

INTRODUCED: September 11, 2023

AN ORDINANCE No. 2023-272

To conditionally rezone the properties known as 400 Stockton Street and 401 Everett Street from the B-7 Mixed-Use Business District to the TOD-1 Transit-Oriented Nodal District, upon certain proffered conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 10 2023 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the survey entitled “Compiled Plat Showing A Boundary Line Adjustment Between Parcel S000-0138/012 Being #400 Stockton Street and Parcel S000-0138/013 Being #401 Everett Street, City of Richmond, Virginia,” prepared by Balzer & Associates, Inc., and dated June 13, 2017, a copy of which is attached to, incorporated into, and made a part of this ordinance, the following properties, with tax parcel numbers as shown in the 2023 records of the City Assessor, are excluded from the B-7 Mixed-Use Business District and shall no longer be subject to the provisions of sections 30-446.1 through 30-446.8 of the Code of the City of Richmond (2020), as amended, and that the same are included in the TOD-1 Transit-

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 10 2023 REJECTED: _____ STRICKEN: _____

Oriented Nodal District and shall be subject to the provisions of sections 30-457.1 through 30-457.10 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2020), as amended:

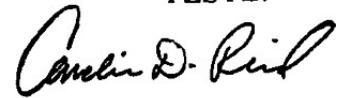
401 Everett Street
400 Stockton Street

Tax Parcel No. S000-0138/013
Tax Parcel No. S000-0138/012

§ 2. That, the rezonings set forth in section 1 of this ordinance shall be conditioned upon the compliance by the owner or owners with all of the proffered conditions contained in the document entitled “Proffered Conditions, RZON 12685-2023,” dated May 12, 2023, 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.

**A TRUE COPY:
TESTE:**



City Clerk



City of Richmond

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

Master

File Number: Admin-2023-1183

File ID: Admin-2023-1183

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 2

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 07/20/2023

Subject:

Final Action:

Title: To rezone the properties known as 400 Stockton Street and 401 Everett Street from the B-7 Mixed Use Business District to the TOD-1 Transit-Oriented Nodal District (Conditional).

Internal Notes:

Code Sections:

Agenda Date: 09/11/2023

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2023-1183 - Application Supporting Documents, Admin-2023-1183 - Proffers, Admin-2023-1183 - Draft Ordinance 400 Stockton

Enactment Number:

Contact:

Introduction Date:

Drafter: David.Watson@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	8/14/2023	Matthew Ebinger	Approve	8/16/2023
2	2	8/14/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	8/16/2023	Kevin Vonck	Approve	8/21/2023
2	4	8/16/2023	Alecia Blackwell - FYI	Notified - FYI	
2	5	8/17/2023	Sharon Ebert	Approve	8/23/2023
2	6	8/17/2023	Caitlin Sedano - FYI	Notified - FYI	
2	7	8/17/2023	Jeff Gray - FYI	Notified - FYI	
2	8	8/25/2023	Lincoln Saunders	Approve	8/21/2023
2	9	9/7/2023	Mayor Stoney	Approve	8/29/2023

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2023-1183

Title

To rezone the properties known as 400 Stockton Street and 401 Everett Street from the B-7 Mixed Use Business District to the TOD-1 Transit-Oriented Nodal District (Conditional).

Body

O & R Request

DATE: August 14, 2023 **EDITION:** 1

TO: The Honorable Members of City Council

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

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

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

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review

RE: To rezone the properties known as 400 Stockton Street and 401 Everett Street from the B-7 Mixed Use Business District to the TOD-1 Transit-Oriented Nodal District (Conditional).

ORD. OR RES. No.

PURPOSE: To rezone the properties known as 400 Stockton Street and 401 Everett Street from the B-7 Mixed Use Business District to the TOD-1 Transit-Oriented Nodal District (Conditional).

REASON: The proposed TOD-1 Transit-Oriented Nodal District encourages dense, walkable transit-oriented development consistent with the objectives of the Master Plan, which designates the property for Destination Mixed-Use. The proposed change of zoning will allow development that is in harmony within the surrounding area.

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.

BACKGROUND: The Property consists of two lots totaling 2.013 acres. The parcels are partially improved with surface parking areas and a small shed.

The surrounding properties in the area are in the TOD-1 Transit-Oriented Nodal District, the B-6 Mixed-Use Business District, and the B-7 Mixed Use Business District. These properties contain

multi-family uses.

A plan of development (POD) is required for the construction of a structure containing more than ten dwelling units or for any newly constructed building with greater than 30,000 square feet of floor area.

The City's Richmond 300 Master Plan designates these parcels as Destination Mixed-Use. Retail, Office, Personal service and multi-family residential uses are primary uses under this designation.

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: \$1,700 Application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: September 11, 2023

CITY COUNCIL PUBLIC HEARING DATE: October 10, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, October 2, 2023.

