

INTRODUCED: November 13, 2018

AN ORDINANCE No. 2018-303

To rezone the properties known as 710 and 712 West Fells Street, 1705 and 1705½ Chamberlayne Avenue, and a portion of the property known as 1707 Chamberlayne Avenue from the M-1 Light Industrial District to the B-6 Mixed-Use Business District; and a portion of the property known as 1707 Chamberlayne Avenue and the properties known as 1716 and 1718 Roane Street from the R-53 Multifamily Residential District to the B-6 Mixed-Use Business District.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 10 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the survey entitled “ALTA / NSPS Land Title Survey Showing Existing Improvements to Three Parcels of Land Situated along the East Line of Chamberlayne Avenue & the North Line of Fells Streett, City of Richmond, Virginia,” prepared by Shadrach & Associates LLC, and dated June 12, 2018, and the survey entitled “ALTA / NSPS Land Title Survey Showing Existing Improvements to Four Parcels of Land at the SE Corner of Chamberlayne Avenue & School Street, City of Richmond, Virginia,” prepared by Shadrach & Associates LLC, and dated March 16, 2018, copies of which are attached to, incorporated into,

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 17 2018 REJECTED: _____ STRICKEN: _____

and made a part of this ordinance, the following properties, with tax parcel numbers as shown in the 2018 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 (2015), as amended, and that the same are included in the B-6 Mixed-Use Business District and shall be subject to the provisions of sections 30-444.1 through 30-444.8 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2015), as amended:

1705 Chamberlayne Avenue	Tax Parcel No. N000-0441/010
1705½ Chamberlayne Avenue	Tax Parcel No. N000-0441/014
A portion of 1707 Chamberlayne Avenue	Tax Parcel No. N000-0441/006
710 West Fells Street	Tax Parcel No. N000-0441/008
712 West Fells Street	Tax Parcel No. N000-0441/009

§ 2. That, as shown on the survey entitled “ALTA / NSPS Land Title Survey Showing Existing Improvements to Four Parcels of Land at the SE Corner of Chamberlayne Avenue & School Street, City of Richmond, Virginia,” prepared by Shadrach & Associates LLC, and dated March 16, 2018, 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 2018 records of the City Assessor, are excluded from the R-53 Multifamily Residential District and shall no longer be subject to the provisions of sections 30-418.1 through 30-418.9 of the Code of the City of Richmond (2015), as amended, and that the same are included in the B-6 Mixed-Use Business District and shall be subject to the provisions of sections 30-444.1 through 30-444.8 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2015), as amended:

A portion of 1707 Chamberlayne Avenue	Tax Parcel No. N000-0441/006
1716 Roane Street	Tax Parcel No. N000-0441/005
1718 Roane Street	Tax Parcel No. N000-0441/004

§ 3. 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

Item Request

File Number: PRE.2018.384

O & R REQUEST

4-8263
OCT 17 2018

O & R Request

Office of the
Chief Administrative Officer

DATE: October 16, 2018 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (By Request) *LS* 10/31/18
(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer *SCG*

THROUGH: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic Development and Planning *DD*

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

RE: To rezone the properties known as 710 and 712 West Fells Street, 1705 and 1705 1/2 Chamberlayne Avenue and a portion of 1707 Chamberlayne Avenue from the M-1 Light Industrial District to the B-6 Mixed-Use Business District and the properties known as a portion of 1707 Chamberlayne Avenue and 1716 and 1718 Roane Street from the R-53 Multi-Family Residential District to the B-6 Mixed-Use Business District.

ORD. OR RES. No. _____

PURPOSE: To rezone the properties known as 710 and 712 West Fells Street, 1705 and 1705 1/2 Chamberlayne Avenue and a portion of 1707 Chamberlayne Avenue from the M-1 Light Industrial District to the B-6 Mixed-Use Business District and the properties known as a portion of 1707 Chamberlayne Avenue and 1716 and 1718 Roane Street from the R-53 Multi-Family Residential District to the B-6 Mixed-Use Business District.

REASON: The applicant is requesting to rezone a total of seven parcels from the M-1 Light Industrial District and R-53 Multi-Family Residential District to the B-6 Mixed-Use Business District to enable a residential development on the property.

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 December 3, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of seven parcels totaling approximately 1.5 acres, located in the Chamberlayne Industrial Center neighborhood, in the block bound by School Street, Roane Street, West Fells Street and Chamberlayne Parkway. 1705 ½ and 1707 Chamberlayne Avenue are improved with a parking area and a one-story, commercial building with 784 square feet of floor area. 1716 and 1718 Roane Street are vacant. 1705 Chamberlayne Avenue is currently improved with a vacant warehouse/retail building containing 5,690 square feet of floor area. 710 and 712 West Fells St are unimproved.

1705 Chamberlayne Avenue, 1705 ½ Chamberlayne Avenue, the western portion of 1707 Chamberlayne Avenue, 710 West Fells Street, and 712 West Fells Street are zoned in the M-1 Light Industrial District. The eastern portion of 1707 Chamberlayne Avenue, 1716 Roane Street, and 1718 Roane Street are zoned in the R-53 Multi-Family Residential District.

The Richmond Master Plan recommends Community Commercial land use for the subject property. "Primary uses included 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 a section of the City. As compared to Neighborhood Commercial areas, this category includes a broader range of uses of greater scale and intensity but are also compatible with nearby residential areas (p. 134).

The 2015 VUU/Chamberlayne Neighborhood Plan recommends Community Commercial land use for the portion of the subject property currently zoned M-1, and recommends Multi-Family Residential land use for the portion of the subject property zoned R-53. The Plan recommends UB-2 or B-6 zoning to accomplish Community Commercial land use, and R-63 zoning to accomplish Multi-Family Residential land use.

Properties to the north, west, and south of the subject property are zoned M-1. Properties to the east are zoned R-53. A mix of commercial, industrial, vacant, public-open space, and multi-family land uses are present in the vicinity.

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: \$1,600 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: November 13, 2018

CITY COUNCIL PUBLIC HEARING DATE: December 10, 2018

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission,
December 3, 2018.

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, Application Forms, Applicant's Report, Surveys, 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
<http://www.richmondgov.com/>

Project Name/Location

Property Address: 1705 Chamberlayne Avenue and 710 West Falls Street

Tax Map #: N0000441010 and N0000441008

Fee: _____

Date: August 8, 2018

Total area of affected site in acres: 0.56 acres

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

Zoning

Current Zoning: M-1

Existing Use: Surface parking and warehouse/retail building

Proposed Zoning/Conditional Zoning

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

Existing Use: Surface parking and warehouse/retail building

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Lory Markham

Company: Markham Planning

Mailing Address: 2314 West Main Street

City: Richmond

Telephone: (804) 248-2561

State: VA

Zip Code: 23220

Fax: ()

Email: lory@markhamplanning.com

Property Owner: Calvin A. Wilson

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: 105 Seaton Drive

City: Richmond

Telephone: (804) 317-2204

State: VA

Zip Code: 23223

Fax: ()

Email: CAW1705@gmail.com

Property Owner Signature: Calvin A. Wilson

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.



