

INTRODUCED: June 11, 2018

AN ORDINANCE No. 2018-182

To rezone the properties known as 4910, 4920, and 4930 Forest Hill Avenue from the B-2 Community Business District and the POD-1 Plan of Development Overlay District to the UB-2 Urban Business District.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JULY 23 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the plat entitled “Existing Conditions and Demo Plan for the Shoppes @ Forest Hill, City of Richmond, VA,” prepared by McCrone, and dated October 2, 2006, 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 2018 records of the City Assessor, are excluded from both the B-2 Community Business District and the POD-1 Plan of Development Overlay District and shall no longer be subject to the provisions of sections 30-436.1 through 30-436.5 and 30-950 through 30-950.4 of the Code of the City of Richmond (2015), as amended, and that the same are included in the UB-2 Urban Business District and

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JULY 23 2018 REJECTED: _____ STRICKEN: _____

shall be subject to the provisions of sections 30-433.10 through 30-433.17 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2015), as amended:

| | |
|-------------------------|------------------------------|
| 4910 Forest Hill Avenue | Tax Parcel No. S006-0293/008 |
| 4920 Forest Hill Avenue | Tax Parcel No. S006-0293/006 |
| 4930 Forest Hill Avenue | Tax Parcel No. S006-0293/004 |

§ 2. 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.2018.183

RECEIVED

MAY 13 2018

OFFICE OF CITY ATTORNEY

O & R Request

O & R REQUEST

MAY 2 2018

6-771
Office of the
Chief Administrative Officer

DATE: April 30, 2018

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor *JS 5/16/18*
(This is no way reflects a recommendation on behalf of the Mayor.)

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

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning *PLD 5-1-18*

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

RE: To rezone the properties known as 4910, 4920, and 4930 Forest Hill Avenue from the B-2 (POD-1) - Community Business District (Plan of Development Overlay District) to the UB-2 Urban Business District.

ORD. OR RES. No. _____

PURPOSE: To rezone the properties known as 4910, 4920, and 4930 Forest Hill Avenue from the B-2 (POD-1) - Community Business District (Plan of Development Overlay District) to the UB-2 Urban Business District.

REASON: The applicant is proposing a development containing a mix of residential and commercial uses. The proposed development would be restricted by the parking requirements and 25' minimum front yard setback of the existing underlying zoning district. The applicant is therefore requesting a rezoning to the UB-2 district, which allows more flexibility in site design with regard to parking, setbacks, and overall character.

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 June 18th, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The properties known as 4910, 4920, and 4930 Forest Hill Ave 57,670 SF (1.31 acres) of vacant land located on the south side of Forest Hill Avenue between Westover Hills Boulevard and Jahnke Road. The properties are located in the City's Old South Planning District and the Forest View Neighborhood.

The City of Richmond's current Master Plan designates a future land use category for the subject properties as Community Commercial. Primary uses for this category "...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 a section of the City. As compared to Neighborhood Commercial, this category includes a broader range of uses of greater scale and intensity, with greater vehicular access and orientation, but that are also compatible with nearby residential areas. Typical zoning classifications that may accommodate this land use category: B-2, UB, and UB-2." (City of Richmond Master Plan, p. 134.)

The Master Plan states that the Forest Hill/Westover Hills commercial area is "characterized by many conditions typical of older urban commercial centers. Specifically, businesses in these areas often are unable to expand due to site limitations; operate within functionally obsolete structures; present a negative image to the street; and are severely threatened by strong competition from newer, more successful suburban commercial centers" (p. 273). The Master Plan recommendations for this commercial center do not reference the subject property.

Properties to the east, north, and west of the subject property are located in the same B-2 (POD-1) - Community Business District (Plan of Development Overlay District). Properties to the south are located in the R-5 Single-Family Residential District. A mix of commercial, institutional, vacant, office, and single-family residential 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: May 29, 2018

CITY COUNCIL PUBLIC HEARING DATE: June 25, 2018

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, June 18, 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 Form, Applicant's Report, Map

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646-5734

PDR O&R No. 18-29



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/>

RZON-032247-2018

Project Name/Location

Property Address: 4910, 4920 and 4930 Forest Hill Avenue Date MARCH 16, 2018
Tax Map #: S006-0293/004, 6, & 8 Fee: _____
Total area of affected site in acres: 1.312 acres

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

Zoning

Current Zoning: B-2-POD

Existing Use: Vacant land

Proposed Zoning/Conditional Zoning

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

UB-2 Urban Business District

Existing Use: Vacant land

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: N/A

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources

Mailing Address: 11 South 12th Street, Suite 500

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 874-6275 Fax: ()

Email: markbaker@bakerdevelopmentresources.com

Property Owner: S G G S, LLC

If Business Entity, name and title of authorized signee: Girolamo Amato

(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: 10009 Wintercrest Drive

City: Ashland State: VA Zip Code: 23005

Telephone: (804) 310-3390 Fax: () n/a

Email: carini0758@ioland.com

Property Owner Signature: *Girolamo Amato*

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 16, 2018

BY HAND DELIVERY

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

Re: Rezoning: 4910, 4920, and 4930 Forest Hill Avenue

Dear Matthew:

Please accept this letter as the Applicant's Report accompanying the application for a rezoning from B-2 Community Business to UB-2 Urban Business for the properties known as 4910, 4920, and 4930 Forest Hill Avenue, identified as Tax Parcels S006-0293/004, 006, and 008 (the "Property"). The Property is located in the Westover Hills commercial corridor on the south side of Forest Hill Avenue between Westover Hills Boulevard and Jahnke Road. The Property contains approximately 1.3 acres of lot area and is vacant. The Property was last occupied by a suburban-style retail use (Standard Drug pharmacy) and accessory surface parking. The proposed rezoning would facilitate the redevelopment of the Property as a mixed-use development.

The proposed development concept would engage Forest Hill Avenue with approximately 12,000 square feet of commercial uses and thirty-eight (38) high-quality dwelling units. The commercial uses would be active, neighborhood-serving uses. They would include a brewery tasting room with restaurant and a mix of other complementary UB-2 uses. The commercial uses would be located on the ground floor, would generally be oriented toward Forest Hill Avenue, and would include an outdoor area for the service of brewery/restaurant patrons. Parking would be located to the rear commercial uses and away from the street frontage. The proposed dwellings would be located on two stories above the ground floor commercial uses. Building and site design would emphasize current planning principals and quality architecture, provide an active and human-scaled design, and create a sense of place.

The Property is currently zoned B-2 General Business. The Master Plan recommends "Community Commercial" for the Property, which is characterized as "office, retail, personal service and other commercial and service uses intended to provide for the service needs of residents of a number of nearby neighborhoods or a section of the City." Typical zoning classifications that may accommodate this land use category include B-2, UB and UB-2. The

4910, 4920, and 4930 Forest Hill Avenue

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B-2 District permits the proposed use of the property but includes feature requirements that don't support the overall development concept. The B-2 district regulations cater to the automobile, providing for greater vehicular access and site design that is oriented toward the vehicle. This is inconsistent with the development concept. Conversely, the UB-2 urban business district's intent is to encourage the same mixed uses with a pedestrian-oriented, urban shopping character that is compatible with adjacent residential neighborhoods. The UB-2 regulations minimize disruption from vehicle-oriented land uses and features that would detract from a safe, convenient and economically viable pedestrian environment. For this reason, the UB-2 classification is desired as an alternative to B-2. It is consistent with the Master Plan recommendation while allowing for the Property to be developed with an appropriate storefront character and an active pedestrian environment along Forest Hill Avenue.

More specifically, the B-2 district includes a number of vehicle-oriented land uses and features which prevent or are in conflict with the appropriate development character for the Property and corridor – where compatibility with adjacent residential areas and a safe, convenient and economically viable pedestrian environment are desirable. As it relates to this request, the principal concern is a twenty-five foot (25') front yard setback requirement which, in terms of feasibility, requires that the site be designed with parking located in front of the building, along the street frontage. This prevents the proposed commercial uses from addressing the street and would lead to a less desirable and unsafe pedestrian environment.

The UB-2 district regulations instead provide for a maximum building setback of 10' and prohibit vehicle parking from being placed between buildings and the street frontage. In addition, the UB-2 regulations limit vehicle-oriented land uses and generally promote continuity of building setbacks and heights and encourage an active pedestrian environment by providing for windows in building facades along principal street frontages. The UB-2 regulations support the proposed concept – the building must front the street and parking can be located to the rear of the frontage. This allows for a better built environment than is afforded by the B-2 regulations.

The property is located within a Plan of Development Overlay District. In addition, the UB-2 district regulations specify that a Plan of Development (POD) is required for the redevelopment of the site as proposed. As would be the case with any development under the existing B-2 zoning classification, the design details of the proposed development would be subject to the POD review and approval process. POD approval would take place after the proposed rezoning and would ensure compliance with the technical requirements of the code and the site planning criteria set forth in the zoning ordinance, appropriate general character and overall quality of the development, and compatibility with nearby uses.

While it is just underway, it is anticipated that the Richmond 300 Master Plan update process, when complete, would support the proposed rezoning to UB-2 as being more desirable than the B-2 district for the Westover Hills commercial corridor. As discussed above, the UB-2 district provides a more desirable urban form by switching the focus from the automobile to the pedestrian. The UB-2 district permitted uses and feature requirements allow for greater compatibility with nearby adjacent residential neighborhoods and invite the pedestrian activity

4910, 4920, and 4930 Forest Hill Avenue

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that has been lacking in the corridor in the past. It is hoped that this rezoning might set the tone for future development in the corridor by encouraging similar development/redevelopment that will help create a sense of place by providing continuity in storefront character along Forest Hill Avenue, active uses, and a safe and inviting pedestrian realm.

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

Sincerely,



Mark Baker

Enclosures

cc: The Honorable Kristen Larson

