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:

9

NOES:

AYES:

§ 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

-			-	
ADOPTED:	FEB 24 2020	REJECTED:	STRICKEN:	

0

ABSTAIN:

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 Tax Parcel No. N000-1294/008 1611 Overbrook Road Tax Parcel No. N000-1294/011

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

A TRUE COPY:

TESTE:

City Clerk

#### City of Richmond

#### RECEIVED

JAN 15 2020

**Item Request** 

File Number: PRE.2019.617

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

O & R REQUEST

OFFICE OF THE CITY ATTORNEY

O & R Request

Office of the Chief Administrative Officer

DATE:

December 20, 2019

**EDITION:** 

TO:

The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Requestion)

(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer

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

Planning

FROM:

Mark A. Olinger, Director, Department of Planning and Development

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-20th 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

File Number: PRE 2019 199

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 manufacturing, processing, research and development, warehousing, distribution, office, warehouse at 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 availab 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

## RICHMOND

#### Application for REZONING/CONDITIONAL REZONING

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 51
Richmond, Virginia 23219
(804) 646-6304

THE PURPLE CONTRACTOR CAR

Project Name/Location	
Properly Adress 1601 and 1611 Overbrook Road	Durk m. July 22 1040
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lotal area of affected site in acres 3.52	The second was desired as a second with the second
See page 6 for fee schedule, please make check payable to the "C	ity of Richmond")
Zoning	47
Current Zoning: M-2 (Heavy Industrial)	
Existing Use Industrial	
Proposed Zoning/Conditional Zoning	
(Please include a detailed description of the proposed use and proff	ers in the required modernate records
	a service applicant s report
Existing Use: Industrial	The second secon
Is this proporty subject to	and the state of t
Is this property subject to any previous land use cases? Yes No	)
The state of the s	
Applicant/Contact Borson: Invitingham	
Applicant/Contact Person: Tory Markham Company: Markham Planning	
Company: Markhain Planning Mailing Address: 2314 West Main Street City: Richmond	
City Richmond	The winds of the control of the cont
Telephone: (804 ) 248-2561	State VA Zip Code: 23220
City: Richmond Telephone: _(804 )248-2561 Email: lory@markhamplanning.com	ax;()
The state of the s	and the state of t
Property Owner: Hermitage Investment Group LLC	
If Business Entity, name and title of authorized signee:	The state of the s
in the same of the	the state of the s
(The person or persons executing or attesting the execution of this A she has or have been duly authorized and empowered to so execute	ppl cation on behalf of the Company certifies that he or or attest.)
Mailing Address: 1601 Overbrook Road	
Telephone: () Email:	State VA Zip Code 23220
Email:	
	The state of the s
Property Owner Signature:	
	S
The names, addresses, telephone numbers and signatures of all owner sheats as needed. If a legal representative signs for a property conservative signs for a property conservative signs.	is of the croperty are required. Dioxed provide and
sheats as needed. If a legal representative signs for a property owner photocolied signatures will not be accepted.	please attach an executed power of attorney. Faster of
chotococied signatures will not be accepted	The state of the state of

R/CR Application | Last Revised September 12, 2016 | CITY OF RICHMOND 1



#### **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 <a href="mailto:lory@markhamplanning.com">lory@markhamplanning.com</a> 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.

Chicago Title Insurance Company Schedule B – PART II Commitment No. SHTC19-921

(Referenced by corresponding number in Commitment)

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- Econnecti, Control with Virginia Electric and Power Company cotted March 16, 1887, recorded April 20, 1887 in The Book 121, page 1230. Comits seasoned for a past sine for instantiting and definabiling settles; power and appuritances; thereto in designated and undesignated becalions, with rights of impress, eyers and chemogra. Part recorded financial is now assertments, executions, with rights of impress, eyers and chemogra. **(a)**
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Parking	Porter t	72 Pegular Spaces 2 Handicap Spaces 74 Total Spaces
Zoning	Current Zoning: W-2 (Neary Industrial District)	Selbacks: Advancent Front Part: Hore Advancent Front Part: Hore Advancent Rose Part: Hore Advancent Rose Part: Hore Advancent Rose Part: Hore

\*ZOMANG TO BE VERWIED BY ZOMING CONFINMATION LETTER

Arther electricates of Zoung Requirements – Contact:
City of Returned Zoung Division
860 E. Brack St., Room 110
Received, 18 23:19
(80-4) 846-63-60 Š

# Flood Certification

I have examined the Thool haumnee flute shap for the City of fischmond, Vegwind, Community, Perei Ma. 21129-2022-30. Attentive 490-3, 2, 2009, and harby vertify the best of my professional thrownings and belief that the property a not bestifted in a Special Floral Harard Area, but is bootled in Jone (1) as determined belief and full floral Harard Area, but is bootled in Jone (1) as determined beginning flood structures Program. Federal Emergency shappement Aprice; Capacitiment of Housing and Utban Development.