Application for **REZONING/CONDITIONAL REZONING**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Project Name/Location

Property Address: 1705 1/2 and 1707 Chamberlayne Avenue and 1716 Roane Street Date: May 31, 2018
Tax Map #: N0000441006, N0000441014 and N0000441005 Fee: \$1,500
Total area of affected site in acres: 0.8588 acres

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

Zoning

Current Zoning: R-53 and M-1

Existing Use: Surface parking and small retail building

Proposed Zoning/Conditional Zoning

(Please include a detailed description of the proposed use and proffers in the required applicant's report)
B-6

Existing Use: Surface parking and small retail building

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Lory Markham

Company: Markham Planning
Mailing Address: 2314 West Main Street
City: Richmond State: VA Zip Code: 23220
Telephone: (804) 248-2561 Fax: ()
Email: lory@markhamplanning.com

Property Owner: Alford Development LLC

If Business Entity, name and title of authorized signee: Derrick L. Alford, Managing Partner

(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: 1707 Chamberlayne Avenue
City: Richmond State: VA Zip Code: 23222
Telephone: (804) 321-5766 Fax: (804) 321-5768
Email: _____

Property Owner Signature: *Derrick L. Alford*

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.



Application for **REZONING/CONDITIONAL REZONING**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Project Name/Location

Property Address: 712 West Falls Street

Tax Map #: N0000441009

Fee: _____

Date: August 8, 2018

Total area of affected site in acres: 0.049 acres

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

Zoning

Current Zoning: M-1

Existing Use: Vacant

Proposed Zoning/Conditional Zoning

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

Existing Use: Vacant

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Lory Markham

Company: Markham Planning

Mailing Address: 2314 West Main Street

City: Richmond

State: VA

Zip Code: 23220

Telephone: (804) 248-2561

Fax: ()

Email: lory@markhamplanning.com

Property Owner: Michael L. Campbell

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: 3601 Piedmont Rd

City: Atlanta

State: GA

Zip Code: 30305

Telephone: (851-220-3605)

Fax: ()

Email: MLC59@yahoo.com

Property Owner Signature:

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.



August 8, 2018

Mr. Mark Olinger, Director
Department of Planning & Development Review
900 East Broad Street, Suite 511
Richmond, VA 23219
Mark.Olinger@richmondgov.com

RE: Applicant's Report for Rezoning of parcels on Chamberlayne Avenue, West Fell St and Roane St

Dear Mr. Olinger,

Please accept this letter as the Applicant's Report for the Rezoning application for the following properties, totaling 1.497 acres, from the M-1 Light Industrial and R-53 Multi-Family Residential zoning districts to the B-6 Mixed Use Business zoning district:

Address	Tax Parcel ID	Acreage	Existing Zoning	Ownership
1705 Chamberlayne	N0000441010	0.379	M-1	Calvin A. Wilson
1705 ½ Chamberlayne	N0000441014	0.312	M-1	Alford Development LLC
1707 Chamberlayne	N0000441006	0.260	M-1 and R-53	Alford Development LLC
1716 Roane St	N0000441005	0.287	R-53	Alford Development LLC
1718 Roane St	N0000441004	0.029	R-53	Alford Development LLC
710 West Fells St	N0000441008	0.181	M-1	Calvin A. Wilson
712 West Fells St	N0000441009	0.049	M-1	Michael L. Campbell

With this application, the owners of the subject properties are petitioning the City Council to rezone the properties from the existing zoning regulations in order to facilitate the development of a multifamily residential community consistent with the regulations of the B-6 district. The proposed development is fully consistent with Master Plan recommended uses of the properties and objectives for the area. It is also compatible with existing by-right commercial developments and multifamily residential development authorized by Special Use Permit in recent years within the area.

Properties

The proposed rezoning would cover seven properties on the block bounded to the west and east by Chamberlayne Avenue and Roane Street, and to the north and south by School and West Fells

MARKHAM PLANNING
2314 West Main Street · Richmond, Virginia 23220
(804) 248-2561

Streets. The properties are contiguous and together comprise 1.497 acres of land area. 1705 ½ and 1707 Chamberlayne Avenue are improved with a large paved parking area and a one-story, commercial building with 784 square feet of floor area. 1716 and 1718 Roane Street are vacant and currently being used for vehicle storage. 1705 Chamberlayne Avenue is currently improved with a derelict warehouse/retail building containing 5,690 square feet of floor area. 710 and 712 West Fells St are currently unimproved.

Zoning Regulations & Background

The properties are currently located in the M-1 Light Industrial District, which permits a wide variety of uses but prohibits residential uses, and the R-53 Multi-family Residential District. This application requests a rezoning to the B-6 Mixed Use Business District in order to allow for development of primarily residential uses. This development would complement the existing commercial uses along Chamberlayne Parkway would allow for a more vibrant pedestrian streetscape in the neighborhood. Additionally, the rezoning would permit the multifamily residential use as a component of the development that would be consistent with the existing multifamily residential development authorized by Special Use Permit two blocks south of the subject properties. This existing multifamily residential development has significantly improved this previously underdeveloped area along the Chamberlayne Parkway corridor. The proposed rezoning, if approved, would significantly augment these improvements by introducing high quality development appropriate for this area of Richmond. Additionally, the form-based regulations of the B-6 district would assure development that is appropriate in density and character to this area of the City by providing continuity of building setbacks and heights and promoting an active pedestrian environment.

Master Plan

The properties were included in the VUU/Chamberlayne Neighborhood Plan that was adopted by City Council in 2015. This plan recommends a diverse range of uses and opportunities for larger-scale development in this area. The properties are recommended by the Plan for Community Commercial land uses. Primary uses included 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 a section of the City. This category includes a broader range of uses of greater scale and intensity, but are also compatible with nearby residential areas (page 134). Recommended zonings for property designated for Community Commercial include mixed business and multifamily residential land uses. The B-6 zoning district was created to specifically promote development that is appropriate in terms of use, density, and form for urban neighborhoods of Richmond. A rezoning of the properties would promote the type of development along this section of Chamberlayne Parkway consistent with Master Plan objectives to promote enhancement of principal corridors.

