147, adopted June 22, 1964, entitled: “The Lexington Tower Apts. 104 West Franklin Street Richmond Virginia by Paul Gordon Associates” dated “Aug. ’63 Revisions: 10-14-63”. The Commissioner of Buildings is hereby authorized to issue to the owner or owners of the real estate, or their successors in fee simple title, who will be hereinafter referred to as “Owner”, a special use permit for such purpose. The permit shall be transferable to the successors 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) that acceptance of the permit and the exercise of the privileges granted by this ordinance by the Owner shall constitute a warranty on the part of the Owner that title to the land and the apartment building will be vested in the same person or persons or corporation or both;

(b) that the Owner will be bound by, observe and will comply with all other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and building, except as otherwise provided in this ordinance;

(c) that the privileges granted by this ordinance shall terminate and the special use permit shall become null and void when (1) a use is made of the land or building, either or both,

which is not permitted by this ordinance, (2) the building and appurtenances are not constructed, installed or provided and maintained in accordance with the plan attached to the draft of this ordinance, (3) the Owner fails, refuses or neglects to comply with the foregoing provisions of paragraphs (a) and (b) of this section, or (4) when the use of the land or building, either or both, is abandoned for a period of twenty-four consecutive months; whereupon the use of the land and building shall be governed thereafter by the zoning regulations prescribed for the district in which the land and building are then situated.

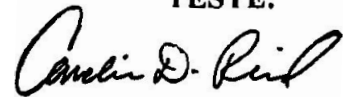
(d) A parking attendant may be provided for the on-site parking area on the subject property but shall not be required.

(e) The off-site parking spaces shown in the area labelled as "Tract 2" on the survey entitled "ALTA/NSPS Land Title Survey," prepared by Landmark – fleet Surveyors, P.C., and undated, a copy of which is attached to and made a part of this amendatory ordinance, shall not be required to be utilized for the subject property.

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

**A TRUE COPY:**

**TESTE:**



**City Clerk**

# City of Richmond

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

RECEIVED  
By Barbara Fore at 9:45 am, Jul 07, 2020

## Item Request

File Number: PRE.2020.225


RECEIVED  
By Barbara Fore at 7:38 am, Jul 20, 2020

### O & R Request

DATE: June 29, 2020

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)  7/17/2020  
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer 

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic   
Development and Planning

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

RE: To amend and reordain Ord. No. 1964-161-147, adopted June 22, 1964, which authorized the construction and occupancy of an apartment building at 104 West Franklin Street for the purpose of a multi-family building, to modify the parking requirements, upon certain terms and conditions.

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

**PURPOSE:** To amend and reordain Ord. No. 1964-161-147, adopted June 22, 1964, which authorized the construction and occupancy of an apartment building at 104 West Franklin Street for the purpose of a multi-family building, to modify the parking requirements, upon certain terms and conditions.

**REASON:** The applicant is requesting to amend the current ordinance and to provide relief from the current off-street parking requirements in the RO-3 Residential Office zoning district for a 202-unit multi-family dwelling unit. Section 30-710.1(a)(4)a of the ordinance calls for 1 parking space per dwelling unit. The application calls for 57 off-street parking spaces. A special use permit is therefore required.

**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 September 8, 2020, meeting.

**BACKGROUND:** The subject property consists of a 20326 SF or .47 acre parcel of land improved with 202 unit multi-family apartment building constructed, per tax assessment records, in 1963. The property is located in the Monroe Ward neighborhood within the City's Downtown Planning District along West Franklin Street between North Adams and North Jefferson Streets. The property is also located within the Arts District Station area of the City's Pulse Corridor.

The City of Richmond's Pulse Corridor Plan designates the subject property as Downtown Mixed-Use which "...features high-density development with office buildings, apartments, and a mix of complementary uses, including regional destinations. Higher-density pedestrian- and transit-oriented development encouraged on vacant or underutilized sites; new development should be urban in form and may be of larger scale than existing context. Active commercial ground floor uses required on street-oriented commercial frontages. Active ground floor uses and design required on priority street frontages. Driveway entrances required to be off alleys whenever possible; new driveways prohibited on street-oriented commercial and priority street frontages. Little to no setback of new development unless to create pedestrian-oriented amenities like plazas and outdoor dining. Surface parking prohibited as a principal use, when surface parking is provided as an accessory use, it should be located to the rear of buildings and screened by shade trees. Parking requirements are substantially less in these areas than other areas of the city and are largely eliminated. Potential future zoning districts: B-4, RF-2. (City of Richmond, 2017) Adjacent properties are the same B-3 with nearby zones of B-4 (Central Business) to the North and East of 4th Street.

The property has been utilizing off-street surface parking lots along the northern side of the 100 block of West Grace Street between North Adams and North Jefferson Streets. The ordinance, if approved, would remove these off-street parking lots from servicing 104 West Franklin Street.

