

INTRODUCED: May 9, 2022

AN ORDINANCE No. 2022-146

To rezone the property known as 1200 Dinwiddie Avenue from the M-1 Light Industrial District to the B-7 Mixed-Use Business District.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUN 13 2022 AT 6 P.M

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the survey entitled “ALTA/NSPS Land Title Survey of 1200 Dinwiddie Avenue, City of Richmond, Virginia,” prepared by Long Surveying, LLC, and dated April 12, 2017, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property known as 1200 Dinwiddie Avenue with Tax Parcel No. S000-0390/002 as shown in the 2022 records of the City Assessor, is 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 (2020), as amended, and that the same is included in the B-7 Mixed-Use Business District and shall be subject to the provisions of sections 30-446.1 through

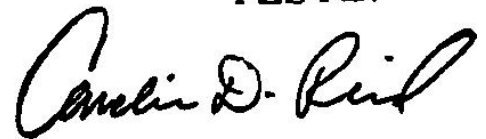
AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUN 13 2022 REJECTED: _____ STRICKEN: _____

30-446.8 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2020), as amended.

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

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Camille D. Reid". The signature is written in a cursive style with a large initial 'C'.

City Clerk



City of Richmond

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

Item Request File Number: PRE.2022.0141

O & R Request

DATE: April 11, 2022

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: J. E. Lincoln Saunders, Chief Administrative Officer

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

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review

RE: To rezone the property known as 1200 Dinwiddie Avenue from the M-1 Light Industrial zone to the B-7 Mixed-Use Business zone, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To rezone the property known as 1200 Dinwiddie Avenue from the M-1 Light Industrial zone to the B-7 Mixed-Use Business zone, upon certain terms and conditions.

REASON: The applicant is requesting to rezone the property to the B-7 Mixed-Use Business zone, which allows for dense, walkable transit oriented mixed use development that includes residential and commercial uses, minimal yards, and a maximum height of between five and six stories; whereas, the current M-1 Light Industrial allows primarily industrial uses with no yard requirements and a maximum building height of 45 feet, greater when set back from the property line.

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 6, 2022, meeting.

BACKGROUND: The proposed rezoning would include one parcel of land located on the south side of Dinwiddie Avenue between East 12th Street and East 15th Street, in the Oak Grove neighborhood. The total land area of the parcel is 135,007 square feet, or 3.1 acres. The property is currently improved with a single-story warehouse building and parking lot.

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

Primary uses: Retail/office/ personal service, multi-family residential, cultural, and open space.
Secondary uses: institutional and government.

The applicant is requesting to rezone the property to the B-7 Mixed-Use Business District which is designed with the goal of encourage a broad range of mixed land uses, including residential, commercial and compatible industrial and service uses. The district is intended to promote enhancement of the character of mixed-use areas that are undergoing revitalization and adaptive reuse by providing for alternative economic use of existing structures, while enabling continuation of existing industrial and service uses.

The B-7 Mixed-Use Business zone allows for dense, walkable transit oriented mixed use development that includes residential and commercial uses, minimal yards, and a maximum height of between five and six stories; whereas, the current M-1 Light Industrial allows primarily industrial uses with no yard requirements and a maximum building height of 45 feet, greater when set back from the property line.

Properties to the immediate south, east, and west are zoned M-1 Light Industrial; to the immediate north, R-7 Single and Two-Family Urban Residential and M-2 Heavy Industrial. TOD-1 Transit Oriented Nodal is located two blocks to the east and B-6 Mixed-Use Business is located two blocks to the southwest.

The subject property is located on the north edge of a larger industrial neighborhood, with industrial uses located to the northeast, east, south, and west. Detached Residential uses are located to the west, two blocks from the subject property. A City owned green space known as the Blackwell Community Center is located directly north of the subject property, which access has recently been provided from Dinwiddie Avenue, near the property. The Blackwell Community Center greenspace area is planned to be enlarged and have a number of improvements in the near future. A future Bus Rapid Transit line and the Fall Line Trail is envisioned to run north/south along East Commerce Road, two blocks from the subject property.