City Charter Conditions

Given the recommendations in the City's Master Plan, we trust that you will agree with us that the development of the site would be well-suited under the regulations in the B-6 Mixed Use 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 application. Please feel free to contact me at lory@markhamplanning.com or (804) 248-2561 if you have any questions or require additional materials to process the application.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Lory Markham', written in a cursive style.

Lory Markham

Enclosures

cc: The Honorable Chris Hilbert
Matthew Ebinger, Secretary to the City Planning Commission

Legal Descriptions

AS TO N000-0441-010:

ALL that certain lot, piece or parcel of land with the improvements thereon and appurtenances thereunto belonging, lying and being in the City of Richmond, Virginia, known and designated as 1705 Chamberlayne Parkway, a II as more particularly described on plat of survey by Robert K. Thomas and Associates, dated March 12, 1990, recorded with deed in Deed Book 246, page 351 and to which reference is hereby made for a more particular description of said property.

BEING the same real estate conveyed to Calvin A. Wilson, Sr. by Deed from J & R Investments, Inc., a Virginia corporation dated July 12, 1999, recorded July 23, 1999 in the Clerk's Office of the Circuit Court of Richmond City, Virginia as Instrument No. 990020596.

AS TO N000-0441-008:

ALL that certain lot of land, with all improvements thereunto belonging, lying and being in the City of Richmond, Virginia, commencing at a point on the north line of Fells Street, as widened, (said street being formerly 33.0 feet in width), in Duvall's Plan, between Roane Street and Chamberlayne Parkway, (Chamberlayne Parkway having been formerly known as Goddin Street in that location), distant one hundred seventy-two (172) feet east of Chamberlayne Parkway, extending thence from said point northwardly a distance of one hundred ten (110) feet to a point marked by a rod; thence extending S. 84° 18' E. a distance of seventy-two (72) feet to a point marked by a rod; thence extending southwardly a distance of one hundred ten (110) feet to a point marked by a rod on the northern line of Fells Street N. 84° 18' W. a distance of seventy-two (72) feet to the point and place of beginning; all as shown on a plat of survey thereof by Charles H. Fleet and Assocs., Engineers and Surveyors, entitled "Plat of Property Situated on the Northern Line of Fells Street and East of Chamberlayne Parkway, Richmond, Virginia", dated January 13, 1977, and recorded March 23, 1977, Clerk's Office, Circuit Court, Division I, City of Richmond, Virginia, in Deed Book 719, page 125 and to which plat reference is hereby made for a more particular metes and bounds description of said property.

BEING the same real estate conveyed to Calvin A. Wilson, unmarried by Deed from William E. Tucker and Frances D. Tucker, husband and wife dated September 10, 1999, recorded October 1, 1999 in the Clerk's Office of the Circuit Court of Richmond City, Virginia as Instrument No. 990027423.

AS TO N000-0441-009:

All that certain lot or parcel of land, known as No. 712 W. Fells Street, lying and being in the City of Richmond, Virginia, and bounded and described as follows:

BEGINNING on the north line of W. Fells Street at a point distant 172 feet east of the eastern line of Chamberlayne Parkway, thence extending westwardly along said north line of Fells Street and fronting thereon 25 feet, thence extending back from said front northwardly between parallel lines 85 feet.

BEING the same real estate conveyed to Michael L. Campbell, by Replacement Special Commissioner's Deed from Ronald Reynolds Wesley, Special Commissioner, and Christian Charities, Inc., dated April 27, 2000, recorded December 28, 2000 in the Clerk's Office of the Circuit Court of the City of Richmond, Virginia, as Instrument No. 00-30297.

ALSO BEING FURTHER DESCRIBED AS

Parcel 1: Beginning at a point on the eastern boundary of the right of way line of Chamberlayne Avenue, said point being 110.00 feet north of the point of intersection of the northern boundary of the right of way line of W. Fells Street and the eastern boundary of the right of way line of Chamberlayne Avenue, thence proceeding along the eastern boundary of the right of way line of Chamberlayne Avenue in a northeasterly direction N 00°27'00" E 55.05 feet to a point;

Thence leaving the eastern boundary of the right of way line of Chamberlayne Avenue in a southeasterly direction the following six (6) courses and distances:

- 1) S 84°07'32" E 247.44 feet to a point;
- 2) Thence S 00°45'42" W 56.10 feet to a point;
- 3) Thence N 83°52'34" W 75.24 feet to a point;
- 4) Thence S 00°27'00" W 25.00 feet to a point;
- 5) Thence N 83°52'34" W 25.00 feet to a point;
- 6) Thence S 00°27'00" W 85.00 feet to a point on the northern boundary of the right of way line of W. Fells Street;

Thence proceeding along the northern boundary of the right of way line of W. Fells Street in a northwesterly direction N 83°52'34" W 20.00 feet to a point; Thence leaving the northern boundary of the right of way line W. Fells Street in a northeasterly direction the following two (2) courses and distances:

- 1) N 00°27'00" E 110.00 feet to a point;
- 2) Thence N 83°52'34" W 127.00 feet to a point, said point being the Point and Place of Beginning for Parcel 1, containing 0.379 Acres, more or less.

Parcel 2: Beginning at a point on the northern boundary of the right of way line of W. Fells Street, said point being 172.00 feet east of the point of intersection of the eastern boundary of the right of way line of Chamberlayne Avenue and the northern boundary of the right of way line of W. Fells Street, thence leaving the northern boundary of the right of way line of W. Fells Street in a northeasterly direction the following three (3) courses and distances:

- 1) N 00°27'00" E 110.00 feet to a point;
- 2) Thence S 83°52'34" E 72.00 feet to a point;
- 3) Thence S 00°27'00" W 110.00 feet to a point on the northern boundary of the right of way line of W. Fells Street;

Thence proceeding along the northern boundary of the right of way line of W. Fells Street in a northwesterly direction N 83°52'34" W 72.00 feet to a point, said point being the Point and Place of Beginning for Parcel 2, containing 0.181 Acres, more or less.

Parcel 3: Beginning at a point on the northern boundary of the right of way line of W. Fells Street, said point being 147.00 feet east of the point of intersection of the eastern boundary of the right of way line of Chamberlayne Avenue and the northern boundary of the right of way line of W. Fells Street, thence leaving the northern boundary of the right of way line of W. Fells Street in a northeasterly direction the following three (3) courses and distances:

- 1) N 00°27'00" E 85.00 feet to a point;
- 2) Thence S 83°52'34" E 25.00 feet to a point;
- 3) Thence S 00°27'00" W 85.00 feet to a point on the northern boundary of the right of way line of W. Fells Street;

Thence proceeding along the northern boundary of the right of way line of W. Fells Street in a northwesterly direction N 83°52'34" W 25.00 feet to a point, said point being the Point and Place of Beginning for Parcel 3, containing 0.049 Acres, more or less.

