

INTRODUCED: January 27, 2020

AN ORDINANCE No. 2020-036

To rezone the properties known as 1601 Overbrook Road and 1611 Overbrook Road from the M-2 Heavy Industrial District to the B-5 Central Business District.

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

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

PUBLIC HEARING: FEB 24 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the survey entitled “ALTA / NSPS Land Title Survey Showing Improvements to Two Parcels of Land Situated on the South Line of Overbrook Road, City of Richmond Virginia,” prepared by Shadrach & Associates LLC, and dated July 10, 2019, 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 2020 records of the City Assessor, are 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 are included in the B-5 Central Business District and shall be subject to the

AYES:                    9                    NOES:                    0                    ABSTAIN: \_\_\_\_\_

ADOPTED:    FEB 24 2020    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

provisions of sections 30-442.1 through 30-442.7 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2015), as amended:

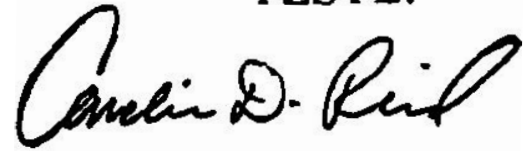
1601 Overbrook Road  
1611 Overbrook Road

Tax Parcel No. N000-1294/008  
Tax Parcel No. N000-1294/011

§ 2. This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:**

**TESTE:**

A handwritten signature in black ink that reads "Carlin D. Reed". The signature is written in a cursive style with a large initial 'C'.

**City Clerk**

# City of Richmond

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

RECEIVED

JAN 15 2020

Item Request  
File Number: PRE.2019.617

O & R REQUEST

4-9554

DEC 31 2019

OFFICE OF THE CITY ATTORNEY

## O & R Request

Office of the  
Chief Administrative Officer

DATE: December 20, 2019

EDITION: 1

TO: The Honorable Members of City Council

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

*JS* 1/14/2020

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer *LR*

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

FROM: Mark A. Olinger, Director, Department of Planning and Development Review *MAO* 12/27/19

RE: To rezone the properties known as 1601 and 1611 Overbrook Road from the M-2 Heavy Industrial District to the B-5 Central Business District.

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

**PURPOSE:** To rezone the properties known as 1601 and 1611 Overbrook Road from the M-2 Heavy Industrial District to the B-5 Central Business District.

**REASON:** The applicant is requesting to rezone the combined 3.8 acres from the M-2 Heavy Industrial District to the B-5 Central Business District in order to redevelop the property with mixed uses.

**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 February 18, 2020, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The combined subject properties are 3.8 acres located in the Diamond neighborhood of the Near West Planning District. The improvements on the properties consist of mid-20<sup>th</sup> Century single-story industrial warehouses totaling approximately 22,887 square feet of floor area as well as paved parking. The building is divided into numerous tenant spaces and houses a myriad of uses. Those existing uses which may not be permitted in the B-5 Central Business District could continue as legally non-conforming uses.

The area surrounding the subject property contains a variety of uses on land zoned M-1 Light Industrial and M-2 Heavy Industrial. On November 10, 2014 Ordinance No.2014-121-201 was adopted to authorize a

special use for the property known as 1650 Overbrook Road for the purpose of authorizing multifamily dwellings with up to 205 dwelling units as part of the adaptive reuse of industrial warehouses. This property is located directly across the street from the subject properties. Since approval, the property has been fully redeveloped and is indicative of future redevelopment in the area.

The Master Plan calls for industrial 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 use. The mix of industrial uses and character of such areas may vary depending on the location and available highway access.* The new Richmond 300 Master Plan currently under review will revisit the recommendations.

The property is surrounded by a mix of industrial and multi-family uses that will be compatible with the new zoning 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:** \$1,800 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

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

**CITY COUNCIL PUBLIC HEARING DATE:** February 24, 2020

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
February 18, 2020

**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:** Draft Ordinance, The Property, Application and Narrative, Map

**STAFF:** David Watson, Senior Planner, Land Use Administration, 804-646-1036



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

**Project Name/Location**

Property Address: 1601 and 1611 Overbrook Road

Tax Map #: N0001294008 and 4011 Fee: \$1,800

Date: July 22, 2019

Total area of affected site in acres: 3.52

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

**Zoning**

Current Zoning: M-2 (Heavy Industrial)

Existing Use: Industrial

**Proposed Zoning/Conditional Zoning**

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

Existing Use: Industrial

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number:

**Applicant/Contact Person:** Tony Markham

Company: Markham Planning

Mailing Address: 2314 West Main Street

City: Richmond

Telephone: (804) 248-2561

State: VA

Zip Code: 23220

Email: tony@markhamplanning.com

Fax: ( )

**Property Owner:** Hermitage Investment Group LLC

If Business Entity, name and title of authorized signer:

(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: 1601 Overbrook Road

City: Richmond

State: VA

Zip Code: 23220

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.



