



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: _____ *Dave Michelow*

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.



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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: 3410 Hermitage Rd Date: _____
Tax Map #: N0001321006 Fee: _____
Total area of affected site in acres: 1.589

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

Zoning

Current Zoning: RO-1 Residential Office District

Existing Use: Office

Proposed Zoning/Conditional Zoning

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

UB-2 Urban Business District

Existing Use: Office

Is this property subject to any previous land use cases?

Yes

No



If Yes, please list the Ordinance Number: BZA Case-179-49, Special Use Permits, Ord. No. 2002-144-161,
1987-106-77, 1985-093-102

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources

Mailing Address: 530 E Main Street, Suite 730

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 4327892 Fax: ()

Email: mark@bakerdevelopmentresources.com

Property Owner: 3410 Partners LLC

If Business Entity, name and title of authorized signee: Taylor Bates

(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: 1204 Laburnum Park Blvd.

City: Richmond State: VA Zip Code: 23227

Telephone: (804) 510-9905 Fax: ()

Email: taylorjanebates@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.



April 20th, 2022

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: 3408-3410 Hermitage Road

Dear Matthew:

Please accept this letter as the Applicant's Report accompanying the application for a rezoning from RO-1 Residential Office to UB-2 Urban Business for the properties known as 3408 and 3410 Hermitage Road, identified as Tax Parcels N000-1321/005 and N000-1321/006 (the "Property"). The Property is located in the Rosedale neighborhood and includes the two northernmost parcels along the Hermitage Road western street frontage between Westwood Ave and Oakdale Ave. The Property contains approximately 0.46 acres of lot area and is currently occupied by two offices and surface parking. The proposed rezoning would facilitate the expansion of the medical office use (Bates Orthodontics / Northside Dental Co.) currently at 3404 Hermitage.

The Property is currently zoned RO-1 Residential Office. While the Master Plan recommends "Residential" for the Property, which is characterized as "consisting primarily of single-family houses on large- or medium-sized lots more homogenous in nature," the parcels across the street to the south are described by the Master Plan as "Corridor Mixed Use" which is characterized by "Retail/office/personal service, multi-family residential, cultural, and open space" uses. Typical zoning classifications that may accommodate this land use category include B-2, UB and UB-2.

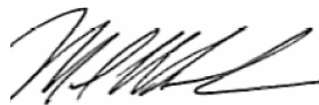
The Property consists of two lots that are underdeveloped with buildings which were constructed as single-family dwellings and subsequently redeveloped as offices. The RO-1 district regulations are also somewhat outdated and cater to the automobile, providing for vehicular access, parking location, and building orientation that is inconsistent with current planning policy. Conversely, the UB-2 urban business district's intent is to encourage development with a pedestrian-oriented, urban character that is compatible with adjacent residential neighborhoods. The UB-2 regulations minimize disruption from vehicle-oriented land uses and features that would detract from a safe, convenient, and economically viable pedestrian environment. For this reason, the UB-2 classification is desired as an alternative to RO-1. It would allow future redevelopment to better address Hermitage Road with an active pedestrian environment and appropriate building orientation.

More specifically, the RO-1 district includes a number of vehicle-oriented land uses and features which prevent or are in conflict with the appropriate development character for the Property and corridor – where compatibility with adjacent residential areas and a safe, convenient, and economically viable pedestrian environment are desirable. As it relates to this request, the principal concern is a twenty-five foot (25') front yard setback requirement in the district which, in terms of feasibility, requires that the site be designed with parking located in front of the building, along the street frontage. This prevents the proposed medical office from addressing the street and would lead to a less desirable and unsafe pedestrian environment.

The UB-2 district regulations include “form-based” requirements, such as building façade fenestration, minimum and 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. Further project design review would be required through a Plan of Development (“POD”), which is currently required for the construction of any new building or addition occupying 1,000 square feet of lot coverage. Compliance with the zoning and POD requirements would further ensure that the development is compatible with other development in the vicinity. This would allow for a better built environment than is afforded by the RO-1 regulations.

