



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: _____ Date: _____
Tax Map #: _____ Fee: _____
Total area of affected site in acres: _____

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

Zoning

Current Zoning: _____

Existing Use: _____

Proposed Zoning/Conditional Zoning

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

Existing Use: _____

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _() _____ Fax: _() _____

Email: _____

Property Owner: _____

If Business Entity, name and title of authorized signee: _____

(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: _____

City: _____ State: _____ Zip Code: _____

Telephone: _() _____ Fax: _() _____

Email: _____

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.



Review & Approval process for **REZONING/CONDITIONAL REZONING**

In instances where it has been determined that underlying zoning regulations cannot be met, a rezoning/conditional rezoning may be granted by City Council to provide relief from zoning regulation. It is the policy of the City of Richmond to encourage the voluntary proffering of conditions by the applicant in cases where the use of conventional rezoning methods are inadequate to achieve certain desired goals. With conditional rezoning, the applicant voluntarily proffers written conditions designed to offset identified problems and render an otherwise unacceptable rezoning acceptable. Off-site impacts on public infrastructure may be mitigated by the inclusion of proffers that address circumstances directly related to the rezoning proposal. Rezoning/conditional rezoning should not be used if proffered conditions will not sufficiently offset or are unrelated to the identified problems.

Applicants **must** schedule a pre-application conference with the Division of Land Use Administration staff to review related Master Plan, land use and other issues that may be involved prior to making application. Please call (804) 646-6304 to schedule an appointment with the staff. **Staff may reject any application without a pre-application conference.** Staff will review submitted applications to ensure all required materials and information are provided. If the application is not acceptable, the required information must be provided prior to formal staff review.

Applicants should also discuss the proposed rezoning/conditional rezoning with area civic associations, property owners, residents, and the area Council Representative prior to submitting an application. Letters from the associations and property owners stating their position in regards to the request should be submitted with the application.

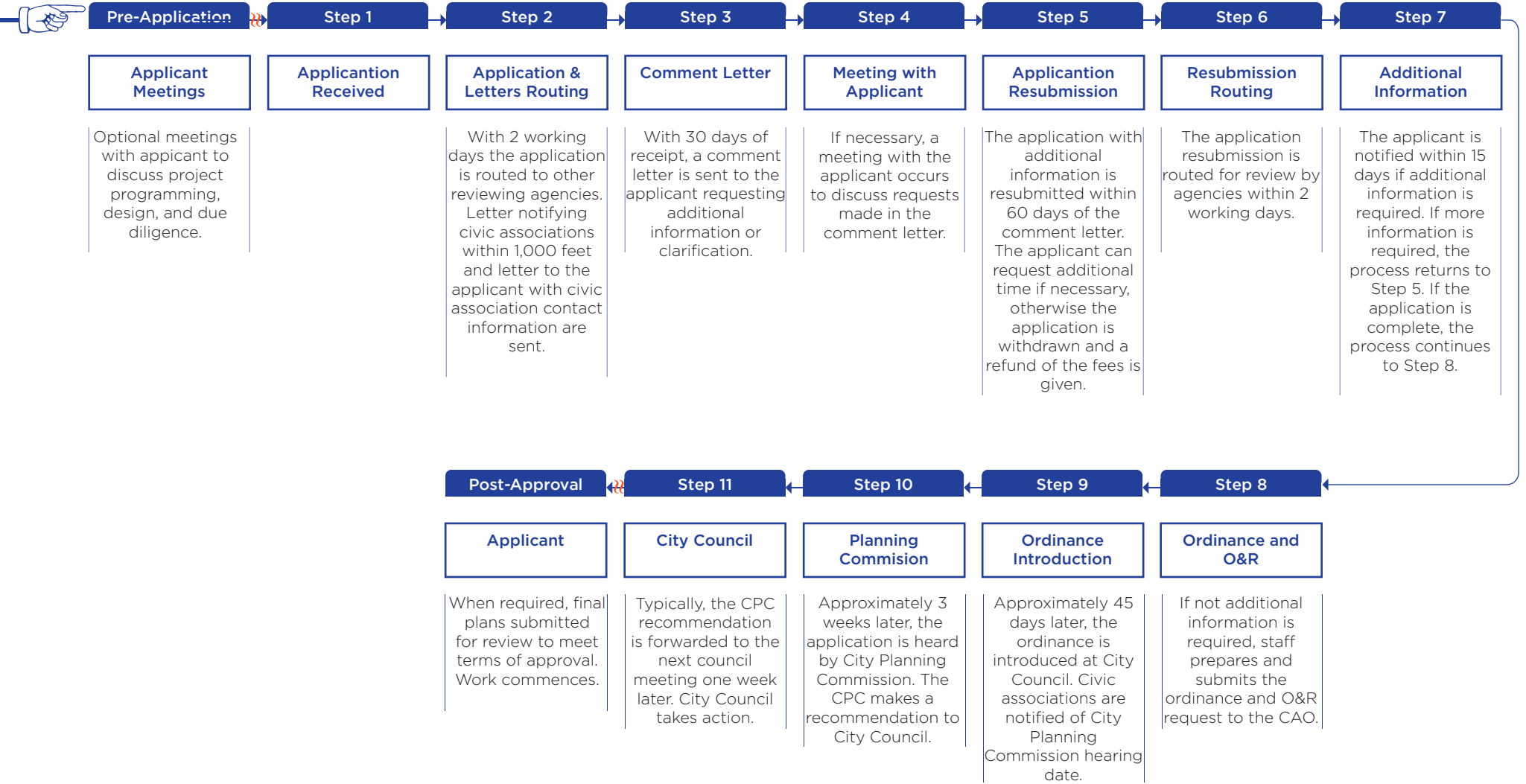
The Division of Land Use Administration circulates the application materials to appropriate City agencies as determined necessary. City agencies reviewing the proposal may include: Public Works, Building Permits & Inspections, Public Utilities, Water Resources, Zoning Administration, and Fire and Emergency Services. The Division of Land Use Administration will coordinate responses by City agencies. Written comments will be provided generally within 30 days of the application submittal date.