### *Existing Zoning Regulations*

The property is located in M-2 Heavy Industrial District, which permits a wide variety of commercial, industrial and service uses, many of which could be considered noxious or undesirable so close to the mix of uses now found in the area and so proximate to residential uses on the opposing side of Overbrook Road.

M-2 allows for a base building height of forty-five feet with additional height based on an incline plane from the centerline of the abutting street. No portion of a building can penetrate the inclination of one foot horizontal for each three feet vertical. This would allow a building height up to approximately 90 feet along the principal street frontage of Overbrook, a 60 foot wide right of way. Setbacks are only required on the side and rear lot lines.

### *Proposal*

The owner wishes to construct a new mixed-use development on the property that would comply with the B-5 Central Business District zoning regulations. It permits a wide variety of retail shops and businesses as principal uses which would promote a more pedestrian atmosphere. Dwelling units, including single-family, are also allowed.

B-5 allows for a base building height of no more than 5 stories, no greater than 15 feet with ground floor as an exception, and a minimum of 2 stories. This would allow for a building up to at least 75 feet.

In addition, to the normal zoning requirements, any development of the site as a mixed-use residential project with more than 10 units or greater than 50,000 square feet will require a plan of development to be approved by the Director of Planning and Development Review to ensure compatibility with the district and the city's plans.

It should be noted that B-5 is more suitable than the B-7 district. B-7 should not be considered as it permits uses allowed in M-1 and M-2 district which are deemed undesirable so close to residential uses on the opposing side of the street and in the area. Also, B-7 does not allow single-family detached, single-family attached or two-family dwellings. The applicant would like to incorporate a variety of housing types and styles at different price points and market these to different demographics. B-7 only permits what would be large monolithic multi-family buildings.

*Master Plan / Pulse Corridor Plan*

The City of Richmond's Master Plan, adopted in 2001, designates the subject properties for "industrial" development. However, for the Near West Planning District, the plan states that "it is meant to accommodate new and diverse development opportunities where appropriate," and "recommends the ultimate conversion or phasing out of several isolated pockets of uses that are inconsistent with surrounding uses." (pages 229-230).

It appears that further industrial use of the building is becoming increasingly incompatible with the area and in particular due to the conversion of the majority of the properties in surrounding properties to multi-family residential uses. Ord. No. 2018-326 authorized nearby 1650 Overbrook Road for the use of up to 205 dwelling units.

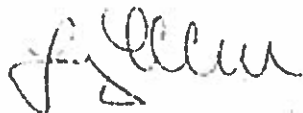
The subject properties are a few blocks outside of the walkshed for the Pulse Corridor Plan. Within this plan the stated goals for development along the transit line is for it to be Compact & Mixed, Connected, and Thriving & Equitable. The rezoning of this property would allow for development that would support these objectives. The current use acts only as a monolithic structure without visual interest. It does not support the safety concept of "eyes on the street" or a pedestrian atmosphere as it stands or could be developed presently.

*City Charter Conditions*

We trust that you will agree that the development of the site would be better suited under the regulations in the B-5 Central Business District and that the rezoning meets the City Charter considerations to be observed in the alteration of zoning regulations.

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

Very Truly Yours,



Lory Markham

Enclosure: application, fee payment, survey

cc: The Honorable Kimberly B. Gray  
Matthew Ebinger, Planning Commission Secretary  
Andrew Basham, Spy Rock Real Estate Group  
Zac Frederick, Crescent Preservation & Development Co.