**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:** \$1,200 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** July 27, 2020

**CITY COUNCIL PUBLIC HEARING DATE:** September 14, 2020

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
September 8, 2020

**AFFECTED AGENCIES:** Office of Chief Administrative Officer  
Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Amend Ord. No. 1964-161-147

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

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

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



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.richmond.gov>

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**

Property Address 104 West Franklin Street Date: 4/23/2020  
 Tax Map #: W0000126013 Fee \$2,400  
 Total area of affected site in acres: 0.467

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

**Zoning**

Current Zoning RO-3  
 Existing Use Multifamily

**Proposed Use**

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

Multifamily  
 Existing Use Multifamily

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number \_\_\_\_\_

**Applicant/Contact Person:** Lory Markham

Company Markham Planning LLC  
 Mailing Address 23 West Broad Street  
 City Richmond State VA Zip Code 23241  
 Telephone (804) 248-2561 Fax ( )  
 Email lory@markhamplanning.com

**Property Owner:** Thalhimer Franklin LLC

If Business Entity name and title of authorized signer Matthew Raggi

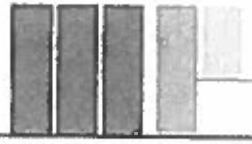
(The person or persons executing or attesting this application on behalf of the Company certifies that he or she is an authorized and empowered to so execute on behalf.)

Mailing Address 11100 West Broad Street  
 City Glen Allen State VA Zip Code 23060  
 Telephone (804) 344-7156 Fax ( )  
 Email matt.raggi@thalhimer.com

**Property Owner Signature:** Matthew J. Raggi

The names, addresses, telephone numbers and signatures of all owners of the property are required. Print names and titles if streets as needed. If a legal representative signs for a property owner, please attach an authorized power of attorney. **Faxed or photocopied signatures will not be accepted.**

**NOTE:** If you attach the required plans, check off the appropriate box on the application. If you do not attach the required plans, check off the appropriate box on the application.



MARKHAM PLANNING

23 WEST BROAD STREET #304 • RICHMOND, VIRGINIA 23220

May 4, 2020

Mark Olinger, Director  
Department of Planning & Development Review  
900 East Broad Street, Suite 511  
Richmond, VA 23219  
mark.olinger@richmondgov.com

Re: 104 West Franklin Street, Tax Map No W000-0126/013, SUP Request

Dear Mr. Olinger,

On behalf of the owner of 104 West Franklin Street, please accept this letter as the Applicant's Report for a Special Use Permit request to reduce the required parking for an existing multi-family dwelling. With this application, Thalhimer Franklin LLC is petitioning City Council to reduce the parking requirement for the existing 204 apartments, which are served by both parking on-site and parking located in a surface lot within the block fronting on West Grace Street. The reduction in parking requirement would allow for property to operate independently with the 57 parking spaces available on-site. This would make the surface parking lots located at 104, 108 and 109 West Grace Street available for development in accordance with the recommendations in the Pulse Corridor Plan.

***Existing Site Conditions***

The subject property is located on the north side of West Franklin Street and is improved with a 204-unit multi-family dwelling with structured parking constructed in 1963. The parcel is 20,325 square feet or 0.467 acres and the seventeen-story building is approximately 147,000 square feet. There are currently 57 parking spaces located on the property. The remaining 88 required parking spaces are located in a surface parking lots at 104, 108 and 109 West Grace Street.

***Current Zoning Regulations***

The property is located in the RO-3 zoned RO-3 (Residential-Office) and is subject only to the use restrictions generally applicable to that classification which are contained in the Zoning Ordinance. The RO-3 zoning district permits use of the Property as apartments and offices, and such accessory uses as may be applicable thereto.

A Special Use Permit (Ordinance No. 64-161-147, adopted by City Council on June 22, 1964) granted relief from the floor area ratio and yard requirements. There is no proposal to alter the building or the floor area ratio or yards that exist today.



Pursuant to a letter from December 14, 2012, from the City regarding the property, 145 parking spaces are required for the 204 dwelling units. The normal RO-3 zoning would require one space per dwelling unit. However, the adjacent B-4 zoning would not require any parking for the dwelling units as long as there is another principal use located in the building. Even if there were no other principal use, the adjacent B-4 district would require 51 parking spaces.

#### *City's Master Plan for Future Land Use*

The City's Pulse Corridor Plan recommends Downtown Mixed-Use land uses for the property. The plan encourages higher density and transit-oriented development on vacant or underutilized sites within this designation. Specifically, for the Arts District Station Area, the Plan recommends encouraging and supporting the redevelopment of surface parking lots into uses that support transit. In order to encourage these redevelopments, the plans specifically states that in Downtown Mixed-Use areas:

- "Surface parking prohibited as a principal use; when surface parking is provided as an accessory use, it should be located to the rear of buildings and screened by shade trees"
- "Parking requirements are substantially less in these areas than other areas of the city and are largely eliminated."

