

INTRODUCED: July 25, 2022

AN ORDINANCE No. 2022-225

To conditionally rezone the properties known as 501 Orleans Street and 4811 South 37th Street from the M-1 Light Industrial District to the B-5 Central Business District, upon certain proffered conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEP 12 2022 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the survey entitled “Plat Showing a Topographic Survey of Two Parcels of Land Located on the West Side of Williamsburg Avenue and the South Side of Orleans Street, City of Richmond, Virginia,” prepared by Jennings Stephenson, P.C., and dated December 22, 2021, 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 2022 records of the City Assessor, are excluded from the M-1 Light Industrial District and shall no longer be subject to the provisions of sections 30-452.1 through 30-452.4 of the Code of the City of Richmond (2022), as amended, and that the same are included in the B-5 Central Business District and shall

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: SEP 12 2022 REJECTED: _____ STRICKEN: _____

be subject to the 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 (2022), as amended:

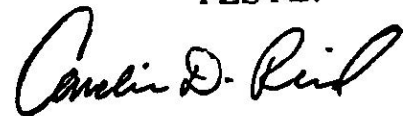
501 Orleans Street
4811 South 37th Street

Tax Parcel No. E000-1441/001
Tax Parcel No. E000-1441/030

§ 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 agreement entitled “501 Orleans LLC, Proffered Conditions,” dated March 4, 2022, and last revised July 11, 2022, 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:**

A handwritten signature in black ink, appearing to read "Camelin D. Rind".

City Clerk



City of Richmond

Item Request File Number: PRE.2022.0259

RECEIVED
By City Attorney's Office at 10:37 am, Jul 21, 2022

RECEIVED
By CAO Office at 10:42 am, Jul 07, 2022

2022-172

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

O & R Request

DATE: June 27, 2022

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.)

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 conditionally rezone the properties known as 501 Orleans Street and 4811 South 37th Street from the M-1 Light Industrial District to the B-5 Central Business District, upon certain proffered conditions.

ORD. OR RES. No. ____

PURPOSE: To conditionally rezone the properties known as 501 Orleans Street and 4811 South 37th Street from the M-1 Light Industrial District to the B-5 Central Business District, upon certain proffered conditions.

REASON: The applicant has requested a conditional rezoning to the B-5 Central Business District to enable development of a mixed-use building on the property, containing multi-family and office 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 August 15, 2022 meeting.

BACKGROUND: The subject property consists of two parcels located at the southwest corner of Orleans Street and Williamsburg Avenue, in the Fulton neighborhood.

The Richmond 300 Master Plan recommends Industrial Mixed-Use land use for the subject property. Such areas are described as formerly traditional industrial areas that are transitioning to mixed-use because of their proximity to growing neighborhoods and changes in market conditions. These areas may still retain some light industrial uses. Development Style: A mix of building types with low-scale, post-industrial buildings that are adapted for a new use are adjacent to new taller residential and/or office buildings. These areas allow "maker uses" to continue while encouraging more individuals to live, work, and play in the area. Buildings should have street-oriented façades with windows and door openings along street frontages. New light industrial uses are compatible with residential and office uses, and are attractively buffered. New developments continue or introduce a gridded street pattern to increase connectivity.

Ground Floor: Ground floor uses engage with and enliven the street. Monolithic walls are discouraged, while windows, doors, storefronts, and other features that allow transparency and interaction between building and street are encouraged. Active commercial ground floor uses are required on street-oriented commercial frontages.

Mobility: Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. New driveway entrances are prohibited on priority and principal street frontages and minimal driveway entrances are allowed on secondary streets. Vehicular access to parcels should use alleys where possible. Loading for trucks must be provided off-street. Parking lots and parking areas should be located to the rear of street-facing buildings.

Intensity: Medium- to high-density, three to eight stories.

Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space.

Secondary Uses: Institutional and government.

The subject property is also located in the Rocketts Landing node. The Vision for this node is: The Pulse Bus Rapid Transit Station at Rocketts Land is a dense, walkable destination for workers, residents, and visitors. The underdeveloped land north of the station is redeveloped to provide amenities to adjacent residents and visitors to the James River. Residents of Greater Fulton easily access the terminus station via Orleans Street which has become a major mixed-use area featuring active ground floor uses and a walkable environment. The Virginia Capital Trail is enhanced by the Gillies Creek Greenway that connects through Gillies Park and up into Church Hill. The character of single-family neighborhoods east of Williamsburg Avenue is preserved with programs that allow homeowners to live in high-quality homes and programs that increase homeownership opportunities. The history of Historic Fulton is shared and honored at the Historic Fulton Memorial Park at the base of Powhatan Hill.

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: No

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: July 25, 2022

CITY COUNCIL PUBLIC HEARING DATE: September 12, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
August 15, 2022

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: Ordinance Draft, Proffers, Application Form, Applicant's Report, Survey, Map

STAFF: David Watson, Planner, Land Use Administration 804-646-6304

**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/LocationProperty Address: 501 Orleans St. & 4811 South 37th St.Date: 3/2/2022Tax Map #: See attached Fee: \$1,500.00Total area of affected site in acres: .536 (see attached)(See **page 6** for fee schedule, please make check payable to the "City of Richmond")**Zoning**Current Zoning: M-1Existing Use: vacant**Proposed Zoning/Conditional Zoning**

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

See attached narrative letter

Existing Use: _____

Is this property subject to any previous land use cases?