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

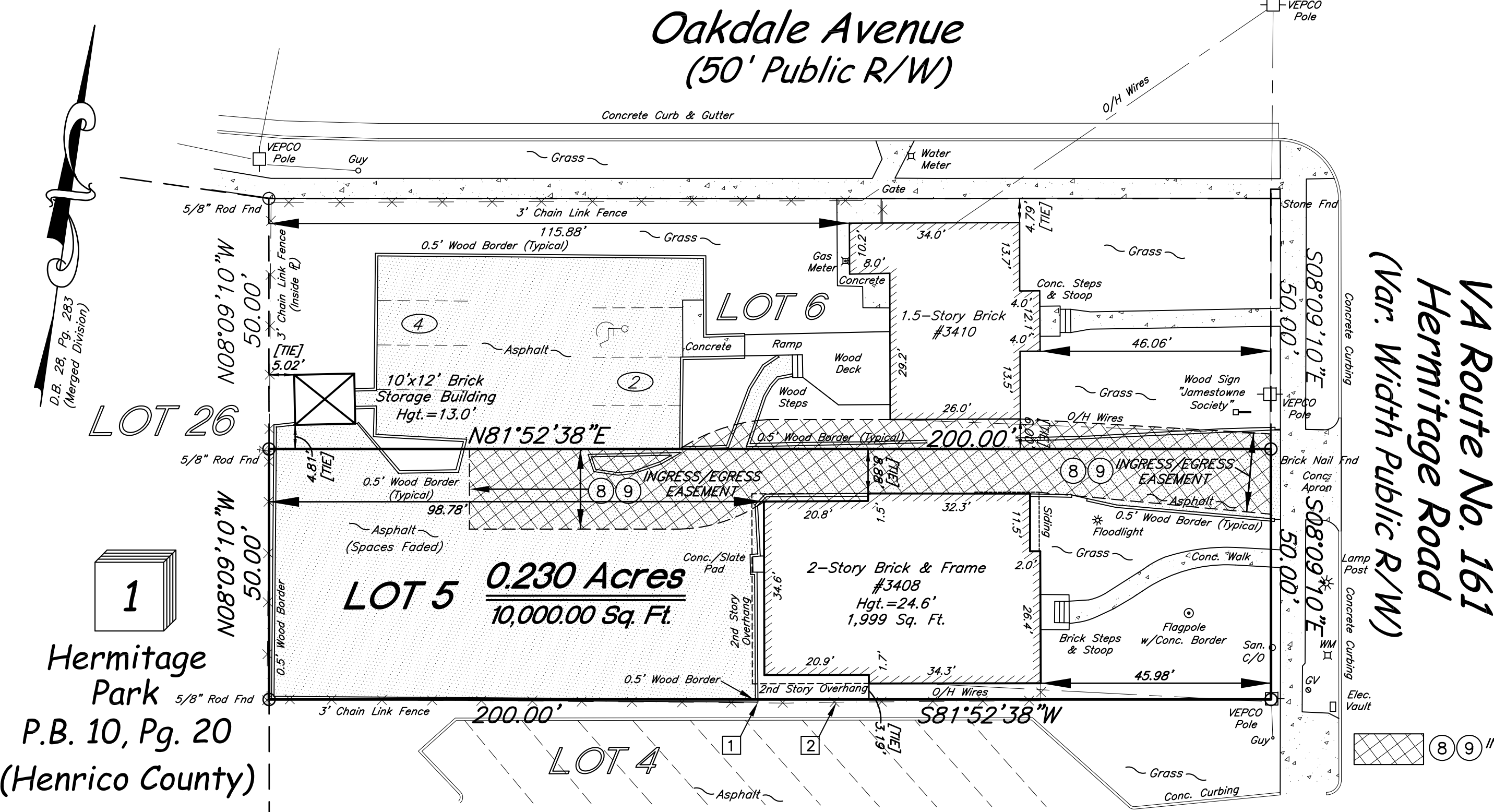
Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Baker', with a stylized, cursive script.