After review by these agencies and by the Division of Land Use Administration, the staff will confer with the applicant regarding suggested zoning districts and proffers to be included with the application. Once the application is in final form, an ordinance is drafted and the proffers are attached to and are made a part of the ordinance. The staff will forward a copy of the ordinance to the applicant for review and approval.

The ordinance is then reviewed by the City Attorney's office and the City Administration. Once their review is complete, the ordinance is introduced to City Council and a public hearing is scheduled, usually thirty days after introduction. During this thirty-day period, public notice of the hearing is posted on the site and in a daily newspaper. Notices are also mailed to the owners of all properties within 150 feet of the subject property. One week prior to the City Council public hearing, the Planning Commission, after receiving a report from the Department of Planning and Development Review, considers the proposed rezoning/conditional rezoning and forwards a recommendation to City Council. The Planning Commission welcomes information submitted prior to the meeting and may ask questions of proponents and opponents during the course of its deliberation on the ordinance.

In the event that additions, deletions or other modifications to proffered conditions are desired, they shall be made in writing to the Planning Commission before the Commission makes its recommendation to City Council. City Council may consider additional conditions, deletions or modifications to conditions after the Planning Commission makes its recommendation, provided that such are voluntarily proffered in writing prior to the public hearing at which City Council is to consider the request. City Council may refer the request back to the Planning Commission for further review and action if additions, deletions or modifications to conditions are proposed after the Planning Commission makes its recommendation.

Legislative Land Use Application Process





FILING

Rezoning/conditional rezoning applications are filed with the:

Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street, Richmond, Virginia 23219
Telephone (804) 646-6304

APPLICATION REQUIREMENTS

The application for a rezoning/conditional rezoning must include the following, each part of which is explained below. ***Application must be submitted in an electronic format (PDF).***

- 1. Application form;**
- 2. Application fee;**
- 3. Applicant's report;**
- 4. Survey plat; and**
- 5. Applicable Proffers signed by the property owner(s).**

