

INTRODUCED: August 15, 2016

AN ORDINANCE No. 2016-211

To conditionally rezone the properties in the blocks bounded by North 24th Street, T Street, U Street, North 26th Street, Nine Mile Road and Fairmount Avenue from the B-2 Community Business District, R-6 Single-Family Attached Residential District and R-5 Single-Family Residential District to the B-5C Central Business District (Conditional), upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 12, 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the plats entitled “ALTA/ACSM Land Title Survey Plat Showing Several Parcels of Land Lying inside of T Street, N. 25th Street, Fairmount Avenue and N. 24th Street,” prepared by Timmons Group, and dated September 24, 2015, and “ALTA/ACSM Land Title Survey Plat Showing Several Parcels of Land Lying on the North Line of Nine Mile Road and on the East Line of N. 25th Street,” prepared by Timmons Group, and dated September 24, 2015, copies of which are attached to, incorporated into, and made a part of this ordinance,

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: SEPT 12 2016 REJECTED: _____ STRICKEN: _____

the following properties, with tax parcel numbers as shown in the 2016 records of the City Assessor, are excluded from R-6 Single-Family Attached Residential District and shall no longer be subject to the provisions of sections 30-412.1 through 30-412.8 of the Code of the City of Richmond (2015), as amended, and that the same are included in the B-5C Central Business District (Conditional) and shall 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 (2015), as amended:

1329 North 24 th Street	Tax Parcel No.	E000-0618/035
1327 North 24 th Street	Tax Parcel No.	E000-0618/034
1325 North 24 th Street	Tax Parcel No.	E000-0618/033
1323 North 24 th Street	Tax Parcel No.	E000-0618/032
1321 North 24 th Street	Tax Parcel No.	E000-0618/031
1317 North 24 th Street	Tax Parcel No.	E000-0618/026
1315 North 24 th Street	Tax Parcel No.	E000-0618/025
1313 North 24 th Street	Tax Parcel No.	E000-0618/024
1311 North 24 th Street	Tax Parcel No.	E000-0618/023
1309 North 24 th Street	Tax Parcel No.	E000-0618/022
1305 North 24 th Street	Tax Parcel No.	E000-0618/020
1303 North 24 th Street	Tax Parcel No.	E000-0618/018
1318 North 25 th Street	Tax Parcel No.	E000-0618/007
1320 North 25 th Street	Tax Parcel No.	E000-0618/005
1324 North 25 th Street	Tax Parcel No.	E000-0618/004

1326 North 25 th Street	Tax Parcel No.	E000-0618/003
1328 North 25 th Street	Tax Parcel No.	E000-0618/002
1330 North 25 th Street	Tax Parcel No.	E000-0618/001

§ 2. That, as shown on the plats entitled “ALTA/ACSM Land Title Survey Plat Showing Several Parcels of Land Lying inside of T Street, N. 25th St., Fairmount Avenue and N. 24th Street,” prepared by Timmons Group, and dated September 24, 2015, and “ALTA/ACSM Land Title Survey Plat Showing Several Parcels of Land Lying on the North Line of Nine Mile Road and on the East Line of N. 25th Street,” prepared by Timmons Group, and dated September 24, 2015, copies of which are attached to, incorporated into, and made a part of this ordinance, the following properties, with tax parcel numbers as shown in the 2016 records of the City Assessor, are excluded from the R-5 Single-Family Residential District and shall no longer be subject to the provisions of sections 30-410.1 through 30-410.7 of the Code of the City of Richmond (2015), as amended, and that the same are included in the B-5C Central Business District (Conditional) and shall 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 (2015), as amended:

1401 North 25 th Street	Tax Parcel No.	E000-0712/028
1404 North 26 th Street	Tax Parcel No.	E000-0712/004
1405 North 25 th Street	Tax Parcel No.	E000-0712/029

§ 3. That, as shown on the plats entitled “ALTA/ACSM Land Title Survey Plat Showing Several Parcels of Land Lying inside of T Street, N. 25th Street, Fairmount Avenue and N. 24th Street,” prepared by Timmons Group, and dated September 24, 2015, and “ALTA/ACSM Land Title Survey Plat Showing Several Parcels of Land Lying on the North Line of Nine Mile

Road and on the East Line of N. 25th Street,” prepared by Timmons Group, and dated September 24, 2015, copies of which are attached to, incorporated into, and made a part of this ordinance, the following properties, with tax parcel numbers as shown in the 2016 records of the City Assessor, are excluded from the B-2 Community Business District and shall no longer be subject to the provisions of sections 30-436.1 through 30-436.5 of the Code of the City of Richmond (2015), as amended, and that the same are included in the B-5C Central Business District (Conditional) and shall 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 (2015), as amended:

1314 North 25 th Street	Tax Parcel No.	E000-0168/010
1312 North 25 th Street	Tax Parcel No.	E000-0168/011
1310 North 25 th Street	Tax Parcel No.	E000-0168/012
1306 North 25 th Street	Tax Parcel No.	E000-0168/013
1304 North 25 th Street	Tax Parcel No.	E000-0168/015
1302 North 25 th Street	Tax Parcel No.	E000-0168/016
1300 North 25 th Street	Tax Parcel No.	E000-0168/017
2500 Nine Mile Road	Tax Parcel No.	E000-0712/023
2516 Nine Mile Road	Tax Parcel No.	E000-0712/017
2518 Nine Mile Road	Tax Parcel No.	E000-0712/016
2520 Nine Mile Road	Tax Parcel No.	E000-0712/015
2522 Nine Mile Road	Tax Parcel No.	E000-0712/014
2524 Nine Mile Road	Tax Parcel No.	E000-0712/013

2526 Nine Mile Road	Tax Parcel No.	E000-0712/012
2528 Nine Mile Road	Tax Parcel No.	E000-0712/011
2530 Nine Mile Road	Tax Parcel No.	E000-0712/010
2532 Nine Mile Road	Tax Parcel No.	E000-0712/009
1400 North 26 th Street	Tax Parcel No.	E000-0712/007
2534 Nine Mile Road	Tax Parcel No.	E000-0712/008

§ 4. That this rezoning shall be conditioned upon the compliance by the owner or owners with all of the proffered conditions contained in the document entitled “Proffered Condition, Church Hill North Holdings, LLC,” and dated July 28, 2016, 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.