Mark Baker

Enclosures

cc: The Honorable Ann-Frances Lambert



Legal Description

ALL that certain lot, piece or parcel of land, with improvements thereon and appurtenances thereunto belonging, lying and being in the City of Richmond, Virginia, known as No. 3408 Hermitage Road, and more particularly described as follows:

BEGINNING at a point on the west line of Hermitage Road distant thereon 50 feet south of the intersection of said line of Hermitage Road with the south line of Oakdale Avenue, thence extending southwardly along and fronting on the west line of Hermitage Road 50 feet, thence extending back westward by a line parallel with the south line of Oakdale Avenue 200 feet, thence northwardly by a line parallel with the west line of Hermitage Road 50 feet to a point 50 feet south of the south line of Oakdale Avenue, thence eastwardly 200 feet to the point and place and beginning, being Lot 5, in Block 1, of Hermitage Park, plat of which is recorded in the Clerk's Office, Circuit Court of Henrico County, Virginia, in Plat Book 10, page 20 and being further known as No. 3408 Hermitage Road according to plat of survey.

BEING the same real estate conveyed to 3408 Partners, LLC, a Virginia limited liability company, by Deed from 3408 Hermitage, LLC, a Virginia limited liability company, dated January 7, 2020, recorded January 21, 2020, in the Clerk's Office, Circuit Court, City of Richmond, Virginia, as Instrument No. 200001215.

Flood Certification

I have examined the Flood Insurance Rate Map for the City of Richmond, Virginia, Community Panel No. 510129-0029-D effective dates April 2, 2009, and hereby certify to the best of my professional knowledge and belief that the property is not located in a Special Flood Hazard Area, but is located in Zone (X) as determined by National Flood Insurance Program, Federal Emergency Management Agency, Department of Housing and Urban Development.

Statement of Encroachments

- 1 Wood Border extends 0.54' Outside Subject P
- 2 3' Chain Link Fence extends 0.72' Outside Subject P

Chicago Title Insurance Company
Schedule B Part II - Commitment No. SHTC22-1242

(Referenced by corresponding Exception Numbers in the Commitment)

- 7 Terms, provisions, covenants, conditions, restrictions, reservations, easements, liens for assessments, developer rights, options, rights of first refusal and reservations and other matters, if any, and any amendments thereto, appearing of record in Instrument recorded in Deed Book 221A, Page 343; but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
Does not affect the subject property, instrument references Lot #12.
- 8 Terms and conditions set forth in Deed of Easement of Right-of-Way for Ingress and Egress made by James N. Carr, Jr. dated September 22, 1987, recorded October 2, 1987, in Deed Book 143, Page 266. Plotted and shown hereon.
- 9 Plat made by Comtek Engineering Services, Inc. dated August 10, 1987, revised September 17, 1987, entitled, "Plat Showing Proposed Easement Across Lots 5 & 6, Block 1, Hermitage Park, City of Richmond, Virginia", recorded with Deed of Easement in Deed Book 143, Page 266, shows the following:
a) Asphalt drive between Lots 5 and 6 for ingress and egress. Plotted and shown hereon.

General Notes

- This survey plat represents a current and accurate field transit survey of the premises shown hereon.
Date of last physical survey: August 16, 2022
- This survey is the same property as described in Title Commitment issued by Chicago Title Insurance Company dated June 28, 2022 (Commitment No. SHTC22-1242.)
- Observed utilities are plotted and shown hereon.
Subsurface utility delineation was not performed.
- All Streets shown hereon are public streets.
- The subject property has direct vehicular access to Hermitage Road (VA Route 161).
- No delineated wetlands were found by Surveyor.
- No evidence of cemeteries on subject property found by Surveyor.
- There is no observed evidence of current earth moving work, building construction, or building additions.
- Surveyor is not aware of any proposed changes in the street right of ways and observed no evidence of recent street or sidewalk construction or repairs.
- The legal description does form a mathematically closed figure with no gaps, gores or overlaps.

Zoning

Current Zoning: RO-1 (Residential Office District)

Setbacks: (single & two-family unattached dwellings)

Minimum Front Yard: 25 Feet
Minimum Side Yard: 5 Feet
Minimum Rear Yard: 5 Feet
Maximum Height: 25 Feet

*ZONING TO BE VERIFIED BY ZONING CONFIRMATION LETTER

Existing Parking

No delineated Spaces

For further clarification of Zoning Requirements - Contact:

City of Richmond Zoning Division
900 E. Broad St., Room 110
Richmond, VA 23219
(804) 646-6340



Vicinity Map - Scale: 1"= 1000'

LEGAL REFERENCE:

3408 Partners, LLC
Parcel ID: N000-1321/005
Instrument No. 2020-1215
#3408 Hermitage Road
LOT 5, BLOCK 1,
HERMITAGE PARK SUBDIVISION
Plat Book 10, Page 20 (HENRICO)

Surveyor's Certificate

This survey is certified to and prepared for the sole and exclusive benefit of the entities and/or individuals listed below as of AUGUST 29, 2022 and shall not be relied upon by any other entity or individual whomsoever.