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Application Supporting Documents, Draft Ordinance, Proffer Statement

STAFF: David Watson AICP, Senior Planner, Land Use Administration (Room 511) 646-1036

..Recommended Action

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike Withdrawn --- Continue to:



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: 400 Stockton Street and 401 Everett Street Date: 3.13.23
Tax Map #: S0000138-012 and -013 Fee: 1700.00
Total area of affected site in acres: 2.013

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

Zoning

Current Zoning: B-7

Existing Use: Paved parking area and a shed

Proposed Zoning/Conditional Zoning

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

TOD-1
Existing Use: Paved parking area and a shed

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: 2010-48-58

Applicant/Contact Person: Susan S. Smith

Company: Hirschler

Mailing Address: P.O. Box 500

City: Richmond State: VA Zip Code: 23218

Telephone: (804) 771-9526 Fax: ()

Email: ssmith@hirschlerlaw.com

Property Owner: 403 Stockton Street, LLC and Flat Water, LLC

If Business Entity, name and title of authorized signee: Jeffrey P. Geiger and Susan S. Smith

(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: P.O. Box 500

City: Richmond State: VA Zip Code: 23218

Telephone: (804) 771-9557 Fax: ()

Email: jgeiger@hirschlerlaw.com and ssmith@hirschlerlaw.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.

400 STOCKTON STREET AND 401 EVERETT STREET
APPLICANT'S REPORT

1. REZONING REQUEST.

403 Stockton Street, LLC and Flat Water LLC (collectively, the “Applicant”) desires to implement the vision of Richmond 300 (the “Master Plan”) between the Maury Street/I-95 Interchange and the rejuvenating Hull Street Road corridor. This implementation entails a request for TOD-1 zoning for a city block between Stockton Street and Everett Street and 4th and 5th Streets. The acreage of the city block is approximately 2.013 acres and is comprised of two existing parcels of land. The parcels of land are shown on the City’s tax map as #S0000138012 and #S0000138013, and are commonly known as 400 Stockton Street and 401 Everett Street (the “Property”) in the City of Richmond, Virginia (the “City”). The Master Plan designates this Property as Destination Mixed Use and the Applicant understands that TOD-1 is an appropriate rezoning for the Destination Mixed Use designation.

2. DEVELOPMENT PROPOSAL.

The Applicant shares the Master Plan’s vision of transforming the area between Maury Street and Hull Street to a gateway neighborhood for the City, which would attract visitors, consumers and businesses from Interstate 95. Granting this rezoning request will allow investment into, and development of, this underutilized city block within the confines of the form-based requirements of the TOD-1 zoning district. The rezoning of this Property will continue the redevelopment of this area into a more dense, walkable community.

This request mirrors a similar TOD-1 rezoning request the City approved for the city block directly across Everett Street (#S0000178001) and the city block adjacent to the new Maury Street interchange roundabout (#S0000219001). This request will facilitate continued investment around the Reynolds Metals plant buildings. This new construction will continue the rejuvenation started with these plant buildings and add more consumers to support the businesses in the plant buildings and the new businesses opening up along the Hull Street Corridor.

3. EXISTING PROPERTY CONDITIONS.

The Property is zoned B-7 mixed–use business. A portion of the Property is improved with two paved parking areas. An old shed is located along the Property’s frontage on 5th Street. The remnants of this shed include the steel structure and the metal roof, with metal siding remaining on small portion of the shed near Everett Street. The remaining portion is undeveloped and has been used as a dog area.

The Property is surrounded on the northside, westside and southside by multifamily uses. These projects include Plant 0, Plant 1, Miller Lofts, and Stella 360. A rezoning to TOD-1 for the Property would be consistent with these existing uses by

enabling new construction similar to the new construction projects on the east side of these redevelopment projects.

On the eastside of the Property is an existing outside storage lot. This outside storage lot consists of vehicles and construction materials. This outside storage lot was previously rezoned to TOD-1. A rezoning to TOD-1 for the Property would be consistent with the zoning on this outside storage lot and encourage redevelopment of the lot.

4. **ECONOMIC DEVELOPMENT.**

Rezoning this Property to TOD-1 would allow the City to leverage this underutilized tract of land for new economic development within a rejuvenating part of the City.

The project will continue the reinvestment and economic growth envisioned within the Master Plan for this area. This project will not require new infrastructure spending by the City. The development of this Property will also bring new construction jobs and consumers to further stimulate economic growth.

5. **MASTER PLAN.**

- a. *Follows the City's Master Plan.*

The City's Master Plan recognizes the potential for this Property by designating it as a Destination Mixed Use Area. As a Destination Mixed Use Area this Property has been identified by the City as appropriate for higher density pedestrian and transit oriented development. Rezoning this Property to TOD-1 follows the plan for this Property set out in the Master Plan.