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



City of Richmond

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

Intracity Correspondence

Pre Introduction to Council: PRE. 2016-171

4-5370

EDITION 2

File Number: PRE. 2016-171

To conditionally rezone the properties in the blocks bounded by North 24th Street, T Street, U Street, North 26th Street, Nine Mile Road and Fairmount Avenue from the B-2 Community Business District, R-6 Single-Family Attached Residential District and R-5 Single-Family Residential District to the B-5C Central Business District (Conditional), upon certain terms and conditions.

RECEIVED

O & R Request

AUG 01 2016

O & R REQUEST

TO: The Honorable Members of City Council

OFFICE OF CITY ATTORNEY
[Signature]

JUL 28 2016

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor)

Chief Administration Office
City of Richmond

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *[Signature]*

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning *[Signature]*

FROM: Mark A. Olinger, Director, Department of Planning and Development Review *[Signature]*

SUBJECT: To conditionally rezone the properties at the intersection of Nine Mile Road and 25th Street from the B-2 Community Business District and R-6 Single-Family Attached Residential District to the B-5C Central Business District (Conditional), upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To conditionally rezone the properties in the blocks bounded by North 24th Street, T Street, U Street, North 26th Street, Nine Mile Road and Fairmount Avenue from the B-2 Community Business District, R-6 Single-Family Attached Residential District and R-5 Single-Family Residential District to the B-5C Central Business District (Conditional), upon certain terms and conditions.

REASON: The subject properties are zoned B-2 Community Business, R-6 Single-Family Attached Residential and R-5 Single-Family Residential, which do not permit the proposed grocery store and multi-family dwelling uses or layout. A rezoning to B-5 has been requested to permit the proposed uses and reduce the parking requirement associated with the proposed 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 September 6,

2016 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The applicant, Church Hill North Retail Center, Inc., has partnered with RRHA to develop a plan to redevelop and revitalize approximately 3.33 acres in an area known as the Church Hill Redevelopment Area. The applicant proposes a pedestrian-oriented, mixed-used development including a grocery store, retail space, and may include a neighborhood clinic, restaurant space, and multifamily housing, all with associated parking. The site consists of forty (40) parcels that are currently unimproved.

The subject properties are currently zoned B-2, R-6 and R-5. Neighboring properties include a mixture of uses. Properties near the southern property line of the property include retail properties zoned B-2 and vacant lots. The remainder of the Property is surrounded by mostly vacant lots zoned R-6. The request is rezone all the subject properties to B-5 Central Business District.

The applicant has proffered that the properties will be developed in accordance with a conceptual layout, which is attached to the proposed rezoning ordinance. The conceptual layout shows an approximately 25,000 square foot grocery store, a number of smaller retail spaces with dwelling uses above, attached to the grocery store and fronting on Fairmount Avenue, a possible restaurant northwest of the traffic circle and additional commercial and multi-family dwelling uses north of the Nine Mile Road intersection with T Street and N. 26th Street. The layout shows parking located behind the proposed buildings fronting on Nine Mile Road and Fairmount Avenue.

In addition to the rezoning request, the applicant has petitioned to close an alley between T Street and Fairmount Avenue and the alley between North 25th Street and North 26th Street. There is also a request to close the portion of North 25th Street that runs from the Nine Mile Road traffic circle to T Street.

The Master Plan was amended in 2003 to specifically recommend Community Commercial land uses for the subject properties. This land use designation identifies primary land uses that include office, retail, personal service and other commercial and service uses, intended to provide the shopping and service needs of residents of a number of nearby neighborhoods or sections of the City. This category includes a broader range of uses of greater scale and intensity, with greater vehicular access and orientation, but are also compatible with nearby residential areas. (page 134)

FISCAL IMPACT / COST: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

FISCAL IMPLICATIONS: The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

BUDGET AMENDMENT NECESSARY: None

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: August 15, 2016

CITY COUNCIL PUBLIC HEARING DATE: September 12, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, September 6, 2016

AFFECTED AGENCIES: Office of Chief Administrative Officer; Law Department (for review of draft ordinance); and City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

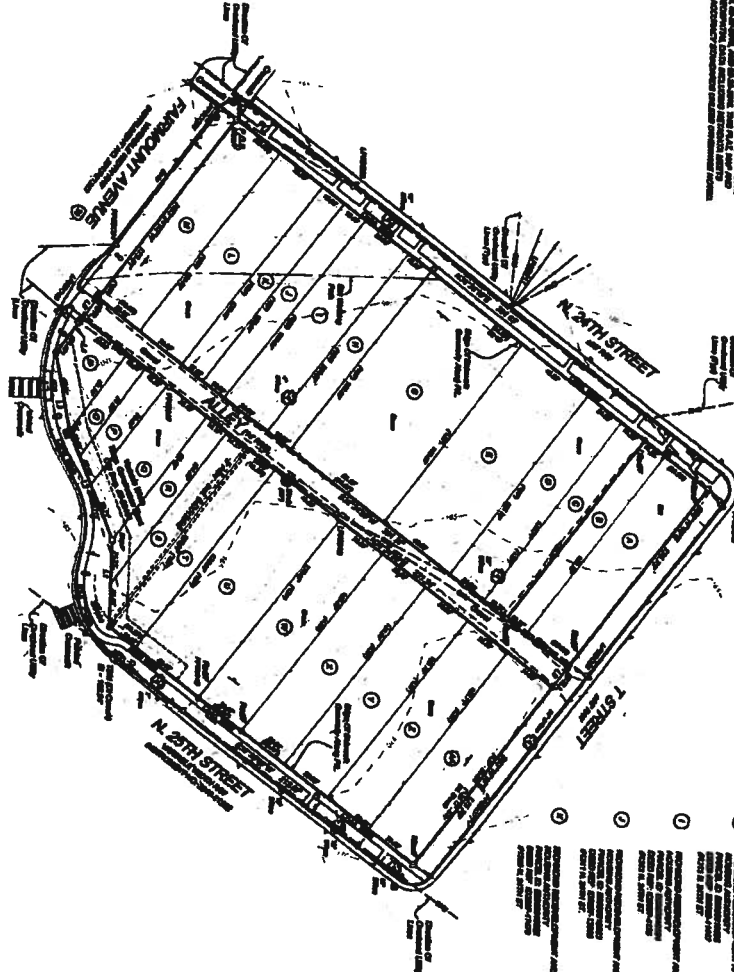
REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Survey, Conceptual Layout, Proffers