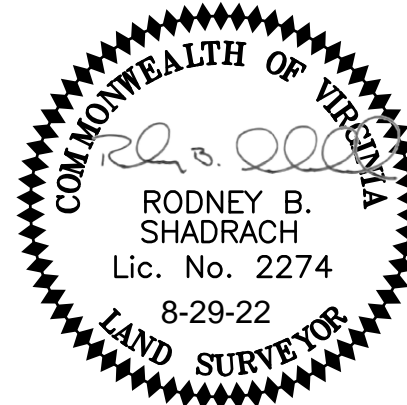
To: 3408 HERMITAGE PARTNERS, LLC, a Virginia limited liability company
To: ATLANTIC UNION BANK, its successors and/or assigns as their interests may appear
To: CHICAGO TITLE INSURANCE COMPANY
To: SAFE HARBOR TITLE COMPANY

The undersigned further certifies that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes items 1-4, 6(a), 6(b), 7(a), 7(c), 8, 9, 11, 13, 14, 16 - 19 of Table A thereof.
The fieldwork was completed on August 16, 2022.

Rodney B. Shadrach

Shadrach & Associates, LLC
Va. Registered Surveyor No. 2274

I hereby certify that this ALTA/NSPS survey, to the best of my professional knowledge and belief, is correct and complies with the minimum procedures and standards established by the Virginia State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects.



ALTA/NSPS LAND TITLE SURVEY
SHOWING EXISTING IMPROVEMENTS
TO #3408 HERMITAGE ROAD
CITY OF RICHMOND, VIRGINIA
DATE: AUGUST 29, 2022



Scale: 1"= 20'



Shadrach & Associates LLC

LAND SURVEYING

430 Southlake Blvd., Suite 10-B • Richmond, Virginia 23236
Phone: (804)379-9300 • Fax: (804)379-9301

Legal Description

All that certain lot, piece or parcel of land, lying and being in the City of Richmond, Virginia, (formerly Henrico County), in the Plan of Hermitage Park, and designated as Lot 6 in Block 1 of said plan as shown on a certain plat of survey made by T. Crawford Redd and Bros., on April 24, 1911, and recorded in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia, in Plat Book 10, page 20, and more fully described as follows:

Beginning at the southwest intersection of Hermitage Road and Oakdale Avenue; thence running southwardly along the western line of Hermitage Road and fronting thereon 50'; thence extending back between parallel lines, one of which is the southern line of Oakdale Avenue in a westerly direction a distance of 200'.

TOGETHER WITH right to use driveway shared with Lot 5 for ingress and egress as described in Deed Book 143, page 266.

BEING the same real estate conveyed to Jamestowne Society by Deed from James N. Carr, Jr. dated June 6, 2005, recorded June 7, 2005 in the Clerk's Office, Circuit Court, City of Richmond, Virginia as Instrument No. 050018368.

Flood Certification

I have examined the Flood Insurance Rate Map for the City of Richmond, Virginia, Community Panel No. 510129-0029-D effective dates April 2, 2009, and hereby certify to the best of my professional knowledge and belief that the property is not located in a Special Flood Hazard Area, but is located in Zone (X) as determined by National Flood Insurance Program, Federal Emergency Management Agency, Department of Housing and Urban Development.

Chicago Title Insurance Company
Schedule B Part II – Commitment No. SHTC21-1039

(Referenced by corresponding Exception Numbers in the Commitment)

- 7 Terms, provisions, covenants, conditions, restrictions, reservations, easements, liens for assessments, developer rights, options, rights of first refusal and reservations and other matters, if any, and any amendments thereto, appearing of record in Declaration recorded in Deed Book 2300, Page 103; in the related bylaws; in any instrument creating the estate or interest insured by this policy; and in any other allied instrument referred to in any of the instruments aforesaid, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Does not affect, Instrument's effective period terminated 20 years after recordation.
- 8 Maintenance agreement set out in the Deed of Easement of Right-of-Way For Ingress and Egress dated September 22, 1987 and recorded October 2, 1987 in Deed Book 143, page 266. Plotted and shown hereon.
- 9 Plat made by Comtek Engineering Services, Inc., dated August 10, 1987, revised September 17, 1987, entitled "Plat Showing Proposed Easement Across Lots 5 and 6, Block 1, Hermitage Park, City of Richmond, Virginia", recorded October 2, 1987 in Deed Book 143, at page 269 shows the following:
- a) proposed ingress and egress easement (0.059 acre)
Plotted and shown hereon.

