

INTRODUCED: February 26, 2018

AN ORDINANCE No. 2018-046

To conditionally rezone the property known as 1125 Commerce Road from the M-2 Heavy Industrial District to the B-6 Mixed-Use Business District (Conditional), upon certain proffered conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 26 2018 AT 6:00 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the plat entitled “Plat Showing Improvements on No. 1125 Commerce Road, in the City of Richmond, Virginia.,” prepared by McKnight & Associates, P.C., and dated June 19, 2016, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property known as 1125 Commerce Road, with Tax Parcel No. S000-0633/001 as shown in the 2018 records of the City Assessor, is excluded from the M-2 Heavy Industrial District and shall no longer be subject to the provisions of sections 30-454.1 through 30-454.6 of the Code of the City of Richmond (2015), as amended, and that the same is included in the B-6 Mixed-Use Business District (Conditional) and shall be subject to the provisions of

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAR 26 2018 REJECTED: _____ STRICKEN: _____

sections 30-444.1 through 30-444.8 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 in the document entitled “Proffer Statement” and dated February 23, 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 condition.

§ 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

Item Request

File Number: PRE.2018.038

O & R REQUEST

RECEIVED

FEB 07 2018

4-7461
JAN 25 2018

OFFICE OF CITY ATTORNEY

Office of the
Chief Administrative Officer

O & R Request

DATE: February 26, 2018

EDITION: 1

TO: The Honorable Members of City Council

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

JL 2/1/18

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

SCG

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

PLD

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

MAO

RE: To rezone the property known as 1125 Commerce Road from the M-2 Heavy Industrial District to the B-6 Mixed-Use Business District.

ORD. OR RES. No. _____

PURPOSE: To rezone the property known as 1125 Commerce Road from the M-2 Heavy Industrial District to the B-6 Mixed-Use Business District.

REASON: The applicant is requesting to rezone the property at the corner of Commerce Road and Ingram Avenue from the existing industrial zoning regulations in the M-2 Heavy Industrial District to the B-6 Mixed-Use Business District to develop with residential uses, which are not permitted in the existing M-2 Heavy Industrial District

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 5, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The property is located at the intersection of Ingram Avenue and Commerce Road. It is comprised of 3.27 acres (142,441 square feet). The existing building, constructed in 1954, has been historically used for manufacturing and warehousing. The most recent use of the property has been the Caritas Furniture Bank. There are currently 55 improved parking spaces on site, several loading docks and area for additional on-site parking. The property was recently identified as being eligible for National and State Historic Designation.

The existing building on the property will be revitalized using the historic tax credits into a residential community under the proposed B-6 Mixed-Use regulations. The current zoning is M-2 Heavy Industrial, which does not permit a mix of residential and commercial uses. The B-6 district permits uses from multi-family dwellings to retail, office, and restaurant uses.

The B-6 Mixed-Use Business district is intended to promote the enhancement of the character of development along principal corridors and adaptive reuse of underutilized buildings. The district provides for alternative economic use of existing structures and encourages appropriate adaptive reuse of underutilized buildings where the continuation of current uses or adaptive reuse is not feasible.

The City's 2001 Master Plan recommends Industrial land uses for the property. "Primary uses include a wide variety of manufacturing, processing, research and development, warehousing, distribution, office warehouse and service uses. Office, retail and other uses that complement industrial areas are often secondary support uses. The mix of industrial uses and character of such areas may vary depending on the location and available highway access. Typical zoning classifications that may accommodate this land use category: OS, M-1, and M-2." (City of Richmond, 2001 Master Plan., p. 135)

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: None

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 12, 2018

CITY COUNCIL PUBLIC HEARING DATE: March 12, 2018

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, March 5, 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.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Survey

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



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: 1125 Commerce Road Date: November 3, 2017
Tax Map #: S0000633001 Fee: \$1800
Total area of affected site in acres: 3.27 acres

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

Zoning

Current Zoning: M-2 Heavy Industrial

Existing Use: Warehouse

Proposed Zoning/Conditional Zoning

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

B-7 Mixed-Use Business District

Existing Use: Vacant

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

Mailing Address: 2314 West Main Street

City: Richmond State: VA Zip Code: 23220

Telephone: (804) 248-2561 Fax: ()

Email: lory@markhamplanning.com

Property Owner: Spa Development LLC

If Business Entity, name and title of authorized signee: Tom Papa

(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: 7 East 2nd Street

City: Richmond State: VA Zip Code: 23224

Telephone: (804) 402-0175 Fax: ()

Email: thomaswpapa@gmail.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.