Yes
☐No
☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: 501 Orleans LLC c/o Mark Kronenthal, attorneyCompany: Roth Jackson Gibbons Conklin, PLCMailing Address: 1519 Summit Ave, Suite 102City: RichmondState: VAZip Code: 23230Telephone: (804) 441-8603Fax: ()Email: mkronenthal@rothjackson.com**Property Owner:** See attachedIf Business Entity, name and title of authorized signee: Mark Kronenthal, Power of Attorney

(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: See attached

City: _____

State: _____

Zip Code: _____

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.

March 3, 2022

BY ELECTRONIC DELIVERY

Mr. Matthew Ebinger
City of Richmond DPDR
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, Virginia 23219

Mark J. Kronenthal
Richmond Office
(804) 441-8603 (direct)
mkronenthal@rothjackson.com

**Re: Conditional Rezoning: 501 Orleans Street (E0001441001) and
4811 South 37th Street (E0001441030)**

Dear Mr. Ebinger:

This letter shall serve as the Applicant's Report accompanying the application for conditional rezoning (the "Rezoning") for the property known as 501 Orleans Street (the "Orleans Property") and 4811 South 37th Street (the "37th Property") (the Orleans Property and the 37th Property, collectively, (the "Property")). The Rezoning would permit the use of the Property for market rate multifamily use, ground floor commercial (office) use, and accessory parking, all as shown on the enclosed conceptual plan (the "Plan"), by changing the zoning designation from M-1 to B-5 zoning.

The applicant, 501 Orleans LLC, a Virginia limited liability company (the "Applicant"), is a related entity to Harlan Construction, a regionally-recognized local commercial general contractor ("Harlan"). Harlan's headquarters office is currently located outside the City of Richmond and Harlan would relocate their headquarters office operations to the Property upon approval of the Rezoning and completion of the proposed project. The Applicant owns the 37th Property and is the contract purchaser of the Orleans Property.

The request in this Rezoning is narrowly limited to the change of applicable zoning from M-1 to B-5, consistent with the existing B-5 zoning recently approved by the City for the comprehensive Fulton Yards project to the south and east of the Property. The Applicant proposes that the new building on the Property have four fully finished facades, each with equal architectural dignity, due to its gateway location at the entrance of the City from eastern Henrico County along Williamsburg Road.

While the building will have equal architectural dignity facing each of Williamsburg Road, Orleans Street, 37th Street, and the Henrico County boundary, the building has been sited to repeat the urban form of the street wall along Orleans Street created by the approved conditional rezoning on the adjacent property between 37th Street to the CSX overpass. The Applicant would further repeat the sidewalk width and street tree placement from that case.

{01375728;v3}

RICHMOND

1519 Summit Avenue, Suite 102, Richmond, VA 23230
P: 804-441-8440 F: 804-441-8438

TYSONS CORNER

8200 Greensboro Drive, Suite 820, McLean, VA 22102
P: 703-485-3535 F: 703-485-3525

You will see on the Plan that the Henrico County boundary and parcel lines along the Williamsburg Road frontage prevent the creation of an urban street wall form facing that road. The Applicant would propose that the portion of the Orleans Property that extends eastward would be enhanced through enhanced landscaping.

By way of background, the Property has been vacant for many years. The Richmond 300 (the “Master Plan”) generally recommends “Industrial Mixed Use” for the subject and surrounding properties and there is additional specific text guidance contained elsewhere in the Master Plan that is supportive of the request. Industrial Mixed use is described as “[f]ormerly traditional industrial areas that are transitioning to mixed-use because of their proximity to growing neighborhoods and changes in market conditions,” and supports ground floor commercial or “maker” space blended with residential use on upper stories. The proposed office headquarters and multifamily residential uses enhance walkability by adding an attractive, well lit, and active community destination, as well as eyes on the street and new users for the pedestrian and bicycle infrastructure supporting the area. The headquarters office will be open throughout the day on weekdays, creating a steady level of activity and vitality supportive of surrounding uses.

We would also note the following as you review the Application:

- The Rezoning will not impact the safety, health, morals and general welfare of the surrounding community. The Rezoning is consistent with the recommendations of the Master Plan related to the Property. It would contribute to the general welfare of the community by, among other things, providing an opportunity to build office and residential uses on a long-vacant parcel and adding users to existing bicycle, pedestrian, and park infrastructure.
- The Rezoning will not result in significant traffic impacts in the area involved, again, owing to its consistency with the Master Plan and its design principals. The site allows for ample surface parking lot for the Applicant’s use. This parking area would also be useful as a placeholder for compatible future infill as the area’s non-vehicular transportation infrastructure and economy accommodate future compatible uses.
- The Rezoning will not over crowd the land or create an undue concentration population. The development is consistent with the pattern of development in the surrounding area and is consistent with the Master Plan.