Zoning

Current Zoning: RO-1 (Residential Office District)

Setbacks: (Uses and buildings other than single-family, two-family and multifamily dwellings)

Minimum Front Yard: 25 Feet
Minimum Side Yard: 10 Feet
Minimum Rear Yard: 10 Feet
Maximum Height: 25 Feet

*ZONING TO BE VERIFIED BY ZONING CONFIRMATION LETTER

Existing Parking

6 Regular Spaces
1 Handicap Space
7 TOTAL Spaces

For further clarification of Zoning Requirements – Contact:

City of Richmond Zoning Division
900 E. Broad St., Room 110
Richmond, VA 23219
(804) 646-6340



Statement of Encroachments

None Found by Surveyor

Surveyor's Certificate

This survey is certified to and prepared for the sole and exclusive benefit of the entities and/or individuals listed below as of JULY 21, 2021 and shall not be relied upon by any other entity or individual whomsoever.

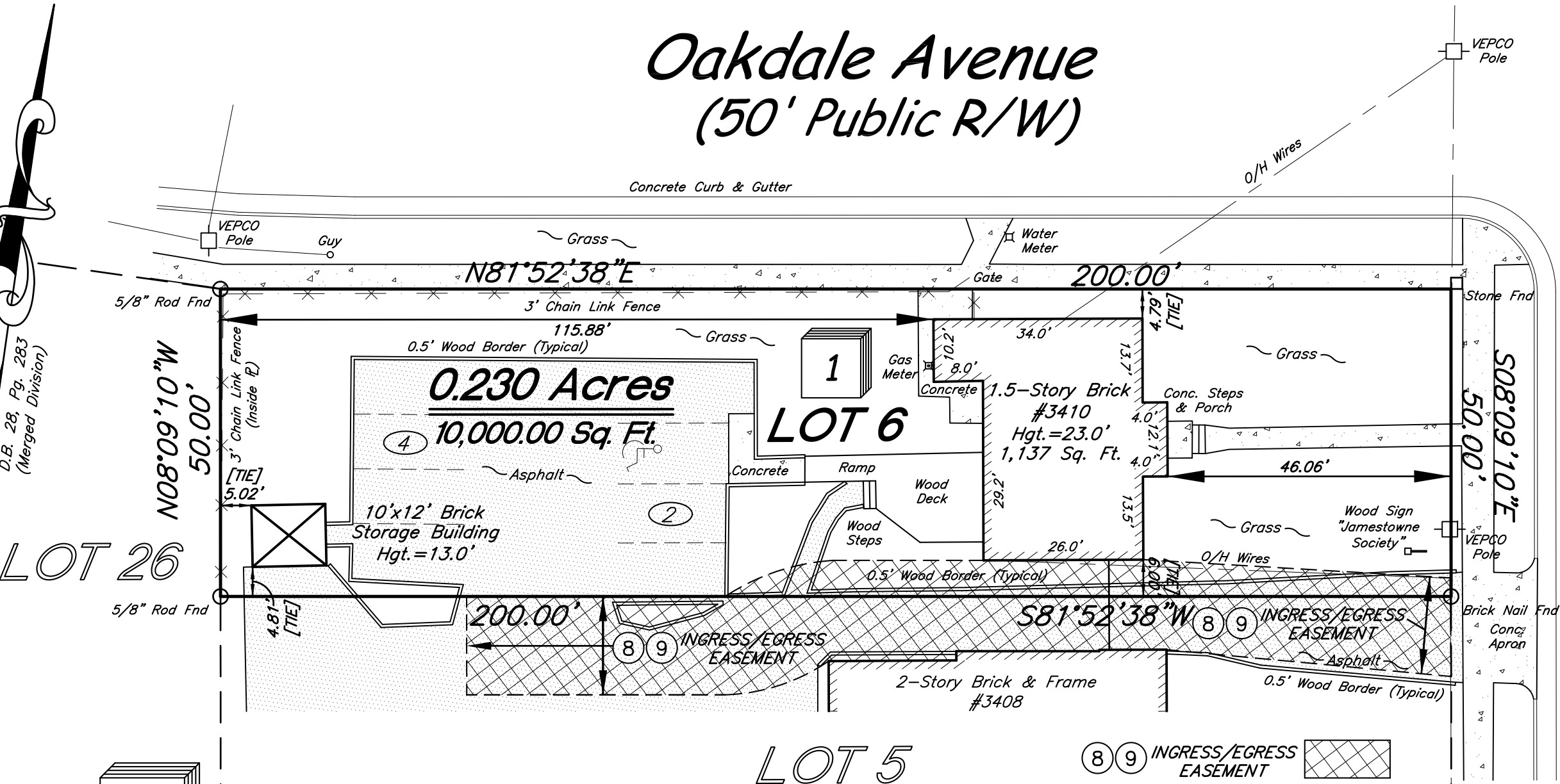
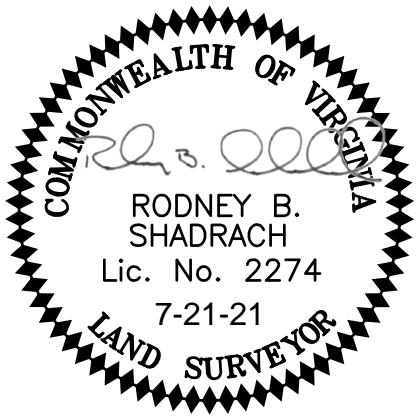
To: 3410 PARTNERS, LLC, a Virginia limited liability company
To: ATLANTIC UNION BANK, its successors and/or assigns as their interests may appear
To: CHICAGO TITLE INSURANCE COMPANY
To: SAFE HARBOR TITLE COMPANY