STAFF: Willy Thompson, Senior Planner; Land Use Administration (Room 511); 646-5734

RECEIVED
MAY 16 2016
LAND USE ADMINISTRATION

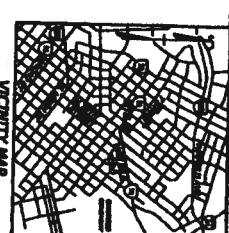
GENERAL NOTES:
1. THE APPLICANT HAS REPRESENTED THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE ZONING REGULATIONS AND THE SUBDIVISION MAP ACT.
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LOT	APPLICANT	LAND USE
1	APPLICANT	RESIDENTIAL
2	APPLICANT	RESIDENTIAL
3	APPLICANT	RESIDENTIAL
4	APPLICANT	RESIDENTIAL
5	APPLICANT	RESIDENTIAL
6	APPLICANT	RESIDENTIAL
7	APPLICANT	RESIDENTIAL
8	APPLICANT	RESIDENTIAL
9	APPLICANT	RESIDENTIAL
10	APPLICANT	RESIDENTIAL
11	APPLICANT	RESIDENTIAL
12	APPLICANT	RESIDENTIAL
13	APPLICANT	RESIDENTIAL
14	APPLICANT	RESIDENTIAL
15	APPLICANT	RESIDENTIAL



ATTACHMENT LAND TITLE SURVEY PLAT
SHOWING SEVERAL PARCELS
OF LAND LYING INSIDE OF T
STREET, N. 25TH STREET,
FAIRMOUNT AVENUE AND N.
24TH STREET

City of Richmond
Office of Planning
1111 N. 25th Street
Richmond, VA 23220
Checked by: [Signature]

PROFFERED CONDITION
Church Hill North Holdings, LLC
July 28, 2016

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of the City of Richmond, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffer if, and only if, the rezoning request submitted herewith is granted with only this condition agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffer shall immediately be null and void and of no further force or effect.

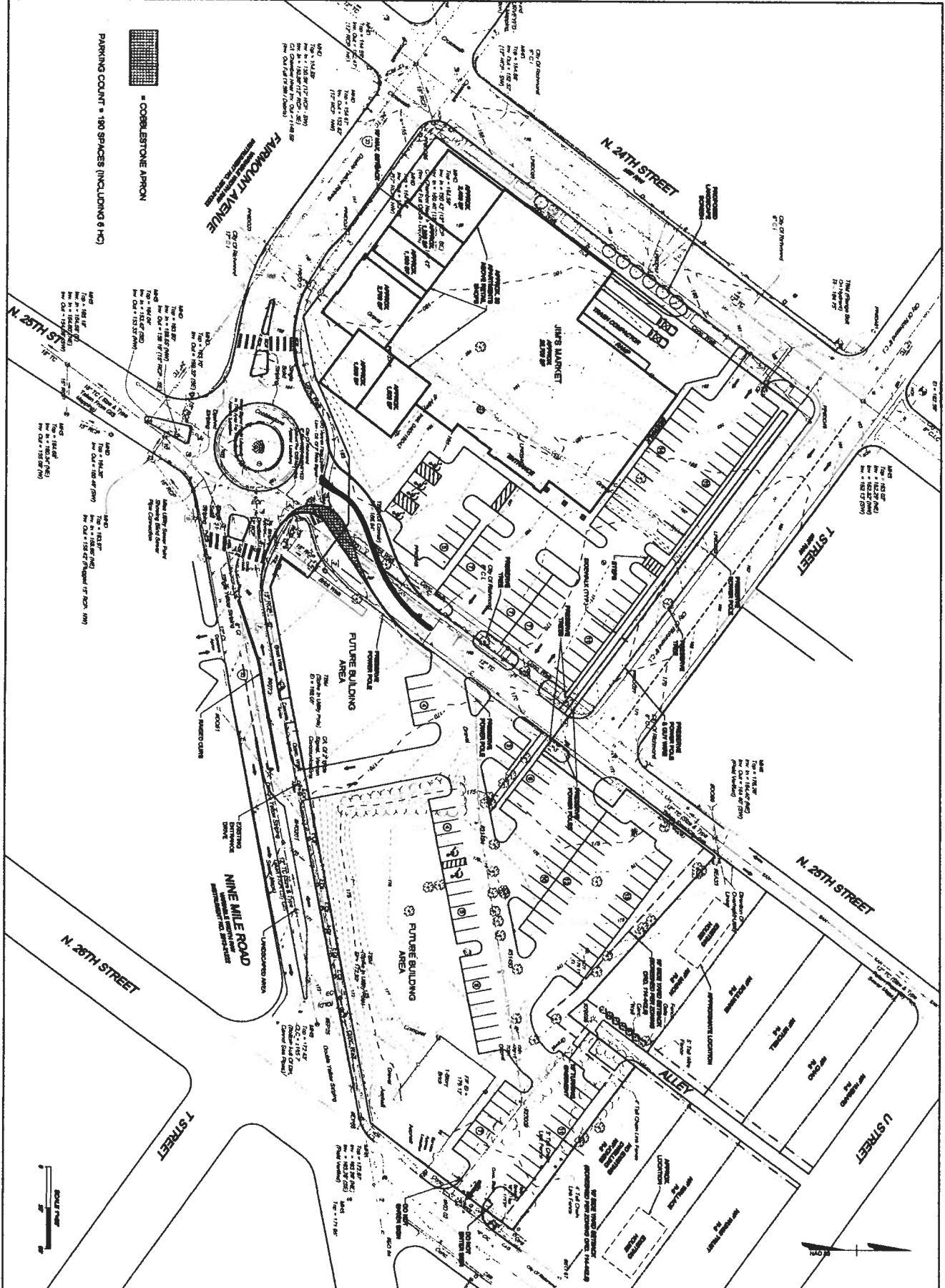
1. Conceptual Master Plan and Elevations. Development of the Property shall be in general conformance with (i) the conceptual master plan entitled "25th Street Grocery, City of Richmond – Virginia, Conceptual Layout – Option A" dated July 27, 2016, prepared by Timmons Group, and (ii) the elevations entitled "Jim's Local Market Richmond, Virginia" and "Jim's Local Market, Nine Mile Road and N. 25th Street, Richmond Virginia" dated March 29, 2016, prepared by Freeman Morgan Architects, attached hereto. The final plans shall be reviewed for general conformance to the master plan attached hereto and approved by the Director of Planning and Development Review through the plan of development review process.