In summary, the Applicant enthusiastically seeks approval of the Rezoning. The Rezoning would introduce now-missing vitality to the Property for the benefit of the community at large. The project would contribute to the vibrancy of the block through the provision of an appropriate urban form that is consistent with the desired development pattern of the surrounding neighborhood. Simultaneously with this application, the Applicant is working to meet with community organizations noted by staff and the District council member.

{01375728;v3}



RICHMOND

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8200 Greensboro Drive, Suite 820, McLean, VA 22102

P: 703-485-3535 F: 703-485-3525

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

Sincerely,



Mark J. Kronenthal

Enclosures

cc: The Honorable Dr. Cynthia Newbille

{01375728;v3}



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TYSONS CORNER

8200 Greensboro Drive, Suite 820, McLean, VA 22102

P: 703-485-3535 F: 703-485-3525

TOP=43.95'
INV=29.04'

①

48" RCP

FL=29.12'
TOP=45.11'
INV. IN=36.83'

DIRECTION ONLY

TOP=45.37'
FL=31.50'

TOP=45.26'
FL=38.38'

ORLEANS STREET
(VARIABLE WIDTH R/W)

CURB REMAINS

N89°30'30"E

127.60'

TOP=45.41'
FL=28.34'

⑤

TOP=46.70'
FL=36.52'