- b. *Meets the Goals of the City's Master Plan.*

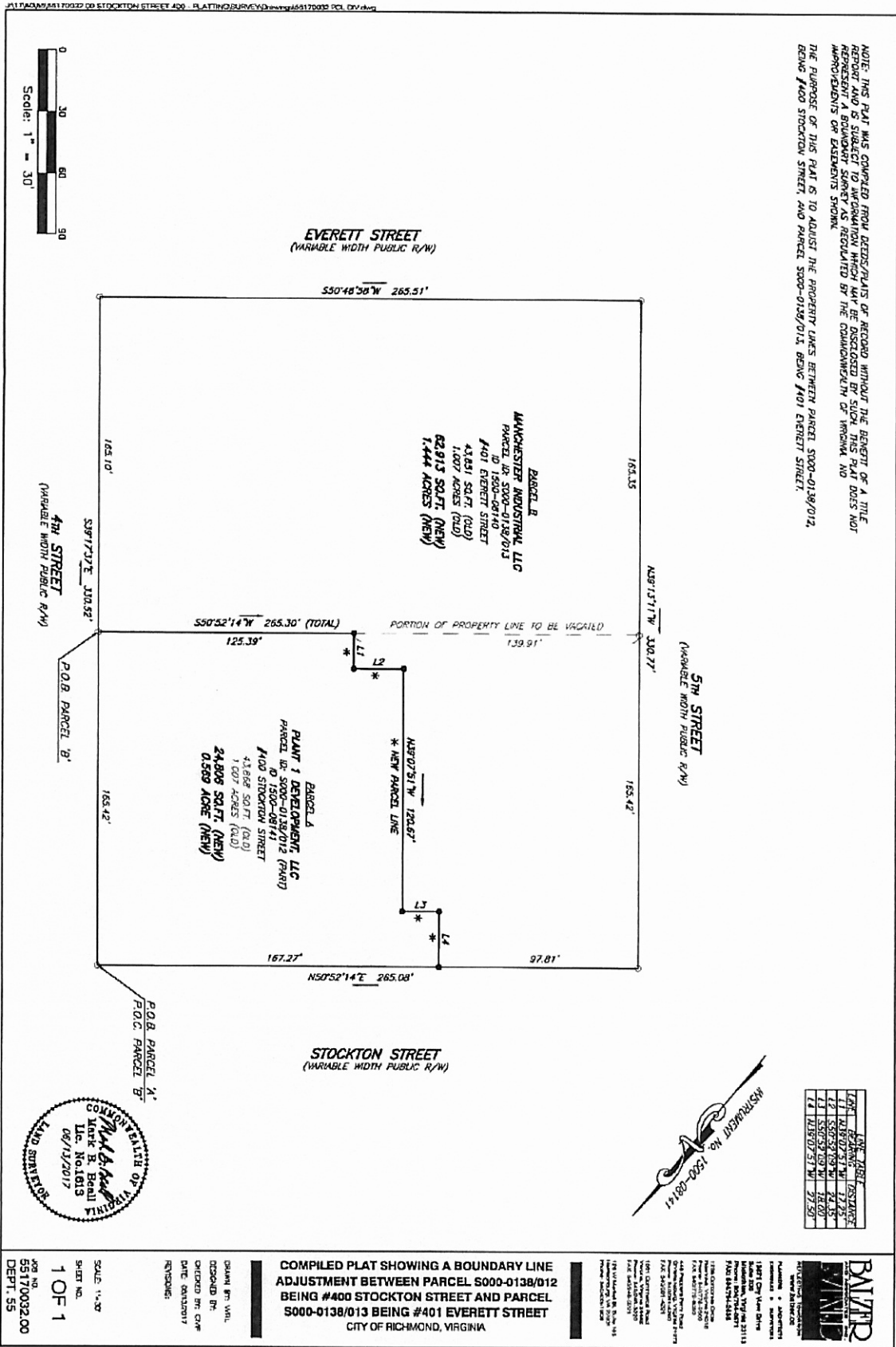
Granting the requested rezoning will also address other goals the City has espoused in its Master Plan. The TOD-1 zoning will provide additional opportunities in this area for new, high-quality development that will enhance the public realm and encourage other adjacent vacant and underutilized property to redevelop consistent with the Master Plan. The tremendous success of Scott's Addition and other areas of the City shows how granting by-right zoning leads to attracting capital investment into the City and the expansion of tax revenue for the City.

6. **CONCLUSION.**

The Property is ripe for development that will continue the rejuvenation within this gateway area of the City. The City's Master Plan's designation recognizes and promotes this potential. Approval of this rezoning request will permit continued investment in this area of the City and provide new revenues to support City priorities in the years to come.

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Exhibit B

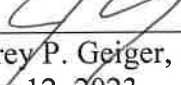


PROFFERED CONDITIONS

RZON-12685-2023

1. **Sidewalk.** Around the perimeter of the Property, a utility/planting strip a minimum of 2' wide shall be provided adjacent to the public right of way. Adjacent to the utility/planning strip shall be a sidewalk a minimum of 5' wide around the perimeter of the Property. The location and width of the utility/planting strip and /or the sidewalk may be modified at the time of plan of development review based on building construction needs, final engineering needs, and/or utility needs.

403 STOCKSTON STREET, LLC,
a Virginia limited liability company
FLAT WATER, LLC,
a Virginia limited liability company

By: 
Jeffrey P. Geiger, Attorney-in-Fact
Date: May 12, 2023