- 1. Application Form:** All the owners of the property must sign the application form and any proffers. In the event that the applicant for a conditional rezoning is a contract purchaser, such purchaser must also be made a part to the proffer and must sign their name. Faxed or photocopied signatures will not be accepted.
- 2. Application Fee:** The appropriate fee of \$1,500 plus \$100 for each acre or fraction thereof over the first acre (fee is not prorated by acreage) must accompany the application. Checks should be made payable to the **"City of Richmond"**.
- 3. Applicant's Report:** A written report must be submitted explaining the reasons for the rezoning/conditional rezoning request, and the intended use of the property. Information contained in the report will assist the staff in the preparation of its recommendation to the Planning Commission. The report and any supporting materials (i.e. plans) will also be used by staff to determine which zoning district would best accommodate the proposed development.
- 4. Survey Plat:** A PDF of a survey plat showing the property and including metes and bounds is required. The plat should show existing physical features of the property, including:
 - a.** North arrow, scale, property address, the distance to nearest public street, preparer of plat, date, revision dates, area of site;
 - b.** Existing structures, buildings, paved areas, fences, streets, alleys, easements, and limits of the 100 year flood plain, Chesapeake Bay Preservation Area limits, wetlands, and streams.
- 5. Written Proffers:** The written proffers (the original must be signed and executed by the property owner(s) and the contract purchaser, if applicable) shall only be accepted as conditions attached to the rezoning if they meet the following criteria:
 - a.** The rezoning itself must give rise to the need for the conditions;
 - b.** The conditions shall have a reasonable relation to the rezoning;
 - c.** The conditions shall be in conformity with the City Master Plan;
 - d.** The conditions shall be drafted in such manner as to be clearly understandable



Filing Procedures for **REZONING/CONDITIONAL REZONING**

- e. The conditions cannot impose upon the applicant the requirement to create a property owners' association nor a condition that members of a property owners' association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments, and other public facilities; however, such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the City;
- f. **The conditions can not be less restrictive than the provisions of the requested zoning district, and shall not require or permit a standard that is less than required by any applicable law;** and
- g. Where proffered conditions include the dedication of real property or payment of cash, such property may not transfer and such payment of cash may not be made until the facilities for which such property is dedicated or cash is tendered are included in the Capital Improvement Program (CIP). However, the City may accept proffered conditions which are not normally included in the CIP. If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions must provide for the disposition of such property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.



COMMUNITY UNIT PLAN

Preliminary	\$3,000 + \$100/acre ¹
Extension of Preliminary Approval	\$1,500
Final	\$1,500 + \$100/acre ¹
Amendment	\$1,500 + \$100/acre ¹

CONDITIONAL USE PERMIT

Initial	\$1,500 + \$100/acre ²
Amendment	\$1,000 + \$100/acre ²

PLAN OF DEVELOPMENT

Floor area & Land disturbed ≤5,000 square feet	\$500 + \$100/acre ²
Floor area & Land disturbed ≥5,001 & ≤50,000 square feet	\$1,000 + \$100/acre ²
Floor area & Land disturbed ≥50,001 square feet	\$1,500 + \$100/acre ²

REZONING/CONDITIONAL REZONING

Each continuance caused by the applicant	\$1,500 + \$100/acre ²
	\$250

SPECIAL USE PERMIT

<i>Use</i>	<i>Initial</i>	<i>Amendment</i>
Day Nursery	\$300	\$200
Single- or two-family detached or attached dwelling	\$300	\$200
Outdoor dining	\$300	\$200
Mobile food business	\$300	\$200
Sign	\$300	\$200
Multi-family dwelling (3 to ten units)	\$1,800	\$1,200
Commercial or industrial equal to or less than 5,000 sq ft	\$1,800	\$1,200
Multi-family dwelling (more than 10 units)	\$2,400	\$1,800
Commercial or industrial more than 5,000 sq ft	\$2,400	\$1,800

Each continuance caused by the applicant \$250

SUBDIVISION

Preliminary Plat	\$500 + \$15/lot
Extension of Preliminary Plat Approval	\$150
Final Plat	\$500 + \$15/lot
Subdivision Confirmation Letter	\$100
Continuance*	\$50
Plat of Correction	\$100

A full refund of the application fee is permitted if the application is withdrawn prior to the second submittal of plans. Once a second submittal of plans is made, fees are not refundable.

¹For Community Unit Plans (CUP), the first 10 acres are included in the base price.

²For Conditional Use Permits, Plans of Development, and Rezoning, the first acre is included in the base price.

For all applications with an additional price per acre, fractions of an acre are rounded up to the nearest whole number. Do not prorate the fee per fraction of acre.