[SEE ATTACHED SIGNATURE PAGES]

SIGNATURE PAGE TO ATTACHED PROFFERED CONDITION

CHURCH HILL NORTH HOLDINGS, LLC,
a Virginia limited liability company

By: _____
Steven A. Markel, Manager



TIMMONS GROUP

25TH STREET GROCER
 CITY OF RICHMOND - VIRGINIA
 CONCEPTUAL LAYOUT - OPTION A - 7/27/2016

YOUR VISION ACHIEVED THROUGH OURS.

THIS DRAWING PROVIDED BY THE
 CLIENT. THE CLIENT IS RESPONSIBLE FOR THE
 ACCURACY OF THE INFORMATION PROVIDED.
 1401 SULLY ROAD, SUITE 100, RICHMOND, VA 23220
 TEL: 804.781.1111 FAX: 804.781.1112 WWW.TIMMONSGROUP.COM

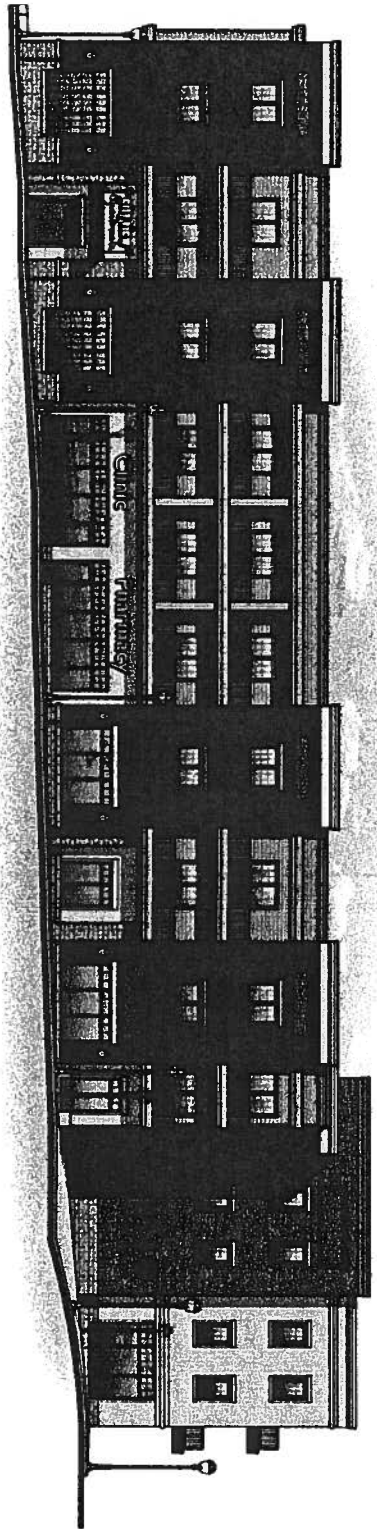
REV A
 9/18/16
 90786

DATE	DESCRIPTION
7/27/2016	CONCEPTUAL LAYOUT - OPTION A

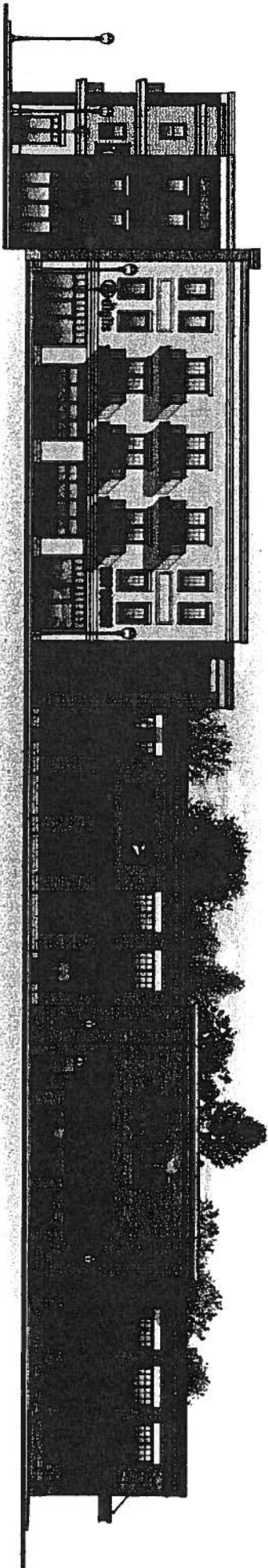
DATE: 7/27/2016
 PROJECT: 25TH STREET GROCER
 DRAWN BY: J. W. L. W.
 CHECKED BY: J. W. L. W.
 SCALE: 1" = 20'