⑤

LEGEND

- BENCHMARK
- ♿ HANDICAP RAMP
- ① DRAINAGE MANHOLE
- ⑤ SANITARY MANHOLE
- ⊕ GAS TEST
- ⊕ GAS VALVE
- ⊕ UTILITY POLE
- ⊕ FIRE HYDRANT
- ⊕ WATER VALVE
- ⊕ LIGHT POLE
- ⊕ SIGN
- TRAFFIC MARKER
- ⊕ FIBER OPTIC MARKER
- ⊕ VAULT FIBER OPTIC
- ⊕ TELEPHONE PEDESTAL
- ⊕ VAULT TELEPHONE
- OHE --- OVERHEAD ELECTRIC LINE
- UGT --- UNDERGROUND TELEPHONE LINE
- X --- FENCE LINE
- ~~~~~ WOODS LINE

BM #1
SPIKE SET IN PP
ELEV.=47.07'

* PARCEL 1 = 0.516 ACRES
PARCEL 2 = 0.020 ACRES
TOTAL = 0.536 ACRES

37TH STREET
(VARIABLE WIDTH R/W)

N00°04'00"W

150.42'

L2

PARCEL 2

L1

L4

S89°30'30"W

182.82'

NEXUS LAND MANAGEMENT, LLC
D.B. 5761 PG. 1968
GPIN: 798-713-9368

NEXUS LAND MANAGMENT, LLC
D.B. 5761 PG. 1968
GPIN: 798-713-9367

WILLIE BROWN, SR.
D.B. 953 PG. 158
GPIN: 798-713-9866

NOTES

1. OWNERSHIP:

PARCEL 1
RICHMOND REDEVELOPMENT & HOUSING AUTHORITY
D.B. 698D PG. 775
D.B. 734 PG. 448
D.B. 676A 598
PARCEL ID: E0001441001 (IN PART)
#501 ORLEANS STREET

PARCEL 2
PRETZELS LLC
INSTR. NO: 210034010
PARCEL ID: E0001441030
#4811 S. 37TH STREET

2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