- Example: A Conditional Use Permit (CUP) for a 0.76 acre property would owe \$1,500 (base fee only). A CUP for a 2.3 acre property would owe \$1,700 (\$1,500 base fee + 2*100 (for the 1.3 acres over the first acre))

* No charge for the 1st continuance requested by the applicant or for any continuance requested by the Planning Commission. The second or subsequent continuance request by the applicant costs \$50.

Fees went into effect upon adoption of Ordinance No. 2018-209 by City Council on September 10, 2018.



September 21st, 2023

Mr. Matthew Ebinger
City of Richmond Department of Community Development
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, Virginia 23219

Re: Rezoning at 809 Oliver Hill Way

Dear Matthew:

This letter shall serve as the Applicant's Report accompanying the application for a rezoning from M-1 Light Industrial District to TOD-1 Transit Oriented Nodal District for the property known as 809 Oliver Hill Way identified as Tax Parcel E000-0318/003 (the "Property"). The parcel is located on the eastern line of Oliver Hill Way between Venable and Coalter Streets. The Property contains roughly 85,178 square feet of lot area and is currently occupied with a single-story office building and paved parking area. The proposed rezoning would facilitate the redevelopment of the Property with uses according to the TOD-1 district guidelines.


The Property is currently zoned M-1 Light Industrial. The properties to the north, on the eastern line of Oliver Hill Way are also zoned M-1. The property immediately to the south at 807 Oliver Hill Way was rezoned to TOD-1 in 2022. Across Oliver Hill Way are parcels zoned a combination of B-5 Central Business, M-1, and M-2 Heavy industrial. The vacant parcel immediately to the east is zoned B-5 while parcels further east are zoned R-53 Multifamily Residential.

The existing M-1 district does not reflect the guidance of the Richmond 300 Plan (the "Master Plan") for the Property which is identified in the Master Plan as "Destination Mixed-Use," which is described as "key gateways featuring prominent destinations, such as retail... as well as housing and open space." Furthermore, the Destination Mixed-Use designation among other things, suggests multi-family residential and retail/office/personal service uses are appropriate primary uses. While the M-1 district permits some residential uses and neighborhood-serving commercial uses, it does not permit the "higher-density, transit-oriented development" recommended by the Master Plan. The rezoning request to TOD-1 is consistent with the Master Plan recommendation and provides an opportunity for the redevelopment of the Property with both residential and small-scale commercial use, on a scale that is compatible with the surrounding land uses and access to transit.

Potential development concepts include the redevelopment of the Property within the guidelines which are laid out by the TOD-1 district to encourage dense, walkable transit-oriented development consistent with the master plan. This would permit the development of the Property with residential uses to provide variability in housing and/or neighborhood-serving uses to support existing housing. Under any eventual TOD-1 development scenario, the district includes “form-based” requirements, such as building façade fenestration, maximum setbacks, minimum and maximum heights and restrictions on the location of parking areas. These criteria would address any concerns over the new development’s design and character. Subsequent to a successful TOD-1 rezoning, further project design review would be required through a Plan of Development (“POD”) in the case of multi-family dwellings containing more than 10 dwelling units. Compliance with the POD requirements would further ensure that the development is compatible with other development in the vicinity.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Baker', written in a cursive style.

Mark Baker

Enclosures

RECORD DESCRIPTION

ALL that certain piece or parcel of land, with all improvements thereon and appurtenances thereto belonging, lying and being in the City of Richmond, Virginia, known as 809 Oliver Hill Way (formerly known as 17th Street), shown on a plat by Gene Watson & Associates, dated May 29, 1995, revised August 17, 1995, entitled, "Plat Showing 809 N. 17th Street With Improvements Located in the City of Richmond, Virginia", on which plat it is noted that the property is "previously shown as #829" and according to which plat such parcel is described as follows:

BEGINNING at a point at the intersection of the east line of Oliver Hill Way (formerly 17th Street) with the south line of O Street; thence eastwardly along the south line of O Street North 87° 55' 36" East 268 feet to a point at the intersection of the south line of O Street with the west line of 18th Street; thence along the west line of 18th Street South 2° 04' 24" East 297.38 feet to a point; thence South 89° 53' 24" West 288.15 feet to a point in the east line of Oliver Hill Way (formerly 17th Street) thence along the east line of Oliver Hill Way (formerly 17th Street) North 2° 04' 24" West 288.19 feet to the beginning point.