DATE	DESCRIPTION
7/27/2016	CONCEPTUAL LAYOUT - OPTION A

DATE	DESCRIPTION
7/27/2016	CONCEPTUAL LAYOUT - OPTION A



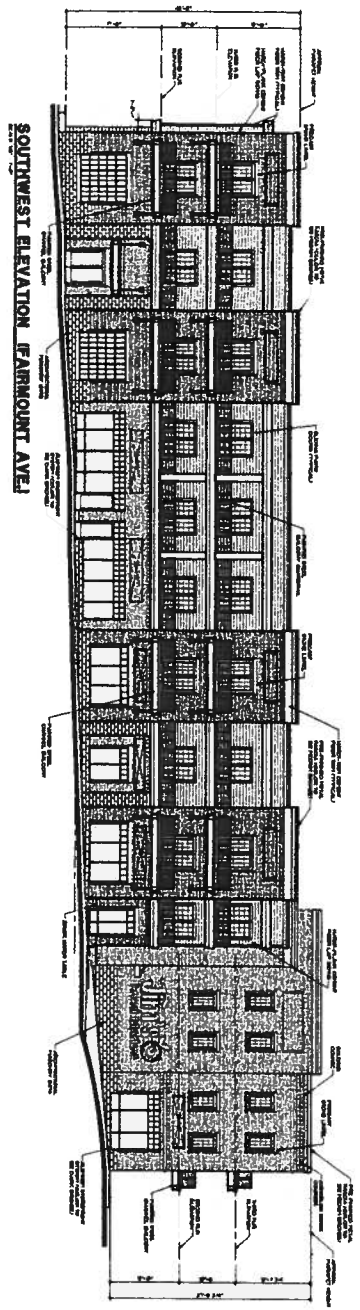
SOUTHWEST ELEVATION



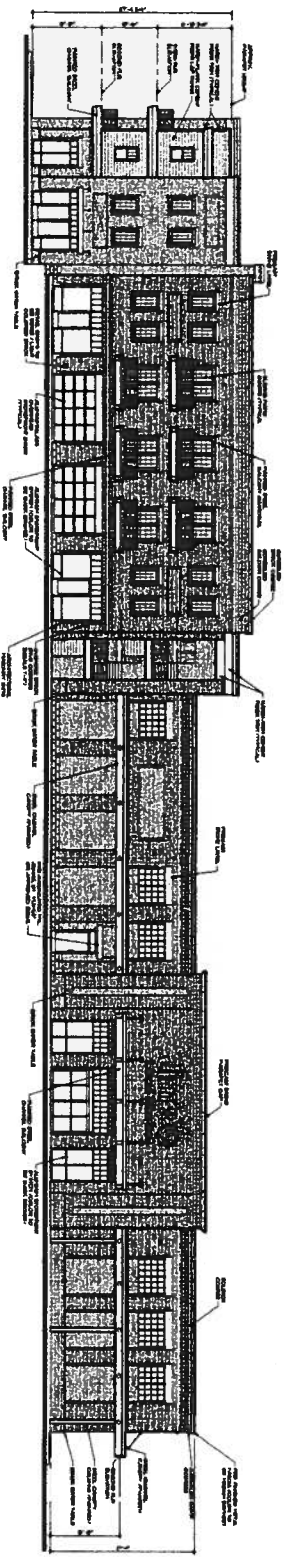
SOUTHEAST ELEVATION

**FREEMAN
MORGAN**
ARCHITECTS

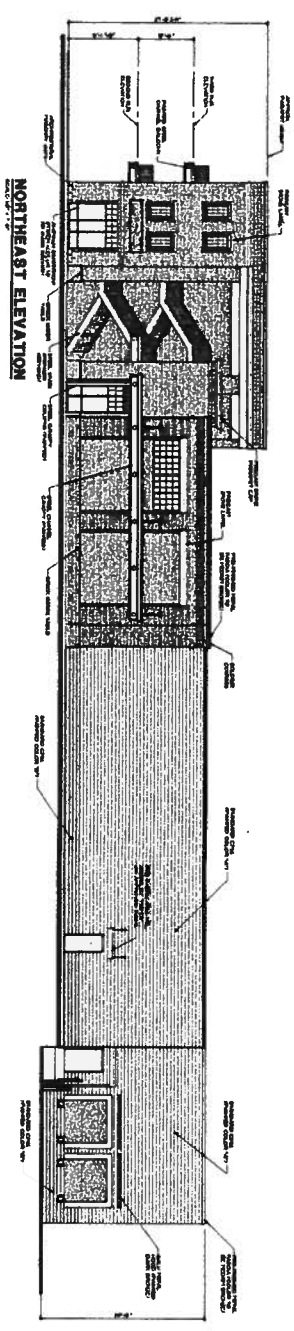
JIM'S LOCAL MARKET
Richmond, Virginia



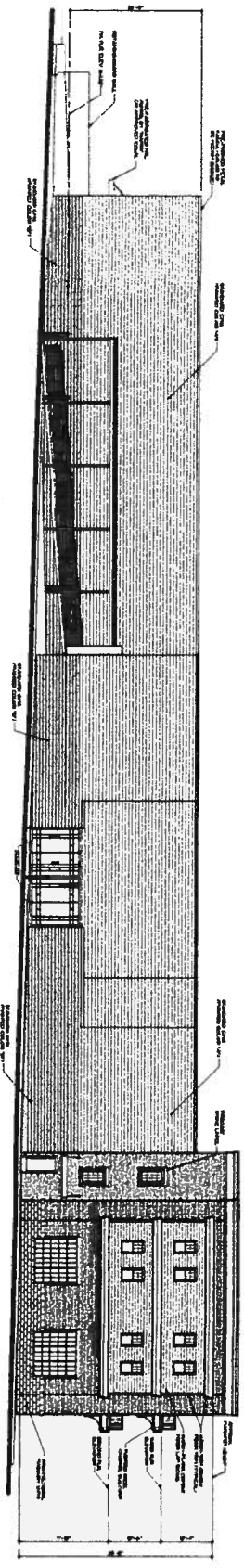
SOUTHWEST ELEVATION (FARMOUNT AVE)



SOUTHEAST ELEVATION



NORTHEAST ELEVATION



NORTHWEST ELEVATION

NOT FOR
CONSTRUCTION

A3.1

EXTENSION
ELEVATIONS

JIM'S LOCAL MARKET
NINE MILE ROAD AND N. 25TH STREET
RICHMOND, VIRGINIA



**FREEMAN
MORGAN
ARCHITECTS**

**HIRSCHLER
FLEISCHER**
ATTORNEYS AT LAW

Penny Giles
Paralegal
d. 804.771.5613 | pgiles@hf-law.com

2100 E. Cary Street
Richmond, Virginia 23223
t: 804.771.9500 | f: 804.644.0957
www.hf-law.com

June 10, 2016

VIA EMAIL

Mr. Willy Thompson
Senior Planner
City of Richmond
Planning and Development Review
Land Use Administration
900 East Broad Street, Suite 511
Richmond, Virginia 23219

Re: East End Grocery Store Rezoning

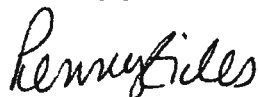
Dear Willy:

Please find enclosed our proffered condition regarding the Conceptual Master Plan, and a pdf of the Plan. Also enclosed is a revised application in which we are changing the requested zoning category to B-5, and updating the parcel information as all but the DPW parcel have been conveyed to Church Hill North Holdings, LLC. The applicant's report is enclosed and has been updated to reflect the B-5 request. I will provide you with original signatures for the proffer and the application prior to June 20.