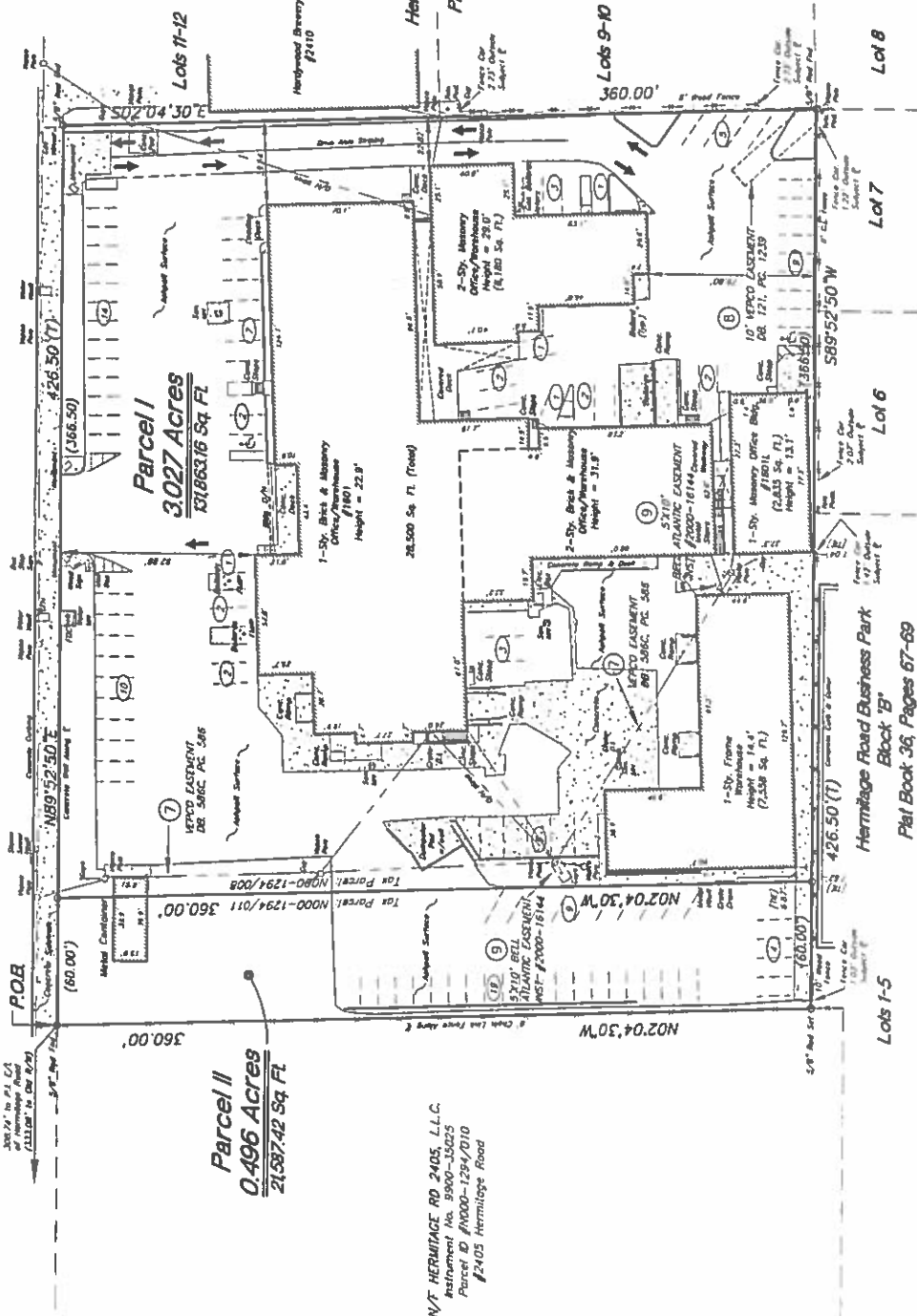




- Legend**
- Fire Hydrant
  - Handicap Parking Spaces
  - Painted Parking Space Number
  - Water Meter
  - Water Valve
  - Lamp Post (Metal Post w/height)
  - Drainage Manhole
  - Sanitary Manhole
  - Cable T.V. Pedestal
  - Telephone Pedestal
  - Gas Meter (GM)
  - Gas Valve (GV)
  - Vepco Pole
  - Vepco Transformer
  - Misc Frame Sign
  - Handicap Parking Sign
  - Bollard
  - Yard Inlet (Drainage)
  - Sanitary Cleanout
  - Concrete Surface
  - Reinforced Concrete Pipe
  - CUP Compacted Metal Pipe
  - D.I. Drainage Inlet Pipe
  - F.I.E. Finish Floor Elevation
  - P.O.B. Point of Beginning



**Overbrook Road**  
(60' ± Public R/W)



N/T HERMITAGE RD 2405 L.L.C.  
Instrument No. 1990-15025  
Parcel ID #1000-1294/010  
#2405 Hermitage Road

**Legal References**

- Parcel I:  
HERMITAGE INVESTMENT GROUP, L.L.C.  
Instrument No. 2000-15842  
Parcel ID #1000-1294/008  
#1601 Overbrook Road
- Parcel II:  
HERMITAGE INVESTMENT GROUP, L.L.C.  
Instrument No. 2000-15842  
Parcel ID #1000-1294/011  
#1611 Overbrook Road

ALTA/NPS LAND TITLE SURVEY  
SHOWING EXISTING IMPROVEMENTS TO TWO  
PARCELS OF LAND SITUATED ON THE  
SOUTH LINE OF OVERBROOK ROAD  
CITY OF RICHMOND VIRGINIA

DATE: JULY 10, 2019



**Shadrach & Associates LLC**  
LAND SURVEYING  
130 Montross Blvd., Suite 110-B Richmond, Virginia 23220  
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