BEING the same real estate conveyed to Matthews Family III, LLC, a Virginia limited liability company, by Deed from Center Group Ventures, L.C, a Virginia limited liability company, dated December 12, 2005, recorded December 13, 2005, in the Clerk's Office, Circuit Court, City of Richmond, Virginia as Instrument #050043683.

SCHEDULE B-II ITEMS

- 13. Ordinance Number 62-257-217 adopted October 22, 1962 as shown on "Plan on file in the Office of the Department of Public Works entitled, Plan for the Closing of Streets and Alleys in the Area Bounded by Littlepage, Mosby, Jay and Buchanan Streets (17th Street Redevelopment Project Area" marked by Drawing No. P-15246. Plan drawing shows Gas, Water and Sewer located adjacent to Oliver Hill Way. MAY PERTAIN TO THE SUBJECT PROPERTY - EASEMENT LOCATIONS CANNOT BE DETERMINED FROM DRAWING NO. P-15246
14. Restrictive Covenants and Conditions as contained in the Deed dated June 17, 1968 and recorded in Deed Book 652C, page 371. PERTAINS TO THE SUBJECT PROPERTY - CONTAINS NO PLOTTABLE SURVEY ITEMS
15. Deed of Easement between Richmond Redevelopment & Housing Authority and the City of Richmond, Virginia, dated October 13, 1964 and recorded in Deed Book 627D, page 731 for storm water and sanitary sewer and as shown on the Plan entitled, "Proposed Base Lines and Street Layout in the 17th Street Redevelopment Area" Drawing No. P-15450-A and recorded in PB 18, pages 101 & 102. DOES NOT PERTAIN TO THE SUBJECT PROPERTY
16. Easement between Alex H. Williams and Geline B. Williams, his wife, and Virginia Electric and Power Company, dated August 26, 1968, recorded October 10, 1968 in Deed Book 654-D, page 670. PERTAINS TO THE SUBJECT PROPERTY - APPROXIMATE LOCATION PLOTTED AND SHOWN HEREON
17. Easement between Alex H. Williams and Geline B. Williams, his wife, and Virginia Electric and Power Company, dated February 9, 1973, recorded May 4, 1973 in Deed Book 683-C, page 68. PERTAINS TO THE SUBJECT PROPERTY - APPROXIMATE LOCATION PLOTTED AND SHOWN HEREON
18. Easement between Alex H. Williams and Geline B. Williams, his wife, and Virginia Electric and Power Company, dated February 9, 1973, recorded May 4, 1973 in Deed Book 683-C, page 71. PERTAINS TO THE SUBJECT PROPERTY - APPROXIMATE LOCATION PLOTTED AND SHOWN HEREON
19. Deed of Easement by and between Alexander H. Williams and Geline B. Williams, and the Commonwealth of Virginia, as contained within deed dated November 8, 1972, recorded May 8, 1973 in Deed Book 683-C, page 228. Grants, in part, a permanent right and easement to construct, operate, maintain, etc. a street or highway bridge, including support piers and appurtenances, together with rights of ingress and egress. Deed includes reservation of rights for grantor, their successors and assigns, therein to construct a building or buildings near superstructure of the bridge and the right of passage around the pier supporting the bridge. See State Highway Plat Book 5, pages 60, 61, 62 and 63 for particulars. PERTAINS TO THE SUBJECT PROPERTY - PLOTTED AND SHOWN HEREON
20. Deed of Easement granted the City of Richmond, Virginia, dated October 28, 1963, recorded December 2, 1963 in Deed Book 621-B, page 743. Grants easement for the construction, operation, etc. of gas and water mains and pipes, sanitary sewers and drainage facilities, and appurtenances thereto. (No Plat attached to instrument) MAY PERTAIN TO THE SUBJECT PROPERTY - EASEMENT LOCATIONS CANNOT BE DETERMINED FROM DRAWING NO. P-15246
21. Matters and Facts as contained on Plat(s) of Survey made by Gene Watson & Associates, entitled, "Plat Showing 809 N. 17th Street With Improvements Located in the City of Richmond, Virginia", dated May 29, 1995, revised August 17, 1995 and recorded in Instrument # 970004235, Page 433 on February 26, 1997, and revised February 15, 1996 and recorded October 16, 1997 at Instrument #970022716, Page 128. PERTAINS TO THE SUBJECT PROPERTY - CONTAINS NO NEW PLOTTABLE SURVEY ITEMS