Also enclosed are the conceptual elevations which were shared with the community at the District meeting this past Wednesday. The elevations are for informational purposes and subject to further refinement.

Should you have any questions regarding the enclosures, please do not hesitate to contact me.

Sincerely yours,



Penny Giles
Legal Assistant

/pg

Enclosures

cc: Mr. Steven A. Markel (via email w/enclosures)
Mr. Mark H. Slusher (via email w/enclosures)
Mr. Jim Scanlon (via email w/enclosures)
Mr. Ivan Wu (via email w/enclosures)
Mr. Mark Kronenthal (via email w/enclosures)
Mr. TK Somanath (via email w/enclosures)
Mr. Samuel Patterson (via email w/enclosures)
New Visions Civic League of East End/Mary W. Thompson (via email w/enclosures)
Union Hill Civic Association/Charles R. Field, P.E. (via email w/enclosures)
Unity Civic League/Willie Andrews (via email w/enclosures)
Church Hill Central Civic Association/J. David Conmy/Jennifer Parham
(via email w/enclosures)

PROFFERED CONDITION

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of the City of Richmond, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffer if, and only if, the rezoning request submitted herewith is granted with only this condition agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffer shall immediately be null and void and of no further force or effect.

1. Conceptual Master Plan. Development of the Property shall be in general conformance with the conceptual master plan entitled "25th Street Grocery, City of Richmond – Virginia, Conceptual Layout – Option A" dated June 7, 2016, prepared by Timmons Group, attached hereto, which Conceptual Master Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved by the Director of Planning and Development Review at the time of plan of development review.

[SEE ATTACHED SIGNATURE PAGES]



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

Project Name: East End Grocery Store Date: May 16, 2016

Property Address: See Attached Tax Map #: See Attached

Fee: Total area of affected site in acres: 3.241
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: B-2 & R-6

Existing Use: Vacant

Is this property subject to any previous land use cases?
[] Yes [X] No

If Yes, please list the Ordinance Number:

Proposed Zoning/Conditional Zoning

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

B-5

Applicant/Contact Person: James W. Theobald, Esq.

Company: Hirschler Fleischer

Mailing Address: P.O. Box 500

City: Richmond

State: VA

Zip Code: 23223

Telephone: (804) 771-9513

Fax: (804) 644-0957

Email: jtheobald@hf-law.com

Property Owner: See Attached

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: See attached signature pages

(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.)

**EAST END GROCERY SITE
APPLICATION/PROPERTY INFORMATION**

Property Owner Information:

Church Hill North Holdings, LLC
c/o Mr. Steven A. Markel
119 Tempsford Lane
Richmond, VA 23226
804.310.5268
smarkel@markelcorp.com

City of Richmond Public Works
900 East Broad Street, Room 701
Richmond, Virginia 23279

Property Owner	Property Address	Tax Map Number	Current Zoning
Church Hill North Holdings, LLC	1329 N. 24 th Street	E0000618035	R-6
Church Hill North Holdings, LLC	1327 N. 24 th Street	E0000618034	R-6
Church Hill North Holdings, LLC	1325 N. 24 th Street	E0000618033	R-6
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Church Hill North Holdings, LLC	1303 N. 24 th Street	E0000618018	R-6
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Church Hill North Holdings, LLC	1314 N. 25 th Street	E0000168010	B-2
Church Hill North Holdings, LLC	1318 N. 25 th Street	E0000618007	R-6
Church Hill North Holdings, LLC	1320 N. 25 th Street	E0000618005	R-6
Church Hill North Holdings, LLC	1324 N. 25 th Street	E0000618004	R-6
Church Hill North Holdings, LLC	1326 N. 25 th Street	E0000618003	R-6
Church Hill North Holdings, LLC	1328 N. 25 th Street	E0000618002	R-6
Church Hill North Holdings, LLC	1330 N. 25 th Street	E0000618001	R-6

Church Hill North Holdings, LLC	1404 N. 26 th Street	E0000712004	B-2
Church Hill North Holdings, LLC	1405 N. 25 th Street	E0000712029	B-2
Church Hill North Holdings, LLC	1401 N. 25 th Street	E0000712028	B-2
Church Hill North Holdings, LLC	2500 Nine Mile Road	E0000712023	B-2
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Church Hill North Holdings, LLC	2528 Nine Mile Road	E0000712011	B-2
Church Hill North Holdings, LLC	2530 Nine Mile Road	E0000712010	B-2
Church Hill North Holdings, LLC	2532 Nine Mile Road	E0000712009	B-2
Church Hill North Holdings, LLC	1400 N. 26 th Street	E0000712007	B-2
City of Richmond Public Works	2534 Nine Mile Road	E0000712008	B-2

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**CHURCH HILL NORTH RETAIL CENTER, INC.
EAST END GROCERY STORE
APPLICANT'S REPORT**

1. INTRODUCTION.

The mission of the City of Richmond Redevelopment and Housing Authority (“RRHA”) is to be the catalyst for quality affordable housing and community revitalization. RRHA works closely with the City of Richmond (the “City”) to combat blight and revitalize and beautify the city through the construction of new housing and commercial properties and the redevelopment of existing housing and commercial properties. Church Hill North Retail Center, Inc. (the “Applicant”) has partnered with RRHA to develop a plan to redevelop and revitalize approximately three (3) acres in an area known as the Church Hill Redevelopment Area. The Applicant proposes a pedestrian-oriented, mixed-used development including a grocery store approximately 30,000 square feet in size, additional retail space, and may include a neighborhood clinic, restaurant space, and multifamily housing, all with associated parking. The site consists of forty (40) parcels totaling approximately 3.2 acres of land located in the City, on the north side of Nine Mile Road between 26th and 24th Streets (the “Property”). The Property is advantageously located along a major travel route for Church Hill and eastern Henrico County. Despite increased residential development that has occurred in the neighborhoods, the commercial corridor including 25th Street and Nine Mile Road remains challenged and uninviting for the shopper and for the small business owner. There are very few retail shops left to serve neighborhood needs. The only grocery store serving the neighborhood closed in late 2007. Thus, the area is a food desert. Many of the parcels have never been developed, and the area has been targeted for redevelopment and revitalization. The proposed development will help eliminate existing blight and the long-term conditions that result in deteriorating neighborhoods. The Property is adjacent to, if not within, the Church Hill North Conservation Area adopted in 1995 which was designed to eliminate blight and deterioration within a 26-block area in a historic area of Church Hill, north of Broad Street. The Property is also adjacent to, if not within, the Nine Mile Road Redevelopment & Conservation Plan approved by RRHA Board of Commissioners in 2011. RRHA has long been developing redevelopment plans for the area. The Applicant’s proposed mixed-use development including a grocery store will promote investment in the area, will be a catalyst for continued growth and improvement in this area of Nine Mile Road. The development of the mixed-use community will also require alley closings simultaneous with zoning.