November 3, 2017

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

RE: Applicant's Report for Rezoning Application at 1125 Commerce Road

Dear Mr. Olinger,

Please accept this letter as the Applicant's Report for the rezoning application for 1125 Commerce Road. With this application, Tom Papa, Managing Member of Spa Development LLC, is petitioning the City Council to rezone the property at 1125 Commerce Road from M-2 Heavy Industrial to B-7 Mixed-Use Business to redevelop the existing buildings with a mix of uses including residential. The B-7 district permits a broad range of mixed land uses, including residential, commercial and compatible industrial and service uses.

Site

The property is located at the intersection of Ingram Avenue and Commerce Road. It is comprised of 3.27 acres (142,441 square feet). The existing building, constructed in 1954, has been historically used for manufacturing and warehousing. The most recent Certificate of Occupancy was issued in 2002 for a manufacturing facility that specialized in hot tubs and spas. There are 55 improved parking spaces on site. The property was recently identified as being eligible for National and State Historic Designation.

Proposal

The existing building on the property will be revitalized using the historic tax credits in to a mixed-use residential community under the proposed B-7 Mixed-Use regulations. The zoning is M-2 Heavy Industrial, which does not permit a mix of residential and commercial uses. The B-7 district permits uses from multi-family dwellings to retail, office, and restaurant uses.

The B-7 Mixed-Use Business district is intended to promote the enhancement of the character of mixed use areas that are undergoing revitalization and adaptive reuse. The district provides for alternative economic use of existing structures and encourages appropriate adaptive reuse of underutilized buildings where the continuation of current uses or adaptive reuse is not feasible.

Master Plan

The City's 2001 Master Plan recommends Industrial land uses for the property. The B-7 district was created after the adoption of the 2001 Master Plan and has been used in places that are transitioning from predominantly industrial areas to areas with larger range of retail and residential uses alongside light industrial uses. The B-7 district is an appropriate district for areas designated for industrial uses in the Master Plan as the district allows for light industrial uses and protects the existing industrial uses.

City Charter Conditions

This is an ideal opportunity in the City's Old South area to utilize a historically industrial property for the community's benefit. We trust that you will agree with us that rezoning this property to a mixed-use district meets the City Charter considerations to be observed in the alteration of zoning regulations.

Thank you for your consideration of this application. Please feel free to contact me at lory.markham@markhamplanning.com or (804) 248-2561 if you have any questions or require additional materials to process the application.

Very Truly Yours,

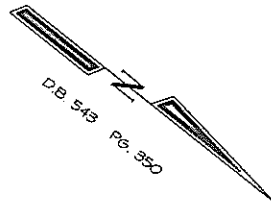
A handwritten signature in black ink, appearing to read 'Lory Markham', with a stylized flourish at the end.