ALSO BEING the same parcels described in Title Commitment issued by Chicago Title Insurance Company dated April 24, 2018 (Commitment No. SHTC18-663).

**Chicago Title Insurance Company
Schedule B - Commitment No. SHTC18-663**

(Referenced by corresponding letter in Commitment)

8 Deed dated April 15, 1985, recorded May 7, 1985 in Deed Book 39, Page 990, Grants a run-off discharge and three foot access for repair and maintenance of existing building along the south property line. AS TO N000-0441-010 Plotted and shown hereon.

9 Easement: Granted unto Virginia Electric and Power Company dated March 20, 1953, recorded March 26, 1953 in Deed Book 547A, Page 446, Grants easement for a pole line for the transmission and distribution of electricity and appurtenances thereto, at designated and undesignated locations, with rights of ingress, egress and clearance. Plat recorded therewith shows easement. AS TO N000-0441-010 Plotted and shown hereon.

10 Plat made by Robert K. Thomas and Associates, dated March 12, 1990, entitled "Survey & Map of Premises Known as #1705 Chamberlayne Parkway in Richmond, Va." recorded in Deed Book 246, page 351.

AS TO N000-0441-01 0:

- a) building over property fine on western property line
 - b) overhead utility lines
- Plotted and shown hereon.

11 All matters as shown on plat made by Chas. H. Fleet & Assocs., dated January 13, 1977, entitled "Plat of Property Situated on the Northern Line of Fells Street and East of Chamberlayne Parkway, Richmond, VA., recorded in Deed Book 719, page 129. (AS TO N000-0441-008) Does not affect - Buildings and fence shown on plat no longer exist.

Flood Certification

I have examined the Flood Insurance Rate Map for the City of Richmond, Virginia, Community Panel No. 510129-0037-D, (Panel 37 of 83), effective date April 2, 2009, and hereby certify to the best of my professional knowledge and belief that the property is not located in a Special Flood Hazard Area, but is located in Zone (X) as determined by National Flood Insurance Program, Federal Emergency Management Agency, Department of Housing and Urban Development.

Surveyor's Certificate

This survey is certified to and prepared for the sole and exclusive benefit of the entities and/or individuals listed below as of JUNE 12, 2018 and shall not be relied upon by any other entity or individual whomsoever.

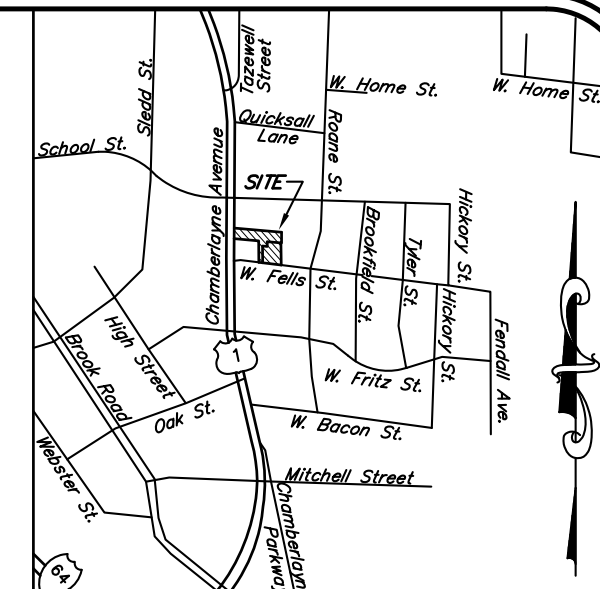
- To: TOBY TOWN RVA, LLC, a Virginia Limited Liability Company
- To: SONABANK, its successors and/or assigns as their respective interests may appear
- To: SAFE HARBOR TITLE COMPANY
- To: CHICAGO TITLE INSURANCE COMPANY

The undersigned further certifies that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes items 1-4, 6(a), 6(b), 7(a), 8, 9, 10(a), 11, 13, 16, 17 and 19 of Table A thereof. The fieldwork was completed on June 1, 2018.

Rodney B. Shadrach
Shadrach & Associates, LLC
Va. Registered Surveyor No. 2274

Date

I hereby certify that this boundary survey, to the best of my professional knowledge and belief, is correct and complies with the minimum procedures and standards established by the Virginia State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects.



Scale 1" = 1000'

Parking

No delineated spaces

Zoning

TAX PARCELS: N000-0441/010
N000-0441/008
N000-0441/009

Current Zoning: M-1 (Light Industrial)

Setbacks:

Maximum Height: 45.00 Feet

Yard Setbacks:

- Front: None
- Side: 25.00 Feet (Abutting a R District)
- Rear: 25.00 Feet (Abutting a R District)

Note: Where a side lot line abuts a property in an R district, there shall be a continuous evergreen vegetative screen or opaque structural fence or wall not less than six feet in height erected along such lot line, but not within 15 feet of any street line.