2. PROPERTY/AREA.

The Property is shown on the enclosed survey prepared by Timmons Group dated September 23, 2015, last revised March 2, 2016. The Property is currently zoned B-2 and R-6. The majority of the lots comprising the Property are unimproved, with a few lots having unused improvements located upon them.

Neighboring properties include a mixture of uses. Properties near the southern property line of the Property include retail properties zoned B-2 and vacant lots. The remainder of the Property is surrounded by mostly vacant lots zoned R-6. RRHA determined

that there are vacant and deteriorating buildings in the area, deteriorated infrastructure, and blight influences consisting of poor site maintenance, crumbling curbs and sidewalks, etc. The City's Master Plan suggests Community Commercial for the area, and Mixed Use immediately adjacent.

3. DEVELOPMENT OVERVIEW.

In partnership with RRHA, the Applicant plans to redevelop and revitalize approximately three (3) acres in an area known as the Church Hill Redevelopment Area. The Applicant proposes a pedestrian-oriented, mixed-used development including a grocery store approximately 30,000 square feet in size, additional retail space, and may include a neighborhood clinic, restaurant space and multifamily housing, all with associated parking. A sense of place will be established at the roundabout at Nine Mile Road and 25th Street, and the portion of 25th Street which will become private will be a pedestrian-friendly area linking the two portions of the Property together. Alleys running through the Property will be closed simultaneously with zoning. A proposed layout of the development and elevations of the grocery building have been provided to the City for informational purposes. The proposed development is in keeping with RRHA's plans for the area, as well as with the City's Master Plan for the area.

To permit the development of the pedestrian-friendly, mixed-use development, the Applicant requests the City's approval of a rezoning for the Property from the current B-2 and R-6 classifications to the B-5 classification.

The Applicant's proposed investment in the Property will help further RRHA's vision of the area, relieve blight, promote redevelopment and revitalize the area. The development will help increase the City's tax base.

4. CONCLUSION.

Currently, the Property is underutilized and ripe for development. The area is a food desert. The development is in response to years of planning for the area by RRHA, and furthers the goals and vision of the City's Master Plan. The proposed request will help stimulate the Nine Mile Road area, and increase the City's tax base. The development will help RRHA in achieving its mission of being the catalyst for quality affordable housing and community revitalization for the City.

**HIRSCHLER
FLEISCHER**
ATTORNEYS AT LAW

Penny Giles
Paralegal
d. 804.771.5613 | pgiles@hf-law.com

2100 E. Cary Street
Richmond, Virginia 23223
t: 804.771.9500 | f: 804.644.0957
www.hf-law.com

June 17, 2016

BY HAND AND EMAIL

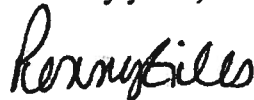
Mr. Willy Thompson
Senior Planner
City of Richmond
Planning and Development Review
Land Use Administration
900 East Broad Street, Suite 511
Richmond, Virginia 23219

Re: East End Grocery Store Rezoning

Dear Willy:

Please find enclosed an original executed Special Limited Power of Attorney from the new property owner, Church Hill North Holdings, LLC ("CHNH"). Also enclosed are original signatures from CHNH to the right-of-way vacation request, rezoning request, and proffered condition. I think you now have all the owner's signatures you need. Should you have any questions regarding the enclosures, please do not hesitate to contact me.

Sincerely yours,



Penny Giles
Legal Assistant

/pg
Enclosures

cc: Mr. Steven A. Markel (via email w/enclosures)
Mr. Mark H. Slusher (via email w/enclosures)
Mr. Ivan Wu (via email w/enclosures)

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SPECIAL LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I, Steven A. Markel, Manager of Church Hill North Holdings, LLC, (Telephone) 804.310.5268 (Address) 119 Tempesford Lane, Richmond, VA 23226 as owner of the properties described as:
2. Parcels: See attached

and authorized to take such action, do hereby make, constitute and appoint:

3. (Name) James W. Theobald, Jeffrey P. Geiger, and Mark H. Slusher, any of whom may act (Telephone) (804)771-9513/804-697-3551 (Address) P. O. Box 500, Richmond, VA 23218-0500

to act as my true and lawful attorney-in-fact for and in my name, place and stead with full power and authority I would have if acting personally to seek rezoning, conditional use, special use and/or special exception, and to set forth and offer such legally acceptable voluntarily proffered conditions including any additions, amendments, modifications or deletions thereto that in his discretion are deemed reasonable, appropriate and necessary except as follows:

4. None.
5. In witness thereof, I have hereto set my hand and seal this ____ day of June, 2016.

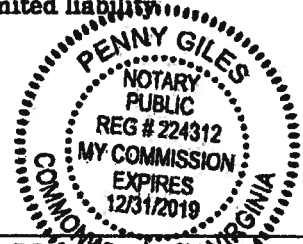
CHURCH HILL NORTH HOLDINGS, LLC, a Virginia limited liability company

By: Steven A. Markel
Steven A. Markel, Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Richmond, to-wit:

The foregoing instrument was acknowledged before me this 14th day of June, 2016, by Steven A. Markel, Manager of Church Hill North Holdings, LLC, a Virginia limited liability company, on behalf of the company.