- This survey plot represents a current and accurate field transit survey of the premises shown herron. Date of last physical survey, July 8, 2019.
- 2. All streets shams hereon are public. There are no curb cuts, driveways, apraiss at time at survey,
  - I There were no delineated wellands observed on site.
- 4. Building addresses shown hereon per pasted addresses.
- 1. The legal description (does) form a mathematically clased figure with no gaps, gover or avertaps.
  - There was no evidence of cemeteries at the time of the survey.
- There was no observed evidence of current earth moving, building construction or building oddstans
- ill Surveyor is not amove of any proposed changes in the street right of any and observed no evidence of record street or advende construction or repoint.
- Il. There was no observed evidence of the site use as a solid waste dump, sump or sanitary landful
  - Id The property has direct vehicular access from Overbrook Road.
- The subject property is the same property as described in The Commitment issued by Chicago Title Insurance Company with an effective able of Jane 19, 2019 (Commitment No. SMC119-92).
  - 12. Observed utilities are platted and shown hereon = Subsurtace utility delineation was not performed
- There at no larger any endonce of spur tracks serving the subject property or the experies properties. In the south of the subject property

# Legal Description

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### Porce/ E

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# Surveyor's Certificate

This survey is certified to and prepared for the sake exclasive benefit of the entities and/or individuals listed benefit of the 1812 1819 and shall not be relied upon by any other entity or individual entertainment.

- CHESCENT PRESERVICION & DEVELOPMENT CO. LLG, a Vegicio limited liability company CHESCON TILL RESIDENCE COMPOUNT SVE HARBOR TILLE COLUMNY 948

This is to certify that the map or plot and the survey on which it is based were made in accordance with the 2019 Machine Standard Dutal Reparaments for ALLANGES Land Tibe.

6(a), 7(a), 7(b), 7(b), 6, 8, 911, 11, 14, 16-20

Machine Individual action of the ALLANGES and include 10 Machine 10 Machi

I hereful certify that this ALLAGOS Land Title survey, to the best of my professional investige and belief, is correct one complex with the minimum precedures and iteratedra established by the figure State Board of Archivect, fortisismal Engineers, found Surveyars and fertilized Landscape Archivetts.



SHOWING EXISTING IMPROVEMENTS TO TWO PARCELS OF LAND SITUATED ON THE SOUTH LINE OF OVERBROOK ROAD CITY OF RICHMOND VIRGINIA ALTA/NSPS LAND TITLE SURVEY DATE: JULY 10, 2019

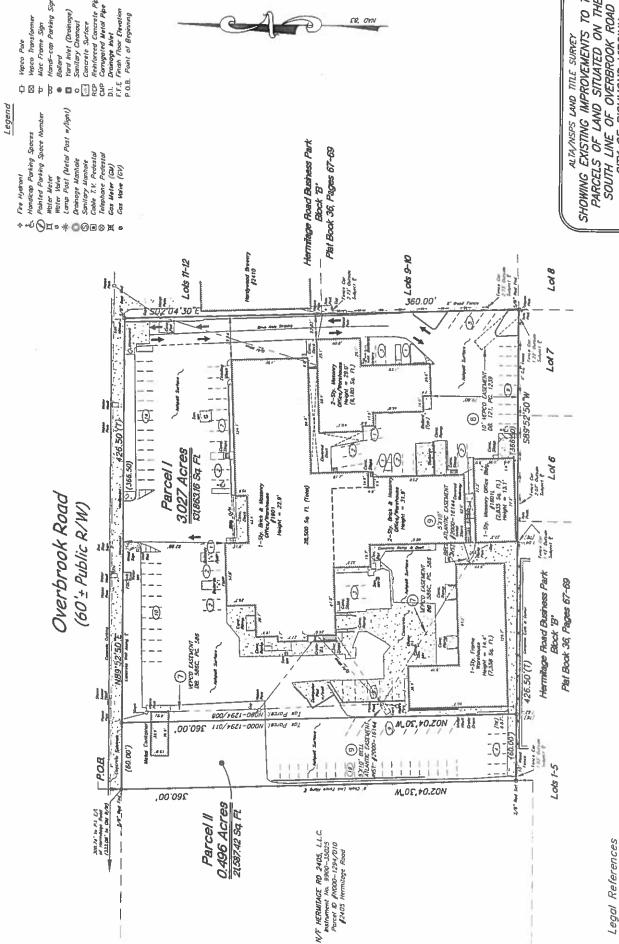




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Sheet 1 of

19045-CPD.JOB -- 19045-ALTA.DWG



SHOWING EXISTING IMPROVEMENTS TO TWO PARCELS OF LAND SITUATED ON THE SOUTH LINE OF OVERBROOK ROAD CITY OF RICHMOND VIRGINIA DATE: JULY 10, 2019



120

Shadrach & Associates LLC LAND SURVEYING

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Sheet 2

Porcel II: HERMITAGE INVESTMENT GROUP, L.L.C. Instrument No. 2000–15842

HERMITAGE INVESTMENT GROUP, L.L.C.

Parcel 1:

Instrument No. 2000-15842

Parcel 1D #N000-1294/008 #1601 Overbrook Road

Parcel 10 #N000-1294/011 #1511 Overbrook Road

19045-CPD.JOB -- 19045-ALTA.DWC