* ZONING CONFIRMATION LETTER NOT PROVIDED TO SURVEYOR

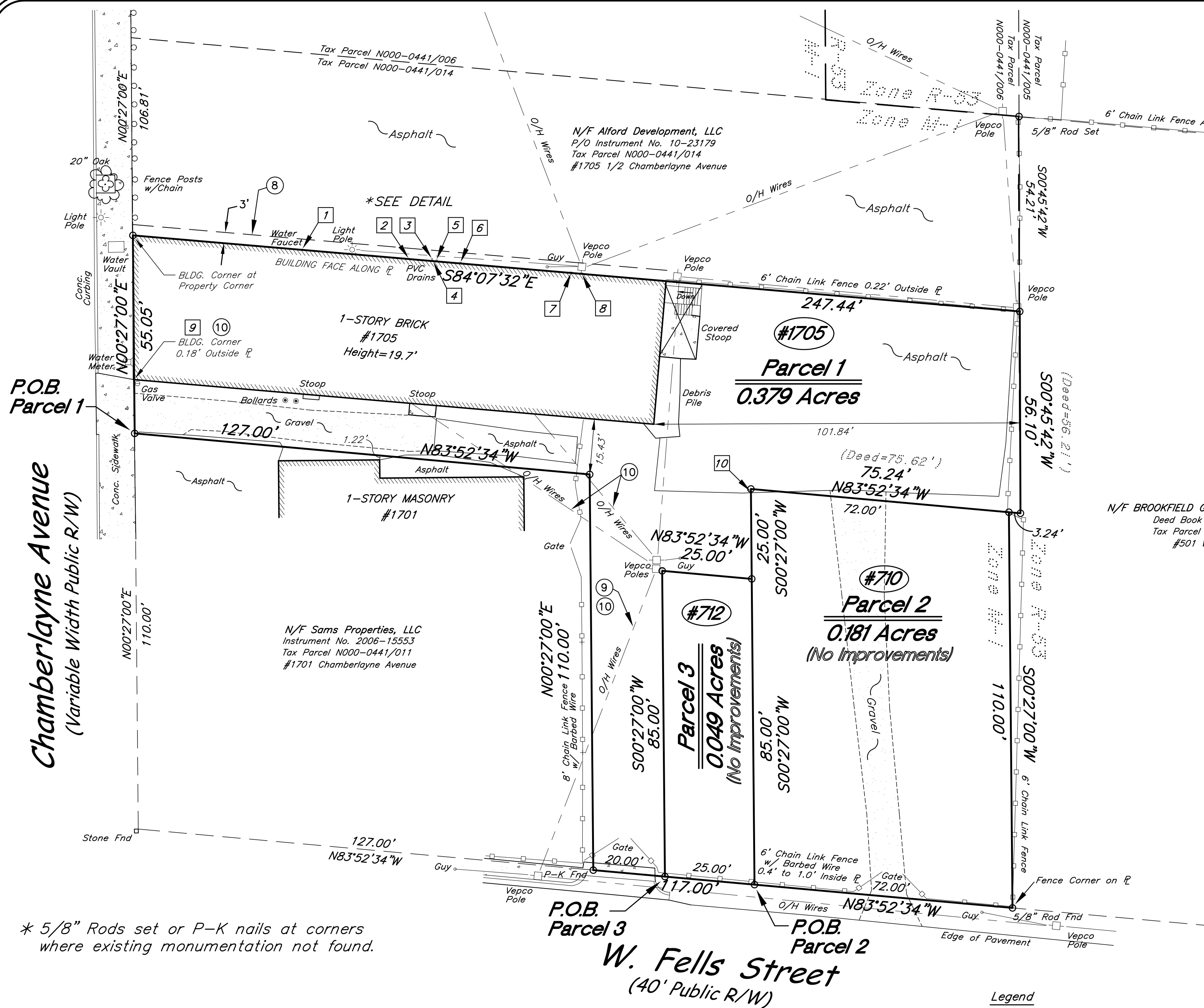
For further clarification of Zoning Requirements - Contact:

Zoning Division - Planning and Development Review
900 E. Broad St., Room 110
Richmond, Virginia 23219
(804) 646-6340

General Notes

- 1. This survey plat represents a current and accurate field transit survey of the premises shown hereon. Date of last physical survey: June 1, 2018
- 2. This survey was made with the benefit of a Title Report issued by Chicago Title Insurance Company, dated effective as of April 24, 2018 (Commitment No. SHTC18-663).
- 3. The legal description does form a mathematically closed figure with no gaps, gores or overlaps.
- 4. Observed utilities are plotted and shown hereon. Subsurface Utility delineation was not performed.
- 5. All streets shown hereon are public.
- 6. Subject property (Parcel 1) has direct vehicular access from Chamberlayne Avenue and W. Fells Street. Subject property (Parcel 2) does not have direct vehicular from W. Fells Street due to an existing 6' chain link fence. Subject property (Parcel 3) has direct vehicular access from W. Fells Street.
- 7. There is no observed evidence of current earth moving work, building construction, or building additions.
- 8. The subject property shown hereon is the same as the parcels described in Title Commitment issued by Chicago Title Insurance Company dated April 24, 2018. (Commitment No. SHTC18-663)

ALTA/NSPS LAND TITLE SURVEY
SHOWING EXISTING IMPROVEMENTS TO
THREE PARCELS OF LAND SITUATED ALONG
THE EAST LINE OF CHAMBERLAYNE AVENUE
& THE NORTH LINE OF FELLS STREET
CITY OF RICHMOND, VIRGINIA
DATE: JUNE 12, 2018
Scale: 1" = 20'
Shadrach & Associates LLC
LAND SURVEYING
430 Southlake Blvd., Suite 10-B • Richmond, Virginia 23236
Phone: (804)379-9300 • Email: rod@shadrachsveys.com



Statement of Encroachments

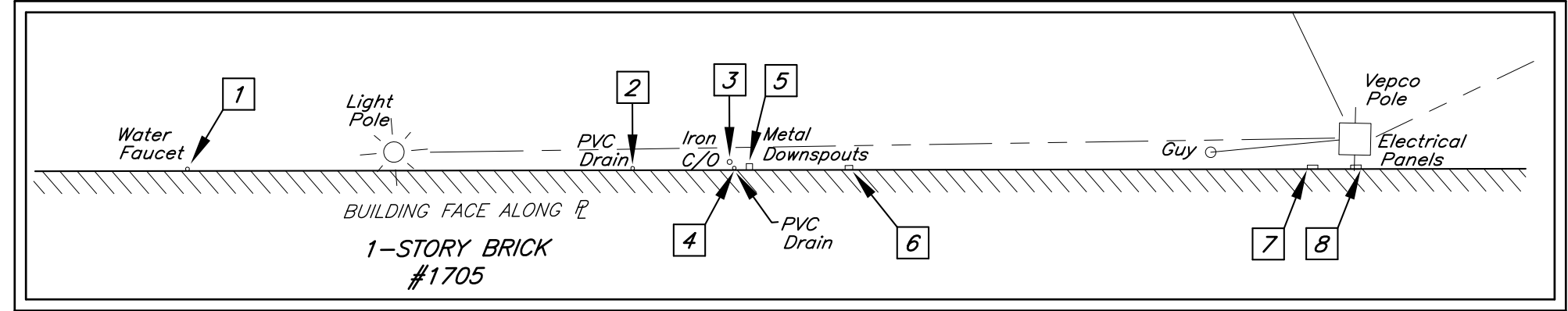
- 1 Water Faucet 0.25' Outside ℓ
- 2 PVC Drain 0.26' Outside ℓ
- 3 Iron C/O 0.70' Outside ℓ
- 4 PVC Drain 0.25' Outside ℓ
- 5 Metal Downspout 0.42' Outside ℓ
- 6 Metal Downspout 0.30' Outside ℓ
- 7 Electrical Panel 0.26' Outside ℓ
- 8 Electrical Panel 0.26' Outside ℓ
- 9 BLDG. Corner 0.18' Outside ℓ
- 10 Asphalt 1.0' Outside ℓ

LEGAL REFERENCES:

- Parcel 1:**
Calvin A. Wilson, Sr.
Instrument No. 9900-20596
Tax Parcel N000-0441/010
#1705 Chamberlayne Avenue
- Parcel 2:**
Calvin A. Wilson
Instrument No. 9900-27423
Tax Parcel N000-0441/008
#710 W. Fells Street
- Parcel 3:**
Michael L. Campbell
Instrument No. 00-30297
Tax Parcel N000-0441/009
#712 W. Fells Street

* 5/8" Rods set or P-K nails at corners where existing monumentation not found.