Penny Giles
Notary Public [SEAL]



My commission expires: _____
Notary Registration No.: _____

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SIGNATURE PAGE TO ATTACHED RIGHT-OF-WAY VACATION

CHURCH HILL NORTH HOLDINGS, LLC,
a Virginia limited liability company

By: 
Steven A. Markel, Manager

SIGNATURE PAGE TO ATTACHED REZONING APPLICATION

CHURCH HILL NORTH HOLDINGS, LLC,
a Virginia limited liability company

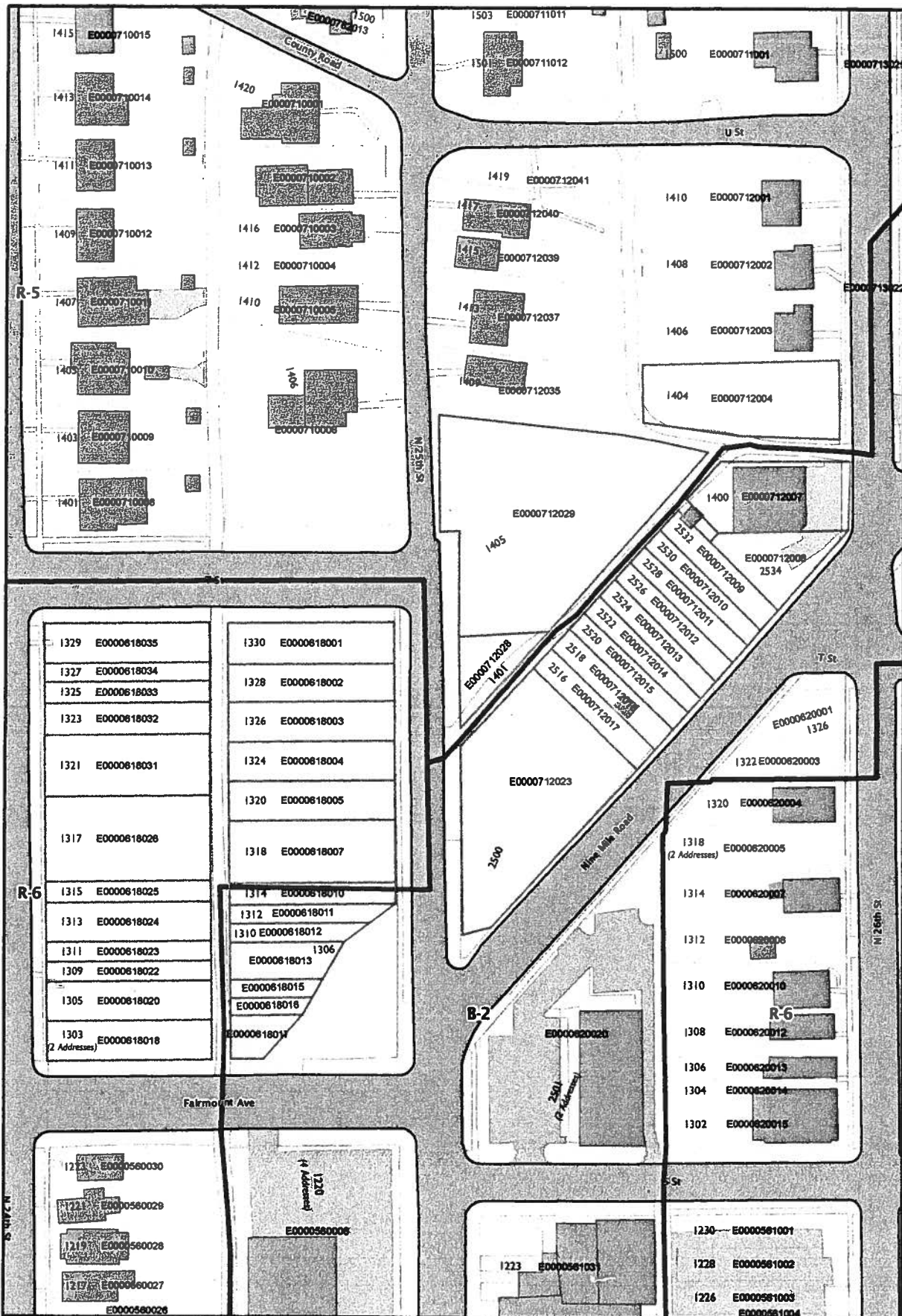
By: 
Steven A. Markel, Manager

SIGNATURE PAGE TO ATTACHED PROFFERED CONDITION

CHURCH HILL NORTH HOLDINGS, LLC,
a Virginia limited liability company

By: Steven A. Markel
Steven A. Markel, Manager

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Existing Zoning

July 27, 2016





**City of Richmond
Department of Planning
& Development Review**

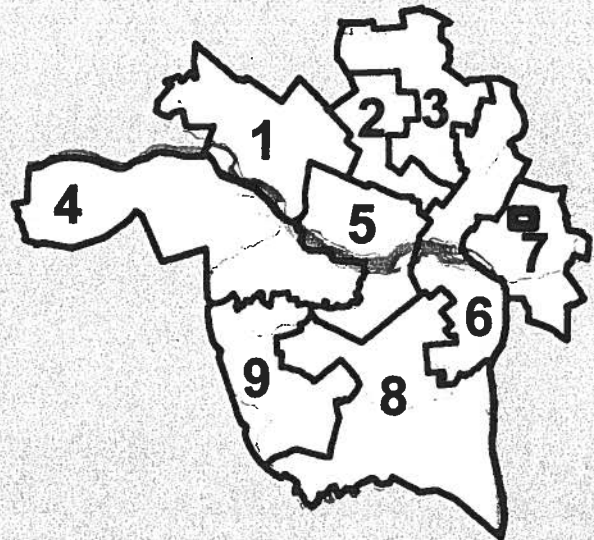
Rezoning

LOCATION: Properties at the intersection of 25th Street and Nine Mile Road

APPLICANT: James Theobald

COUNCIL DISTRICT: 7

PROPOSAL: Rezoning from B-2 Community Business District, R-6 Single-Family Attached Residential District and R-5 Single-Family Residential District to the B-5C Central Business District Conditional



*For questions, please contact Lory Markham
at 646-6309 or Lory.Markham@richmondgov.com*