SITE PICTURE



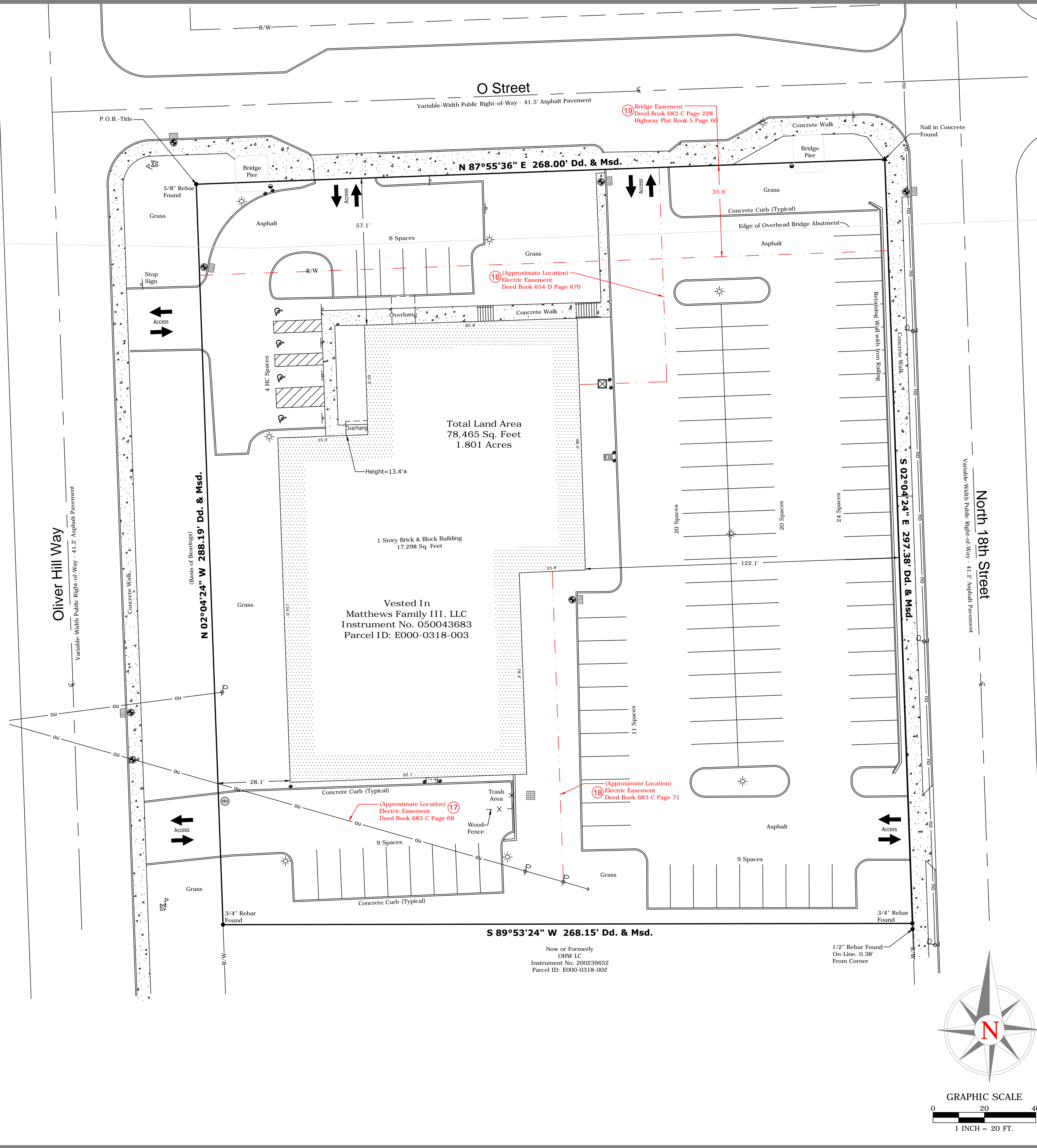
VICINITY MAP NOT TO SCALE. LAND AREA: 78,465 Sq. Feet, 1.801 Acres. PARKING SPACES: REGULAR= 99, HANDICAP= 4, TOTAL= 103.