DETAIL 1"=10'

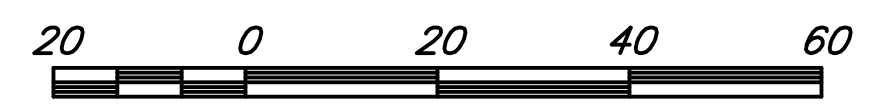


Legend

- ✦ Fire Hydrant
- ♿ Handicap Parking Spaces
- Ⓜ Painted Parking Space Number
- Ⓜ Water Meter
- Ⓜ Water Valve
- Ⓜ Lamp Post (Metal Post w/light)
- Ⓜ Drainage Manhole
- Ⓜ Sanitary Manhole
- Ⓜ Cable T.V. Pedestal
- Ⓜ C&P Telephone Pedestal
- Ⓜ Gas Meter
- Ⓜ Gas Valve
- Ⓜ Vepco Pole
- Ⓜ Vepco Transformer
- Ⓜ Misc Frame Sign
- Ⓜ Handi-cap Parking Sign
- Ⓜ Ballard
- Ⓜ Yard Inlet (Drainage)
- Ⓜ Fence Post w/Chain
- Ⓜ Concrete Surface
- Ⓜ RCP Reinforced Concrete Pipe
- Ⓜ CMP Corrugated Metal Pipe
- Ⓜ D.I. Drainage Inlet
- Ⓜ F.F.E. Finish Floor Elevation
- Ⓜ P.O.B. Point of Beginning

ALTA/NSPS LAND TITLE SURVEY
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THREE PARCELS OF LAND SITUATED ALONG
THE EAST LINE OF CHAMBERLAYNE AVENUE
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CITY OF RICHMOND, VIRGINIA

DATE: JUNE 12, 2018



Scale: 1" = 20'



Shadrach & Associates LLC

LAND SURVEYING
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Phone: (804)379-9300 • Email: rod@shadrachsveys.com

Legal Description

Four parcels of land in the City of Richmond, Virginia, designated as 1716 Roane Street (Parcel #N000-0441/005); 1718 Roane Street (Parcel #N000-0441/004); 1705 1/2 Chamberlayne Parkway (Parcel #N000-0441/014); and 1707 Chamberlayne Parkway (Parcel #N000-0441/006). The above parcels are bounded on the north by School Street, on the East by Roane Street and on the west by Chamberlayne Parkway. Said Property is further shown on Plat of Survey made by Bruce Robertson Land Surveying, P.C. dated September 1, 2006.

BEING the same property conveyed to Alford Development, LLC, a Virginia limited liability company by Deed from Sherman Hubert Company, LLC, a Virginia limited liability company dated December 8, 2010, recorded December 17, 2010 in the Clerk's Office of the Circuit Court of Richmond City, Virginia recorded as Instrument No. 10-23179.

NOTE: The plat referenced above was not recorded.

ALSO BEING FURTHER DESCRIBED AS

BEGINNING at the point of intersection of the eastern boundary of the right of way line of Chamberlayne Avenue and the southern boundary of the right of way line of School Street, thence proceeding along the southern boundary of the right of way line of School Street in a southeasterly direction S 89°01'45" E 399.46 feet to a point on the western boundary of the right of way line of Roane Street; thence proceeding along the western boundary of the right of way line of Roane Street in a southwesterly direction S 00°19'19" W 87.74 feet to a point; Thence leaving the western boundary of the right of way line of Roane Street and proceeding in a northwesterly direction the following three (3) courses and distances:

- 1) N 83°48'41" W 153.78 feet to a point;
- 2) Thence S 00°45'42" W 54.21 feet to a point;
- 3) Thence N 84°07'32" W 247.44 feet to a point on the eastern boundary of the right of way line of Chamberlayne Avenue;

Thence proceeding along the eastern boundary of the right of way line of Chamberlayne Avenue in a northeasterly direction N 00°27'00" E 106.81 feet to a point, said point being the Point and Place of Beginning, containing 0.9479 Acres, more or less.

Zoning

TAX PARCELS: N000-0441/014
P/O N000-0441/006
Current Zoning: M-1 (Light Industrial)

Setbacks:

Maximum Height: 45.00 Feet

Yard Setbacks:

Front: None
Side: 25.00 Feet (Abutting a R District)
Rear: 25.00 Feet (Abutting a R District)

Note: Where a side lot line abuts a property in an R district, there shall be a continuous evergreen vegetative screen or opaque structural fence or wall not less than six feet in height erected along such lot line, but not within 15 feet of any street line.

TAX PARCELS: N000-0441/004
N000-0441/005
P/O N000-0441/006

Current Zoning: R-53 (Multi-Family Residential)

Setbacks:

Maximum Height: 35.00 Feet

Yard Setbacks:

Front: 15.00 Feet
Side: 15.00 Feet
Rear: 15.00 Feet

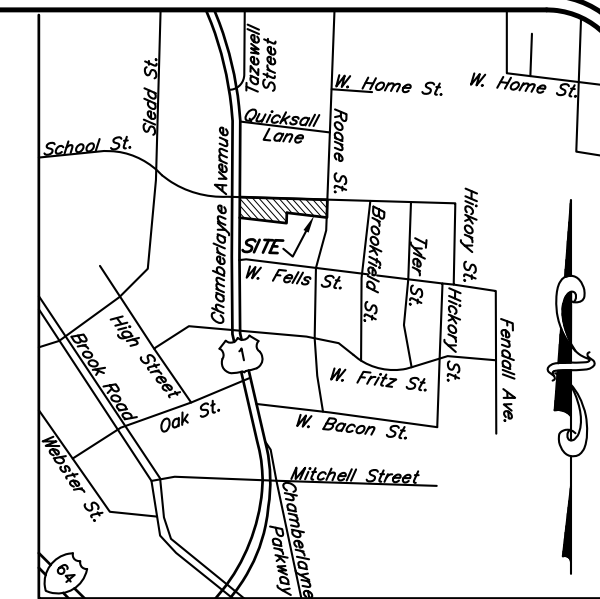
* ZONING CONFIRMATION LETTER NOT PROVIDED TO SURVEYOR

Parking

6 Regular Spaces

For further clarification of Zoning Requirements - Contact:

Zoning Division - Planning and Development Review
900 E. Broad St., Room 110
Richmond, Virginia 23219
(804) 646-6340



Scale 1" = 1000'

Statement of Encroachments

- 1 Water Faucet 0.25' Inside
- 2 PVC Drain 0.26' Inside
- 3 Iron C/O 0.70' Inside
- 4 PVC Drain 0.25' Inside
- 5 Metal Downspout 0.42' Inside
- 6 Metal Downspout 0.30' Inside
- 7 Electrical Panel 0.26' Inside
- 8 Electrical Panel 0.26' Inside
- 9 "Fiscal Fitness" Sign 2.60' Inside

**Chicago Title Insurance Company
Schedule B - Commitment No. SHTC18-253**

(Referenced by corresponding letter in Commitment)

- 7 Agreement between Highland Park Realty Corporation and J.D. Hooper and M.C. Hooper, his wife, dated August 12, 1909, recorded November 3, 1909 in Deed Book 187B, page 16, Henrico County. Highland Park Realty Corporation agreed that within twelve months from date of agreement it would run a line for sewerage through the property of said J.D. Hooper beginning at L.O. Wenderberg's line and running in a southeasterly direction to the Barton Heights sewer. Said Corporation agreed to allow J. D. Hooper the privilege of entering the said sewer without cost, by the said J. D. Hooper, in the event of entering, was required to do so by proper connection by a KY' or other mode which would not injure the main sewerage line, and such entering was to be at his expense. Said corporation reserved the right to enter the line of any time for the purpose of making repairs and the further right to make such excavations as might be necessary for the purpose, provided all excavations were restored to a level surface. Does not affect - there is no evidence of a sewer line crossing the subject property.
- 8 Surrender of rights to claims or sue for any damages caused by the construction of Chamberlayne Avenue, its sidewalks and its drainage systems and damages caused by surface water runoff as described in a Quitclaim Deed between E.S. Schmidt and Wilemina Schmidt and the City of Richmond, dated March 25, 1922, recorded April 1, 1922 in Deed Book 279A, page 235. May or may not affect the subject property, not a plottable item.
- 9 Easement to City of Richmond, dated May 7, 1979, recorded October 1, 1979 and dated August 24, 1979, recorded October 1, 1979 in Deed Book 758, pages 1315 and 1317. Rights of way for sewer gas controls and easements for landfill gas control, as shown in Plat Book 32, pages 97 and 98 and plat numbered DPW drawing #0-20340. Easement including right of access and the right to trim trees and to remove obstructions. Does not affect, easements are located on property being on the North side of School St.
- 10 Deed between Ruth P. Van Dore and Emrick Chevrolet Sales Corp., dated April 15, 1985, recorded May 7, 1985, in Deed Book 39, page 990, there is reserved an easement in favor of the present and future owners of the building on the south of said tract to discharge the run-off from said building onto the subject tract and a three-foot easement of access along the length of the building for the purpose of maintaining the existing building. Conveyance is also made subject to the conditions reflected on attached plat. Plotted and shown hereon.
- 11 Landlord's Waiver between JG Real Estates, Inc., a Virginia corporation and General Motors Acceptance Corporation, a Delaware Corporation, dated January 21, 2000, recorded January 21, 2000 as Deed No. 0001533. Not a survey related item.
- 12 Deed of Easement granted City of Richmond dated March 13, 2003, recorded as Deed No. 03012883 for a sign at the southeast corner of School street and Chamberlayne Avenue. Plotted and shown hereon.
- 13 Recorded plan of "Property Belonging to Emrick Chevrolet Sales Corp." prepared by Geo. Stephens Associates, dated April 12, 1988, in Plat Book 39, page 6, shows:
 - a) light poles and sign encroach on School Street.
 - b) various utilities cross subject real estate.
 - c) easement; JG Real Estate to City of Richmond, dated March 13, 2003, recorded April 14, 2003 as Instrument No. 03-12883. Items are plotted and shown hereon.

Flood Certification

I have examined the Flood Insurance Rate Map for the City of Richmond, Virginia, Community Panel No. 510129-0037-D, (Panel 37 of 83), effective date April 2, 2009, and hereby certify to the best of my professional knowledge and belief that the property is not located in a Special Flood Hazard Area, but is located in Zone (X) as determined by National Flood Insurance Program, Federal Emergency Management Agency, Department of Housing and Urban Development.

Surveyor's Certificate

This survey is certified to and prepared for the sole and exclusive benefit of the entities and/or individuals listed below as of OCTOBER 24, 2017 and shall not be relied upon by any other entity or individual whomsoever.

To: CRESCENT PRESERVATION & DEVELOPMENT CO., LLC, a Virginia Limited Liability Company
To: Lender To Be Determined
To: SAFE HARBOR TITLE COMPANY
To: CHICAGO TITLE INSURANCE COMPANY

The undersigned further certifies that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes items 1-4, 6(a), 6(b), 7(a), 8, 9, 10(a), 11, 13, 16, 17 and 19 of Table A thereof. The fieldwork was completed on March 14, 2018.

Rodney B. Shadrach
Shadrach & Associates, LLC
Va. Registered Surveyor No. 2274

Date

I hereby certify that this boundary survey, to the best of my professional knowledge and belief, is correct and complies with the minimum procedures and standards established by the Virginia State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects.



Sheet 1 of 2

General Notes

1. This survey plat represents a current and accurate field transit survey of the premises shown hereon. Date of last physical survey: March 14, 2018
2. This survey was made with the benefit of a Title Report issued by Chicago Title Insurance Company, dated effective as of February 20, 2018, (Commitment No. SHTC18-253).
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7. There is no observed evidence of current earth moving work, building construction, or building additions.