3. THIS PROPERTY IS LOCATED IN ZONE 'X' OF THE FEMA DEFINED FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP 5101290043E, EFFECTIVE DATE JULY 16, 2014.

4. DURING THE PROCESS OF OUR PHYSICAL IMPROVEMENT SURVEY NO INDICATIONS OF A CEMETERY WERE FOUND. NO FURTHER INSPECTION OF THE PROPERTY HAS BEEN MADE FOR POSSIBLE CEMETERIES.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°04'00"W	15.00'
L2	N89°30'30"E	58.84'
L3	S00°04'00"E	15.00'
L4	S89°30'30"W	58.84'

GRAPHIC SCALE

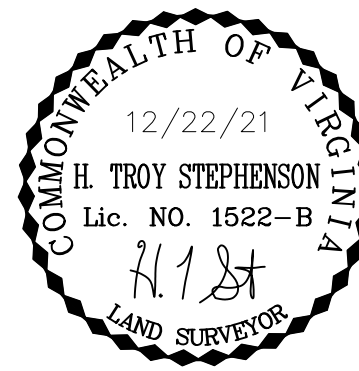


(IN FEET)
1 inch = 20 ft.

NAD 83

TOP=51.19'
FL=37.60'

⑤



PLAT SHOWING A TOPOGRAPHIC SURVEY OF
TWO PARCELS OF LAND LOCATED ON THE
WEST SIDE OF WILLIAMSBURG AVENUE AND
THE SOUTH SIDE OF ORLEANS STREET

CITY OF RICHMOND, VIRGINIA

SCALE: 1" = 20' DECEMBER 22, 2021

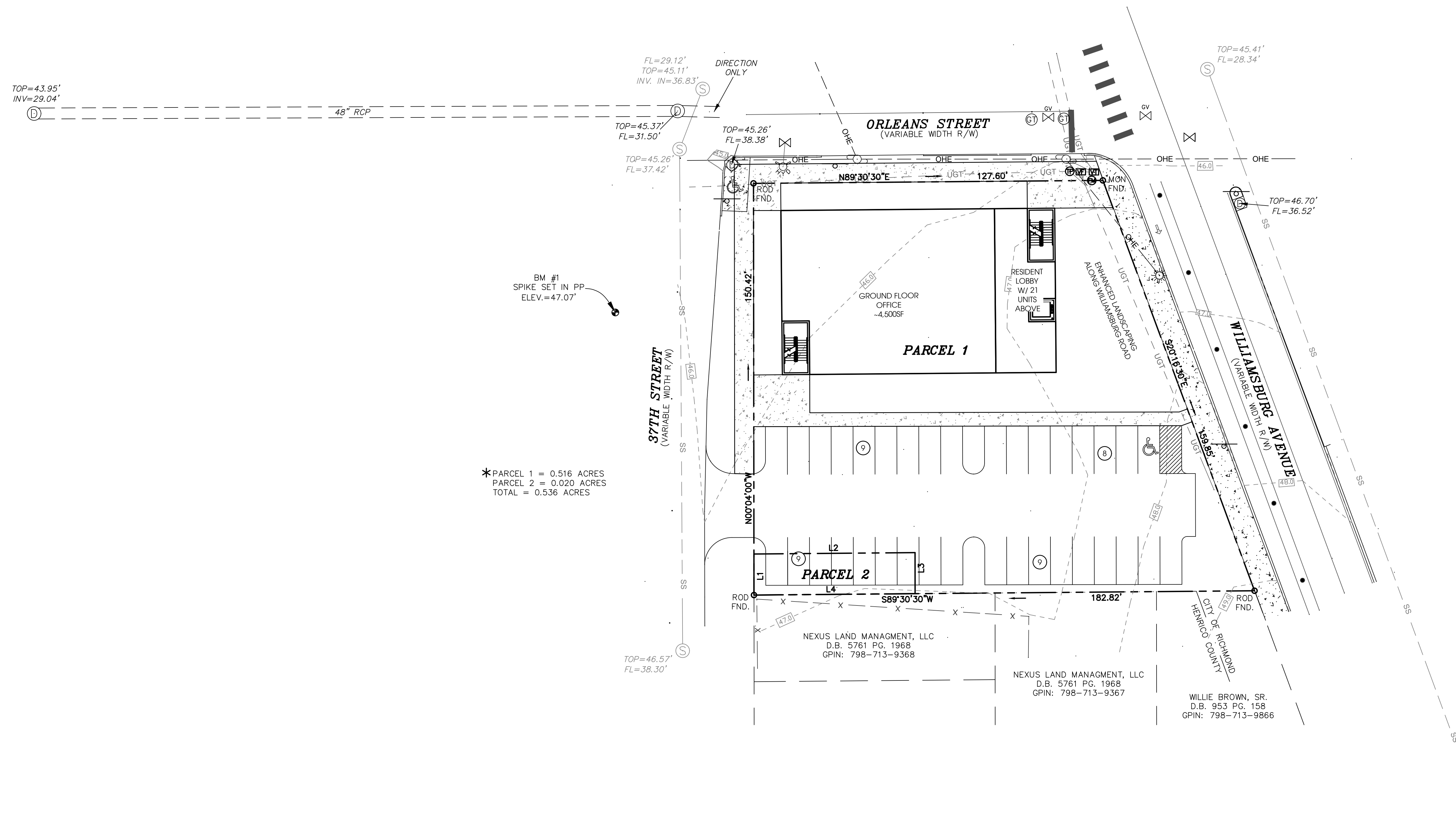
JENNING STEPHENSON, P.C.

LAND SURVEYORS
& PLANNERS

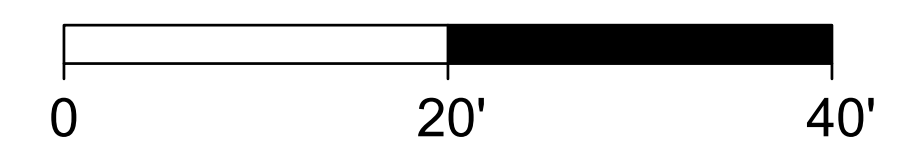
10160 STAPLES MILL ROAD
SUITE 103
GLEN ALLEN, VA 23060
PHONE - 804-545-6235
FAX - 804-545-6259
J.N. 21-760

501 ORLEANS STREET - REZONING EXHIBIT

DATE: JANUARY 2022



SCALE 1"=20'



14207 POND CHASE PLACE | MIDLOTHIAN, VA | 23113
TELEPHONE NO. 804.938.8864 | www.sekivsolutions.com