ZONING DATA table with columns: ZONING ITEM, REQUIRED, PERMITTED USES. Includes details for M-1 (LIGHT INDUSTRIAL) zoning, minimum lot area, building setbacks, and contact information for the City of Richmond.

FLOOD NOTE: BASED ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AVAILABLE ONLINE AT WWW.MSC.FEMA.GOV. AND BY GRAPHIC PLOTTING ONLY. THIS PROPERTY IS LOCATED IN ZONE X ON FLOOD INSURANCE RATE MAP NUMBER 5101290041E, WHICH BEARS AN EFFECTIVE DATE OF JULY 16, 2014 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

SIGNIFICANT OBSERVATIONS: Information noted below is simply a statement of fact regarding the location of observed improvements relative to boundary, easement, and setback lines, and is not a legal opinion or determination of encroachments.

LEGEND: Symbols for Right-of-Way, Centerline, Place/Point of Beginning, Electric Transformer, Undergrnd Utility Marker, Bollard Post, Handicap Space, Sign, Utility Pole, Light Pole, Guy Wire, Fence, Concrete Area, No Parking Area, Building Area, Property Line, etc.



TITLE COMMITMENT INFORMATION: THE PROPERTY HEREON DESCRIBED IS THE SAME AS THE PERTINENT PROPERTY AS DESCRIBED IN FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT FILE NO. 19-14707, WITH AN EFFECTIVE DATE OF MARCH 15, 2019.

GENERAL SURVEY NOTES: 1. ALL STATEMENTS WITHIN THE CERTIFICATION AND OTHER REFERENCES LOCATED ELSEWHERE HEREON RELATED TO UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, PARKING, EASEMENTS, SERVITUDES, AND ENCROACHMENTS ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE. UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.

ALTA/NSPS LAND TITLE SURVEY: 809 OLIVER HILL WAY, CITY OF RICHMOND, RICHMOND, VA.

SURVEYOR'S CERTIFICATE: TO: COMMONWEALTH CATHOLIC CHARITIES, A VIRGINIA NON-STOCK CORPORATION; FIDELITY NATIONAL TITLE INSURANCE COMPANY; GRS TITLE SERVICES, LLC AND GRS GROUP.

GRS GROUP logo, Surveyor's name Edward E. Northrop, License No. 0403 002610, and Titan USA Commercial Real Estate Services logo.

Vertical text on the right edge: SURVEY COORDINATED BY: GRS GROUP, 300 SPECTRUM CENTER DRIVE, SUITE 145, IRVINE, CALIFORNIA 92618 | FIELDSURVEY@GRS-GLOBAL.COM | PHONE: 330-779-1167