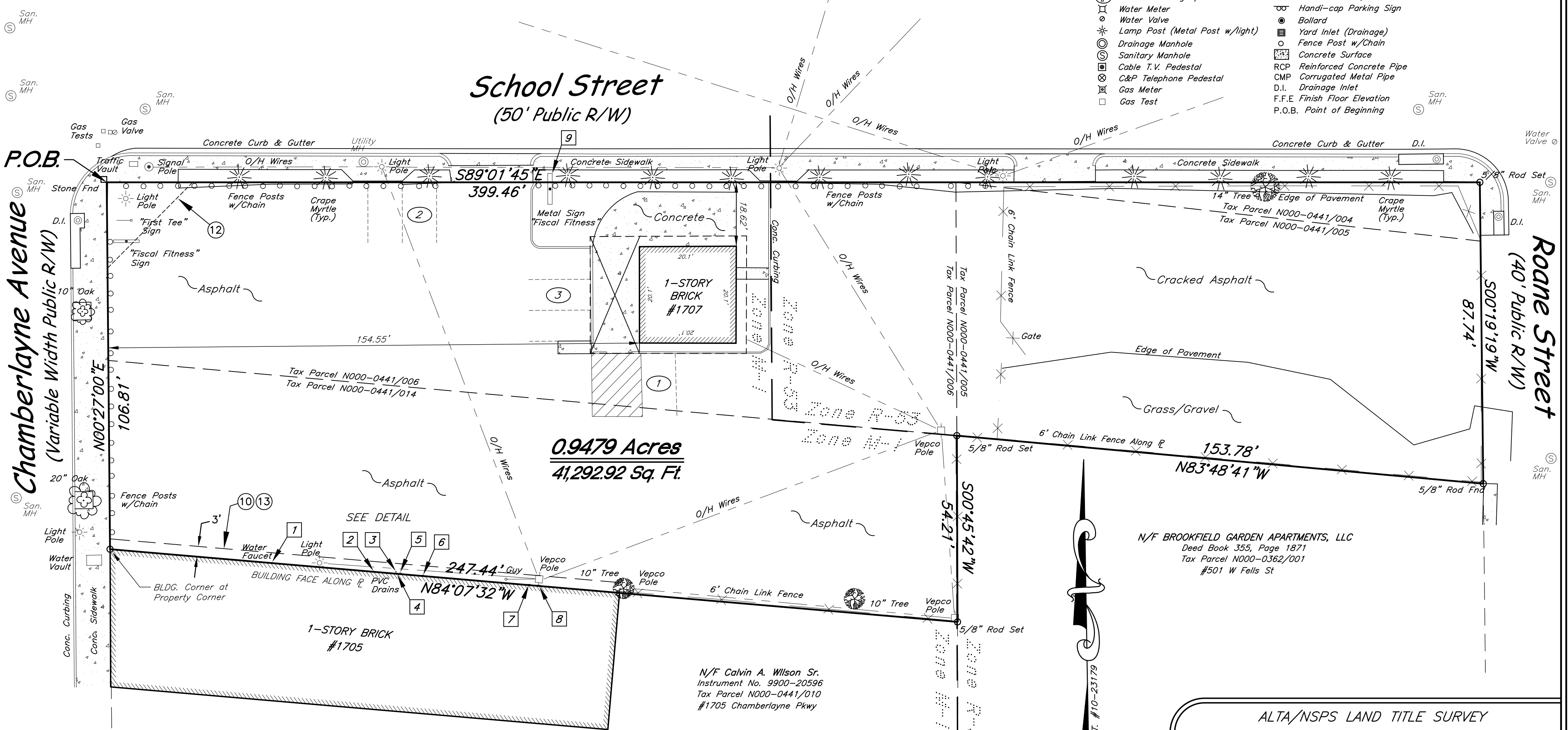
ALTA/NSPS LAND TITLE SURVEY
SHOWING EXISTING IMPROVEMENTS TO FOUR
PARCELS OF LAND AT THE SE CORNER OF
CHAMBERLAYNE AVENUE & SCHOOL STREET
CITY OF RICHMOND, VIRGINIA
DATE: MARCH 16, 2018

20 0 20 40 60
Scale: 1" = 20'

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Legend

- ⊕ Fire Hydrant
- ♿ Handicap Parking Spaces
- Ⓜ Painted Parking Space Number
- ⊕ Water Meter
- ⊕ Water Valve
- ⊕ Lamp Post (Metal Post w/light)
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- ⊕ D.I. Drainage Inlet
- ⊕ F.F.E Finish Floor Elevation
- ⊕ P.O.B. Point of Beginning



LEGAL REFERENCES:

ALFORD DEVELOPMENT, LLC
P/O Instrument No. 10-23179
Tax Parcel N000-0441/006
#1707 Chamberlayne Pkwy.

ALFORD DEVELOPMENT, LLC
P/O Instrument No. 10-23179
Tax Parcel N000-0441/004
#1718 Roane Street

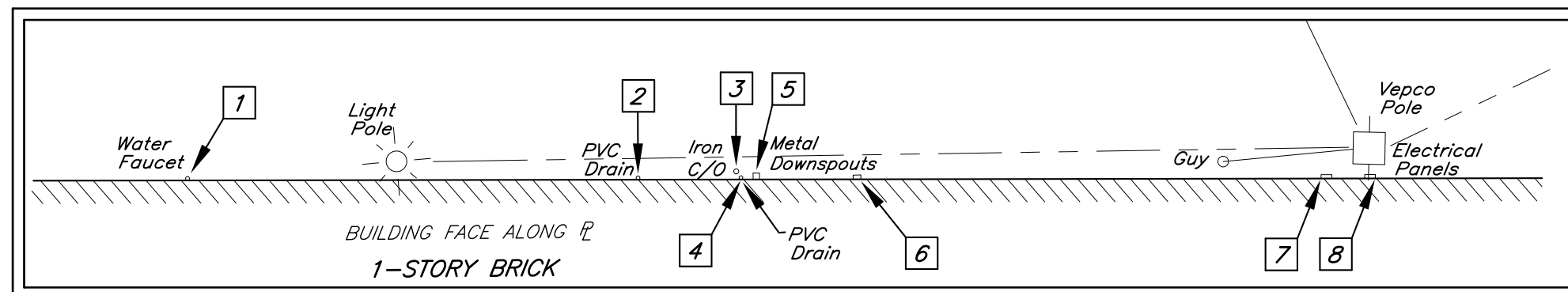
ALFORD DEVELOPMENT, LLC
P/O Instrument No. 10-23179
Tax Parcel N000-0441/014
#1705 1/2 Chamberlayne Pkwy.

ALFORD DEVELOPMENT, LLC
P/O Instrument No. 10-23179
Tax Parcel N000-0441/005
#1716 Roane Street

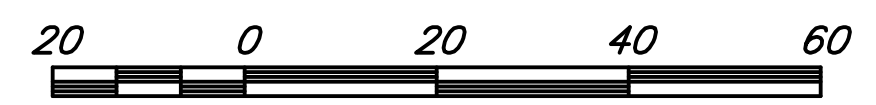
N/F Calvin A. Wilson Sr.
Instrument No. 9900-20596
Tax Parcel N000-0441/010
#1705 Chamberlayne Pkwy

N/F BROOKFIELD GARDEN APARTMENTS, LLC
Deed Book 355, Page 1871
Tax Parcel N000-0362/001
#501 W Fells St

DETAIL 1"=10'



ALTA/NSPS LAND TITLE SURVEY
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