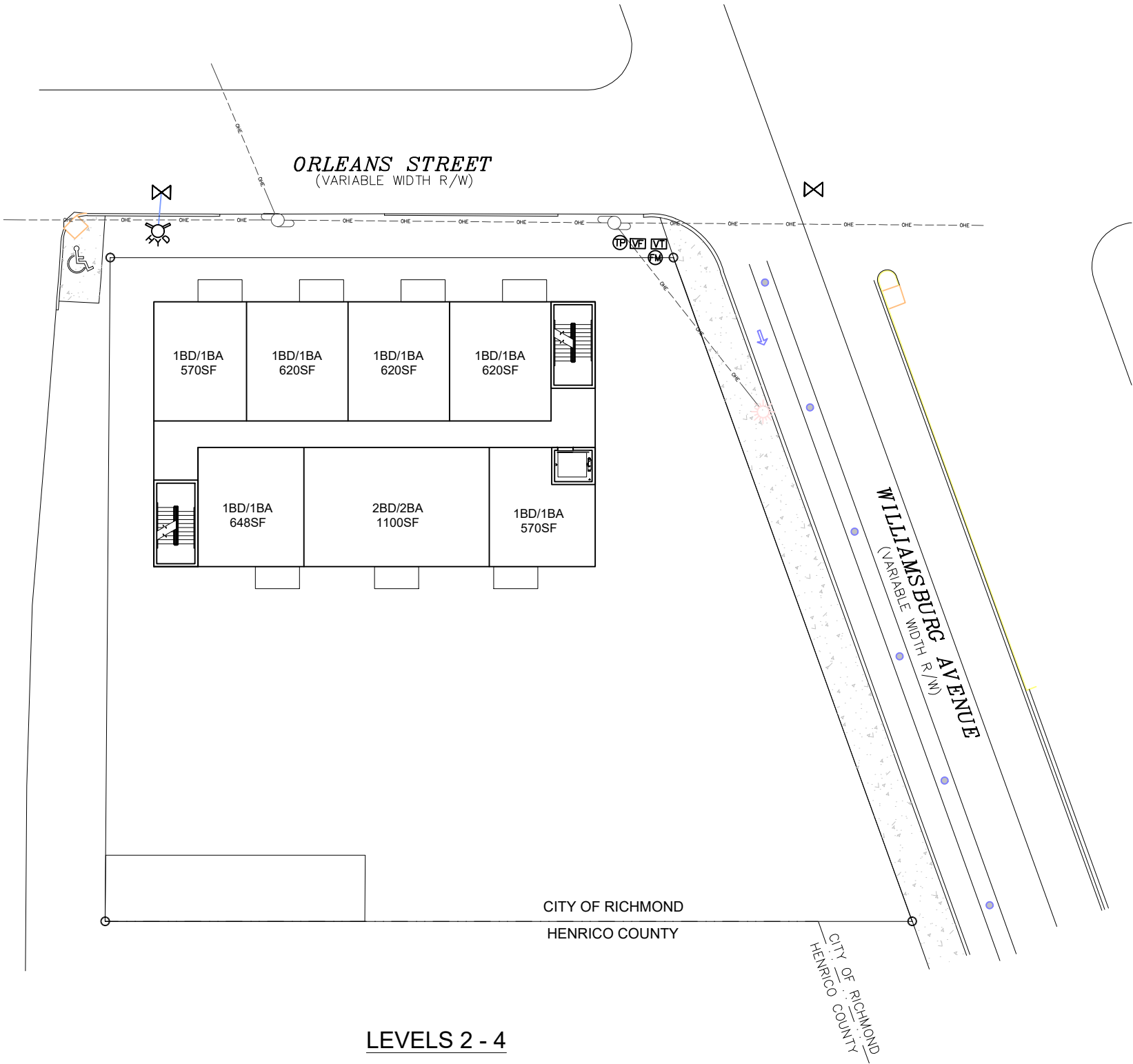
RESIDENTIAL AND OFFICE						
	CORE	RESIDENTIAL	OFFICE	LOBBY	GROSS SF	% EFFICIENCY
LEVEL 1	500	0	4,500	1,000	6,000	0%
LEVEL 2	1,225	4,775	0	0	6,000	80%
LEVEL 3	1,225	4,775	0	0	6,000	80%
LEVEL 4	1,225	4,775	0	0	6,000	80%
TOTAL	4,175	14,325	4,500	1,000	24,000	N/A

PARKING PROVIDED	
PARKING AREA	PARKING SPACES
8,350	35
8,350	35

UNIT MIX					
	STUDIO	1-BR (600sf)	2-BR (1000sf)	WALK-UP LOFT	TOTAL
LEVEL 1	0%	86%	14%	N/A	
LEVEL 2		0	1	0	7
LEVEL 3		6	1	0	7
LEVEL 4		6	1	0	7
TOTAL		18	3	0	21

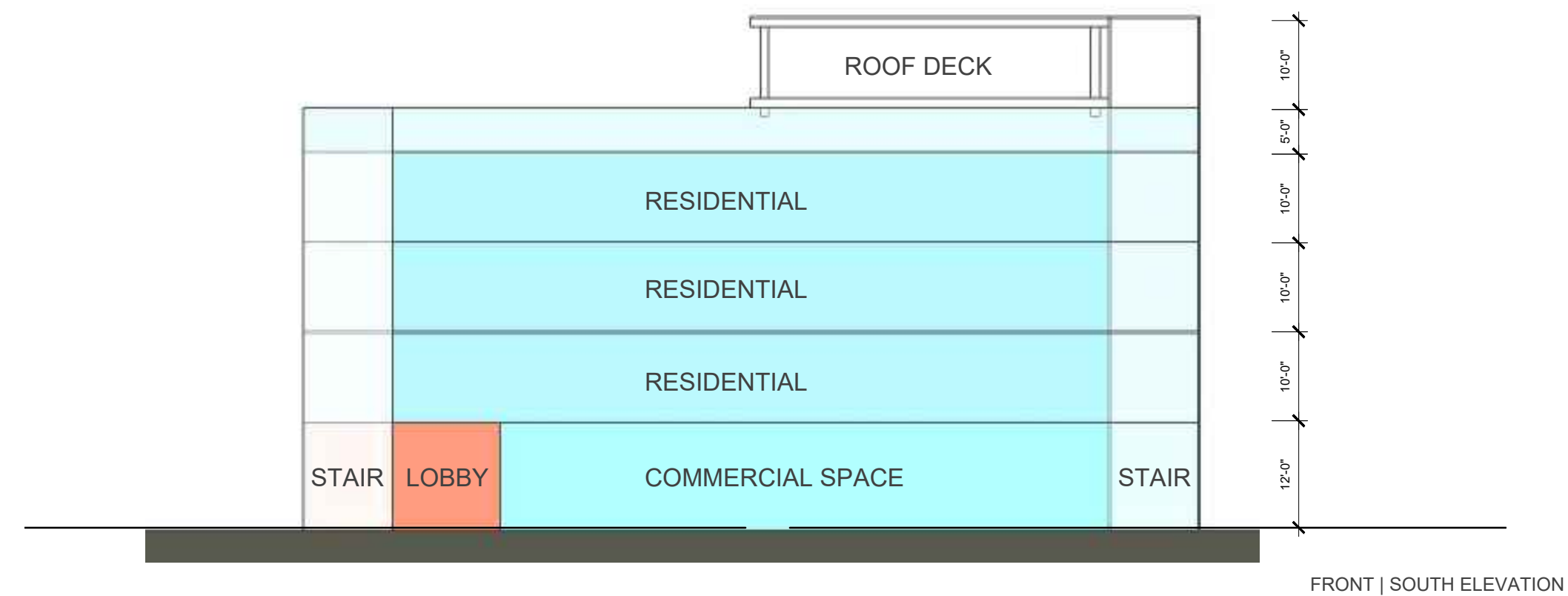
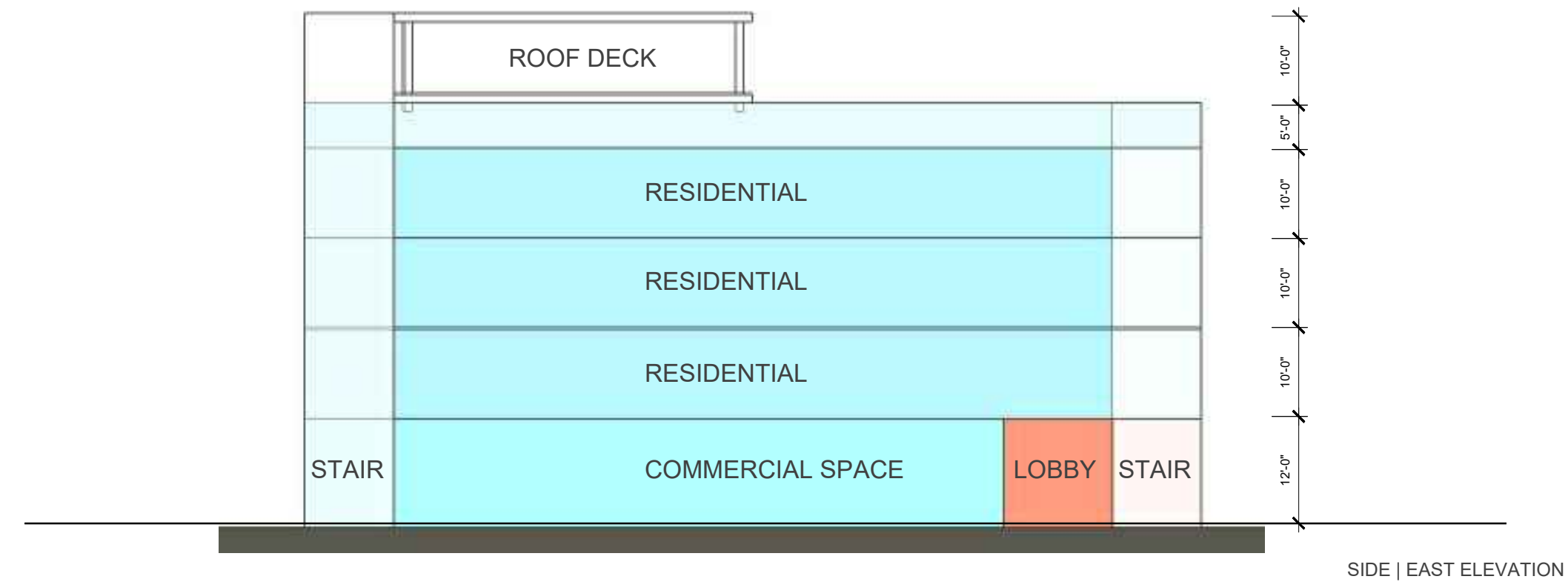
682 sf avg

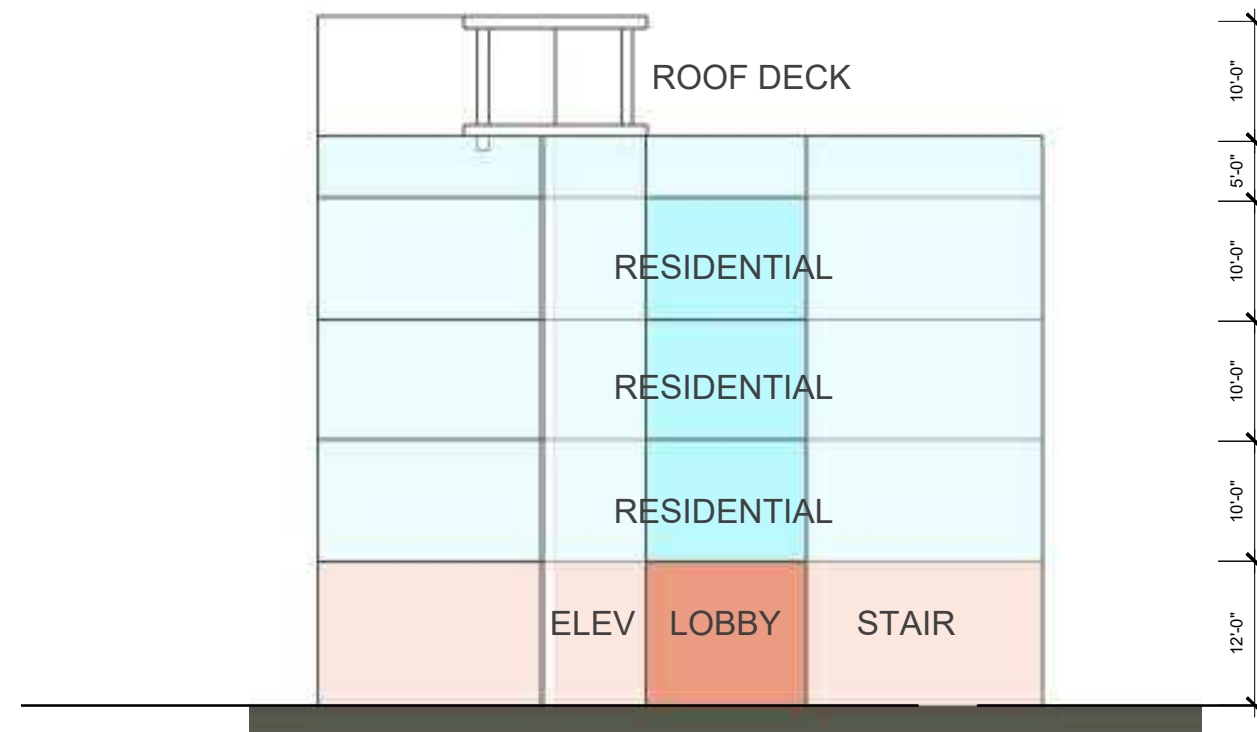
37TH STREET
(VARIABLE WIDTH R/W)



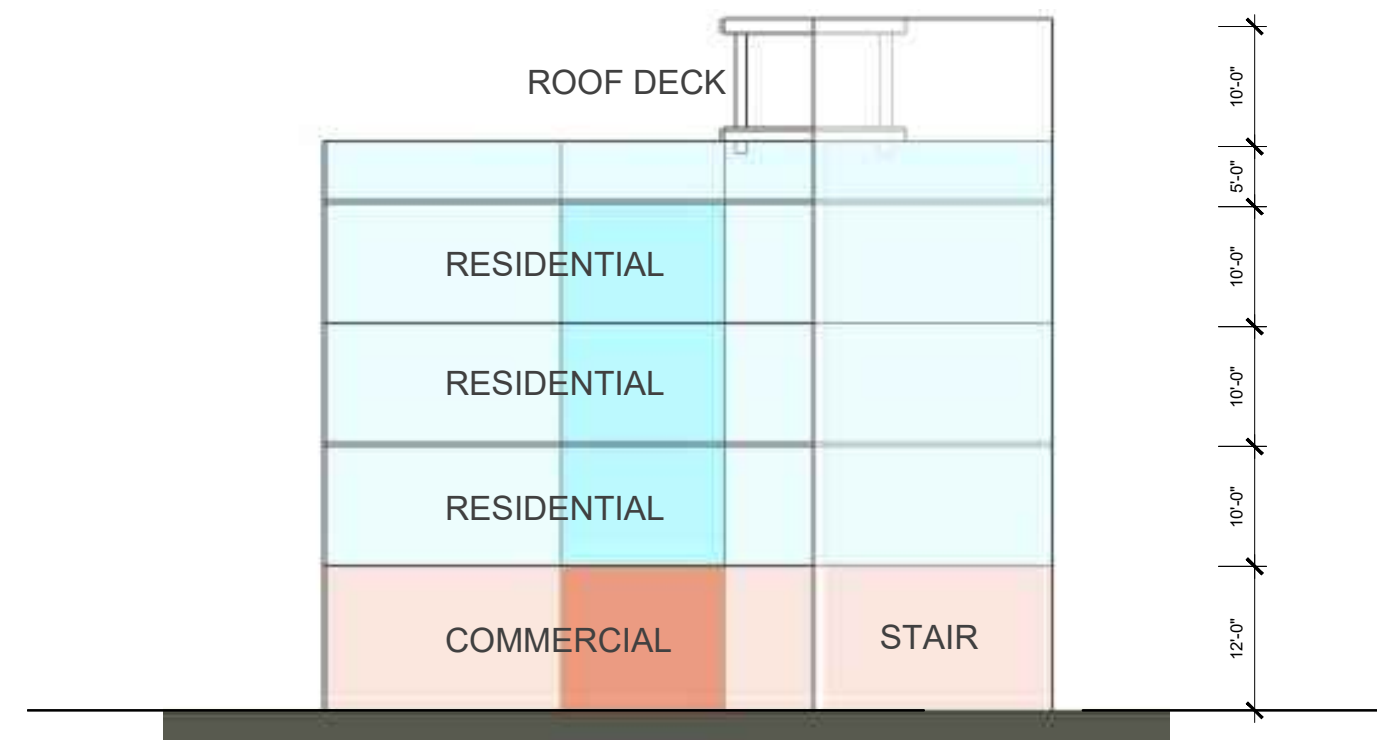
LEVELS 2 - 4







SIDE | EAST ELEVATION



FRONT | SOUTH ELEVATION

501 Orleans LLC

Proffered Conditions

March 4, 2022
revised May 5, 2022
revised July 11, 2022

The applicant (the “Applicant”) in this zoning case, pursuant to Sec. 