City of Richmond Department of Planning & Development Review

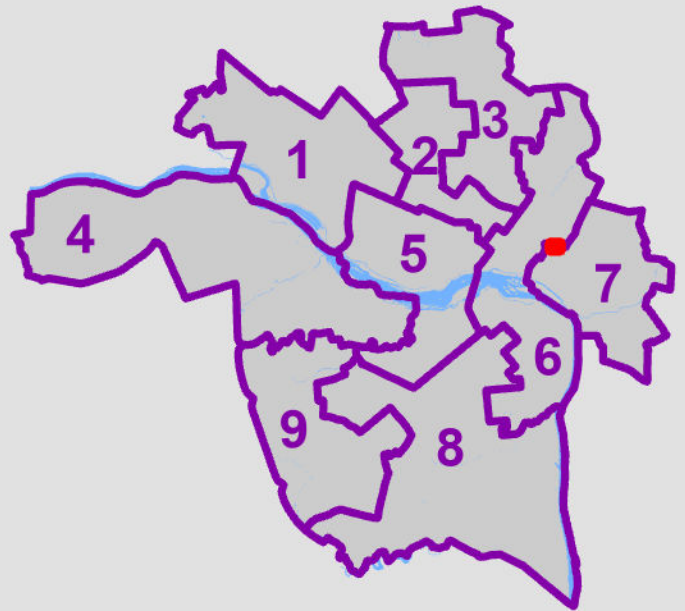
Special Use Permit

LOCATION: 809 Oliver Hill Way

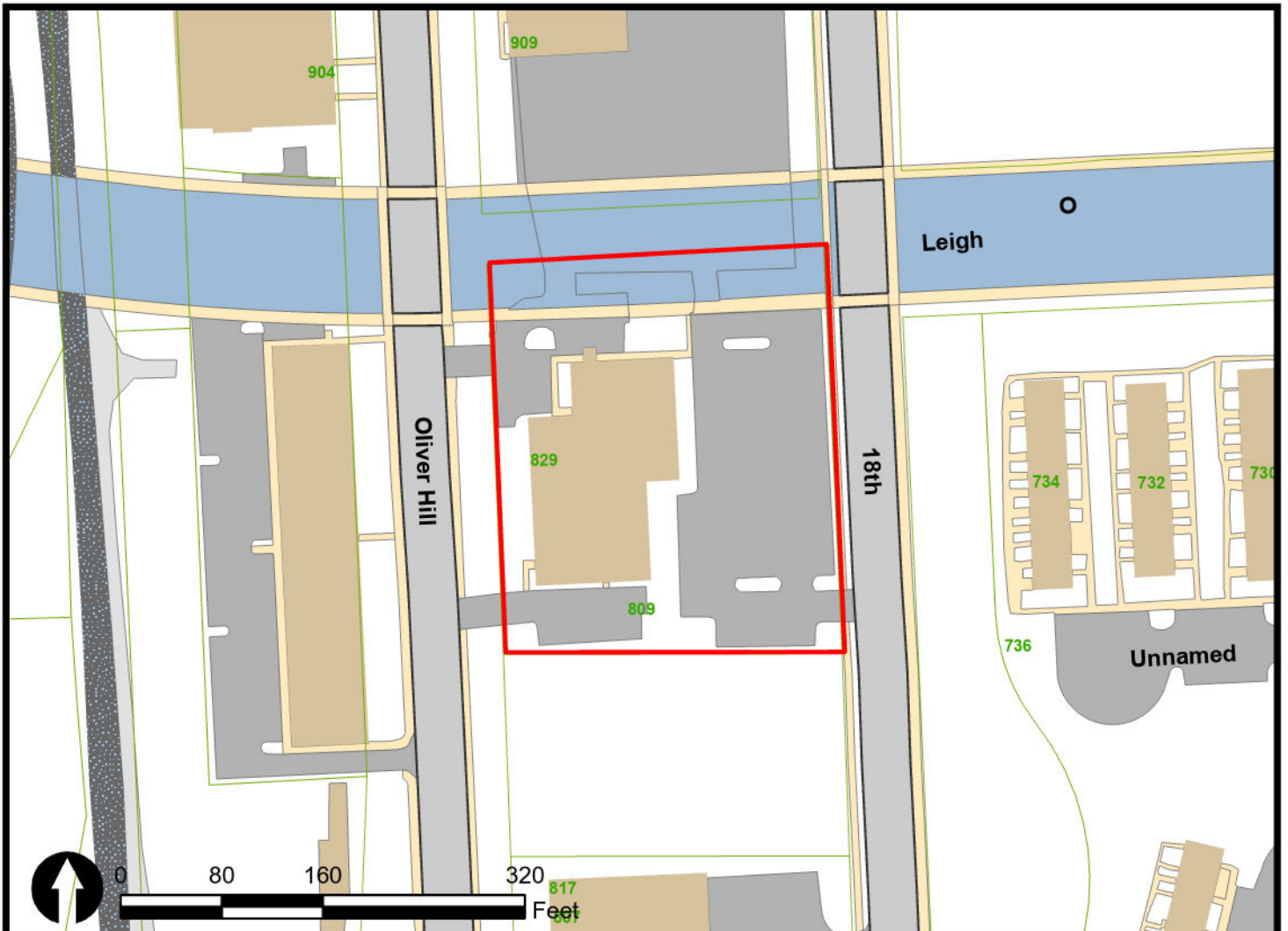
APPLICANT: Baker Development Resources

COUNCIL DISTRICT: 6

PROPOSAL: To rezone the property known as 809 Oliver Hill Way from the M-1 Light Industrial District to the TOD-1 Transit-Oriented Nodal District.



For questions, please contact Jonathan Brown at 804-646-5734 or jonathan.brown@rva.gov



Public Comment (verbally submitted via phone)

Date:10/10/2023

Re: 809 Oliver Hill Way

Summary: On October 10th, 2023 Staff received a call from an abutter asking what kind of parking is proposed as part of this application and expressed concerns that on-street parking on O Street caused by future development could impede access to adjacent property.