The proposal to reduce the parking requirement for this existing building is directly in keeping with these recommendations in the Pulse Corridor Plan and will allow for the elimination of a surface parking that currently serves as a principal use.

#### *Neighborhood and City Communication*

A pre-application meeting was held with Planning & Development Review on March 30, 2020. We have a request in to the Downtown Neighborhood Association to present the proposal at their next available meeting.

#### *City Charter Conditions*

We trust that you will agree with us that this proposed SUP meets the City Charter criteria for the granting of SUPs as the project will not (i) be 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 overcrowding of land and cause 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.

Thank you for your consideration of this rezoning request. Please feel free to contact me at [lorv@markhamplanning.com](mailto:lorv@markhamplanning.com) or (804) 248-2561 if you have any questions or require additional materials to process the application.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Lory Markham". The signature is written in a cursive, flowing style.

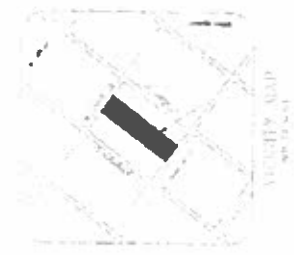
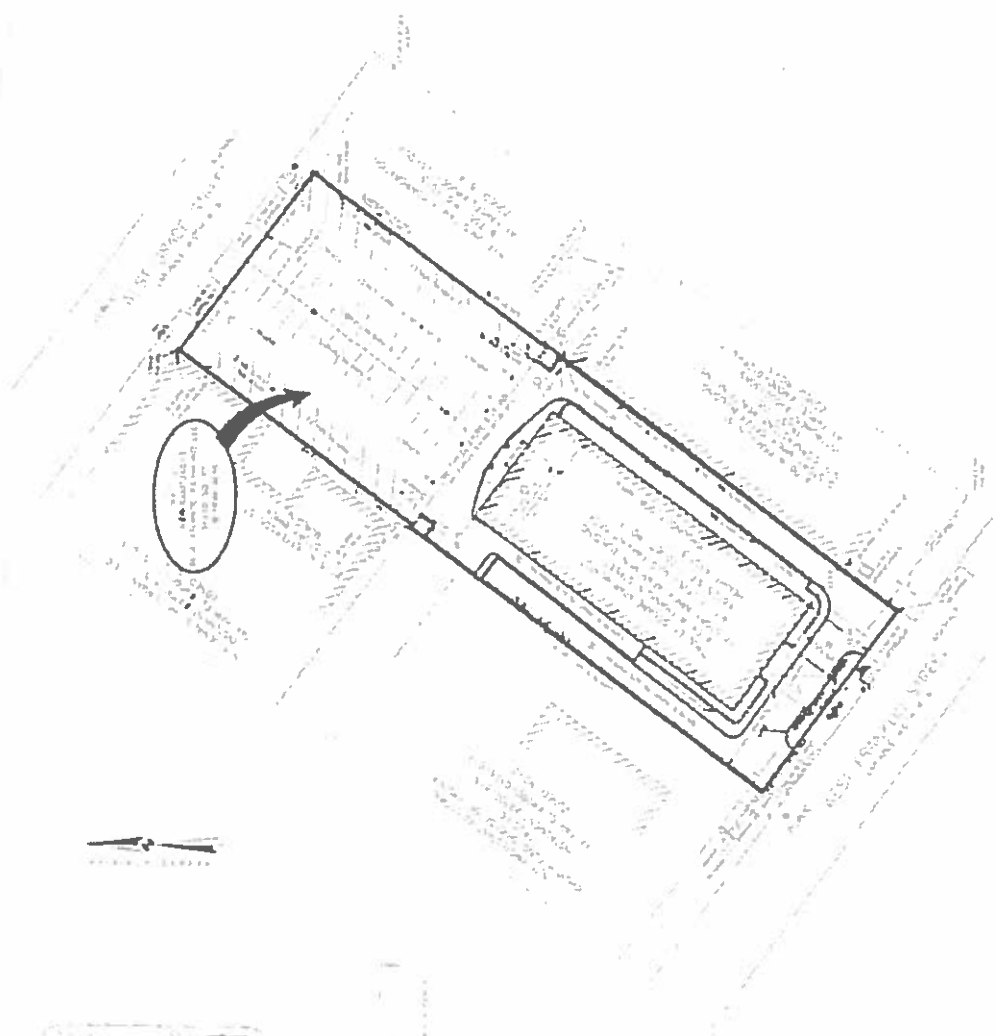
Lory Markham

Enclosure: application form, fee payment, existing survey

cc: Matthew Ebinger, Secretary to the City Planning Commission  
The Honorable Kimberly B. Gray, 2<sup>nd</sup> Voter District  
Matthew Raggi, Thalhimer  
Gabi Syska, Markham Planning

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