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of the City of Richmond, Virginia, for themselves and their successors or assigns, proffer that the development of the property known as 501 Orleans Street (E0001441001) and 4811 South 37th Street (E0001441030) (collectively, the “Property”) under consideration will be developed according to the following conditions if, and only if, the rezoning request to B-5 is granted. In the event the request is denied or approved with conditions not agreed to by the Applicant, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede and replace all proffers and conditions now existing on the Property.

1. Design and Architecture.

- a. Materials. Exterior wall materials shall be limited to architectural grade metal panels, fiber cement siding, wood, glass, brick, masonry, and/or painted metal railings. Other materials may be used for trim and design elements.
- b. Dumpster Enclosures. Concrete pavement shall be used for the refuse container pad and apron.

2. Right of Way. The Applicant shall dedicate sufficient right-of-way to the City in order to create Orleans Street on-street parking and a pedestrian way along Orleans Street and a pedestrian way along 37th Street, subject to the below Pedestrian Network dimensions and in the configuration approved by the Director of Planning during plan of development review.

- a. Pedestrian Network.
 - i. A minimum eleven-foot (11’) wide pedestrian way shall be constructed along the frontage of Orleans Street, at Applicant’s expense.
 - ii. A minimum five-foot (5’) wide pedestrian way shall be constructed along the frontage of 37th Street, at Applicant’s expense.

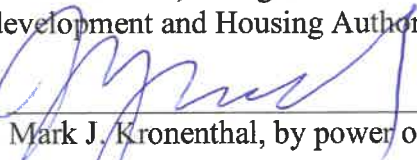
3. Severance. The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not effect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

[Signature appears on following page]

WITNESS the following signature:

501 Orleans LLC, a Virginia limited liability company, by power of attorney for Richmond Redevelopment and Housing Authority

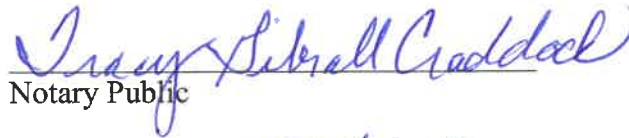
By:


Mark J. Kronenthal, by power of attorney

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to-wit:

The foregoing was acknowledged before me the 11th day of July, 2022, by Mark J. Kronenthal, with power of attorney, for and on behalf of Richmond Redevelopment and Housing Authority.




Notary Public

Notary Reg No. 7714399
My commission expires: 11/30/2025