The undersigned further certifies that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes items 1-4, 6(a), 6(b), 7(a), 7(c), 8, 9, 11, 13, 14, 16 – 19 of Table A thereof. The fieldwork was completed on July 13, 2021.

Rodney B. Shadrach

Rodney B. Shadrach
Shadrach & Associates, LLC
Va. Registered Surveyor No. 2274

I hereby certify that this ALTA/NSPS survey, to the best of my professional knowledge and belief, is correct and complies with the minimum procedures and standards established by the Virginia State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects.



VA Route No. 161
Hermitage Road
(Var. Width Public R/W)

General Notes

- This survey plat represents a current and accurate field transit survey of the premises shown hereon. Date of last physical survey: July 13, 2021
- This survey is the same property as described in Title Commitment issued by Chicago Title Insurance Company dated June 4, 2021 (Commitment No. SHTC21-1039).
- Observed utilities are plotted and shown hereon. Subsurface utility delineation was not performed.
- All Streets shown hereon are public streets.
- The subject property has direct vehicular access to Hermitage Road (VA Route 161).
- No delineated wetlands were found by Surveyor.
- No evidence of cemeteries on subject property found by Surveyor.
- There is no observed evidence of current earth moving work, building construction, or building additions.
- Surveyor is not aware of any proposed changes in the street right of ways and observed no evidence of recent street or sidewalk construction or repairs.
- The legal description does form a mathematically closed figure with no gaps, gores or overlaps.

LEGAL REFERENCE:

Jamestowne Society, Inc.
Parcel ID: N000-1321/006
Instrument No. 2005-18368
#3410 Hermitage Road
LOT 6, BLOCK 1,
HERMITAGE PARK SUBDIVISION
Plat Book 10, Page 20 (HENRICO)

ALTA/NSPS LAND TITLE SURVEY
SHOWING EXISTING IMPROVEMENTS
TO #3410 HERMITAGE ROAD
CITY OF RICHMOND, VIRGINIA
DATE: JULY 21, 2021

20 0 20 40 60
Scale: 1"= 20'



Shadrach & Associates LLC

LAND SURVEYING
430 Southlake Blvd., Suite 10-B • Richmond, Virginia 23236
Phone: (804)379-9300 • Fax: (804)379-9301