Lory Markham

Enclosures

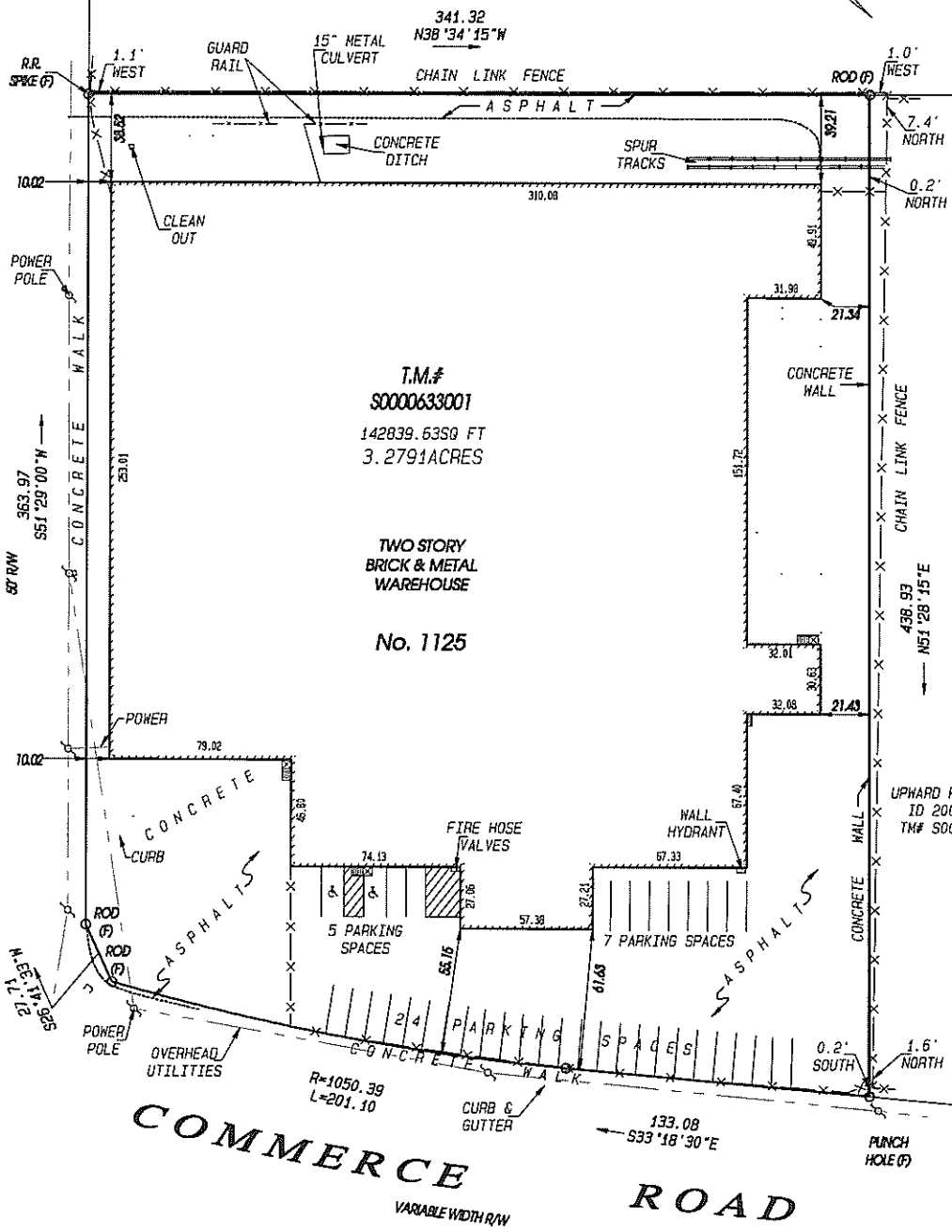
cc: The Honorable Ellen Robertson
Matthew Ebinger, Secretary to the City Planning Commission

NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "X".
 CURRENT OWNER: RT OF RICHMOND LLC ID 2012-25145



GORDON INVESTMENTS LLC
 ID 2012-5515
 TM# S0000633010

INGRAM ROAD



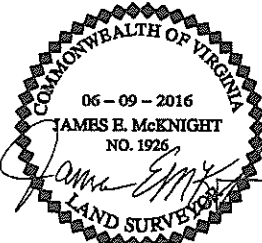
T.M.#
 S0000633001
 142839.6350 FT
 3.2791 ACRES

TWO STORY
 BRICK & METAL
 WAREHOUSE
 No. 1125

UPHARD REALTY LLC
 ID 2007-13444
 TM# S0000633002

COMMERCE ROAD
 VARIABLE WIDTH/R/W

PLAT SHOWING IMPROVEMENTS ON No. 1125 COMMERCE ROAD,
 IN THE CITY OF RICHMOND, VIRGINIA.



THIS IS TO CERTIFY THAT ON JUNE 19, 2016, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS SURVEY IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT. PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLIES WITH THE MINIMUM STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS.

SCALE: 1" = 50'

McKNIGHT & ASSOCIATES, P.C.
 LAND SURVEYORS PLANNERS

201 TWIN RIDGE LANE
 RICHMOND, VIRGINIA 23235
 TELEPHONE (804) 320-2646

JOB NUMBER: 87053125

Proffer Statement

The owner of the property located at 1125 Commerce Road (Tax ID S0000633001) hereby voluntarily proffer the following conditions in connection to the rezoning:

1. Landscaped buffer H as described in Section 30-710.13(2)b.8. shall be installed and maintained between all areas devoted to parking and the adjacent street line along Commerce Road, provided that approved driveways enabling access to abutting streets may extend through such buffers and that the buffer depth may be reduced to provide for parking spaces and drive aisles that meet the minimum requirements and subject to the approval of the Director of the Department of Planning and Development Review.

Executed this 23rd day of February, 2018.

Spa Development, LLC
A Virginia limited liability company

By:  _____
Name: Thomas Papa
2/23/2018 10:45:07 AM EST