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: \$1,500 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 9, 2022

CITY COUNCIL PUBLIC HEARING DATE: June 13, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
June 6, 2022

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Ray Roakes, Associate Planner, Land Use Administration (Room 511) 804-646-5467



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: 1200 Dinwiddie Street Date: February 22, 2022
Tax Map #: S0000390002 Fee: \$1,800.00
Total area of affected site in acres: 3.1 AC

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

Zoning

Current Zoning: M-1 Light Industrial
Existing Use: Industrial

Proposed Zoning/Conditional Zoning

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

B-7 Mixed Use Business
Existing Use: Industrial

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: 208 E Grace St
City: Richmond State: VA Zip Code: 23219
Telephone: (804) 248-2561 Fax: ()
Email: lory@markhamplanning.com

Property Owner: 1200 Dinwiddie Ave LLC

If Business Entity, name and title of authorized signee: Mark Larson 405-417-6104

(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: 410 N Hancock St #110
City: Richmond State: VA Zip Code: 23220
Telephone: () Fax: ()
Email: _____

Property Owner Signature:

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



February 22, 2022

Mr. Kevin Vonck, Director
Department of Planning & Development Review
900 East Broad Street, Suite 511
Richmond, VA 23219
kevin.vonck@richmondgov.com

RE: Applicant's Report for Rezoning of 1200 Dinwiddie

Dear Mr. Vonck,

Please accept this letter as the Applicant's Report for the request to rezone the following property from the M-1 Light Industrial district to the B-7 Mixed-Use Business district:

Address	Tax Parcel ID	Acreage	Existing Zoning	Ownership
1200 Dinwiddie Ave	S0000390002	3.1	M-1	1200 Dinwiddie Ave LLC

With this application, the property owner is petitioning the City Council for a rezoning to the B-7 district to permit mixed-uses on the property. The proposed rezoning is an opportunity to allow for a mixed-use development on the property while maintaining options for industrial uses in a manner that is compatible with other uses in the area and consistent with the Richmond 300 Master Plan recommendations.

Property

The property consists of a 3.1-acre parcel at the southwest corner of the intersection of Dinwiddie Ave and E 12th St. The irregularly shaped parcel is improved with a one-story warehouse originally built in 1950 and expanded in subsequent years to contain approximately 90,000 square feet of floor area.

Surrounding properties to the south, east, and west are also located in the M-1 district and are used for various industrial purposes such as warehousing and storage. The properties to the north across Dinwiddie Ave are industrial uses in the M-2 Heavy Industrial district and the Charlie Sydnor Playground zoned in the R-7 residential district.

Zoning Regulations & Proposal

The property is currently located in the M-1 Heavy Industrial District which permits a wide variety of commercial and industrial land uses but prohibits any residential uses. A rezoning of the properties to the B-7 Mixed-Use Business district would allow continued industrial uses while also permitting the potential for a mix of commercial and residential uses. Like many other properties in former industrial areas of the City that have been revitalized through a rezoning to allow mixed-uses, this application requests a rezoning to allow for an active and vibrant development to improve the property and the surrounding neighborhood.

Richmond 300 Master Plan

The property is designated for future land use as Industrial Mixed Use by Richmond 300. These areas are formerly traditional industrial areas that are transitioning to mixed-use because of their proximity to growing neighborhoods and changes in market conditions. These areas may still retain some light industrial uses.

A mix of building types with low-scale, post-industrial buildings that are adapted for a new use are adjacent to new taller residential and/or office buildings. These areas allow "maker uses" to continue while encouraging more individuals to live, work, and play in the area. Buildings should have street-oriented façades with windows and door openings along street frontages. New light industrial uses are compatible with residential and office uses and are attractively buffered. New developments continue or introduce a gridded street pattern to increase connectivity.



Industrial Mixed-Use Diagram

A mix of building types with low-scale, post-industrial buildings adjacent to new taller residential and/or office buildings.

The proposed rezoning of the property to B-7 fully supports Richmond 300's vision of future development in the area. With B-7 regulations in place, future development will transform the property by bringing active uses and residents to the benefit of the entire neighborhood and surrounding area.

City Charter Conditions

We trust that you will agree with us that the potential development of the site under B-7 Mixed-Use Business district regulations will support the use of the property in a manner consistent with the Richmond 300 Plan; 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.

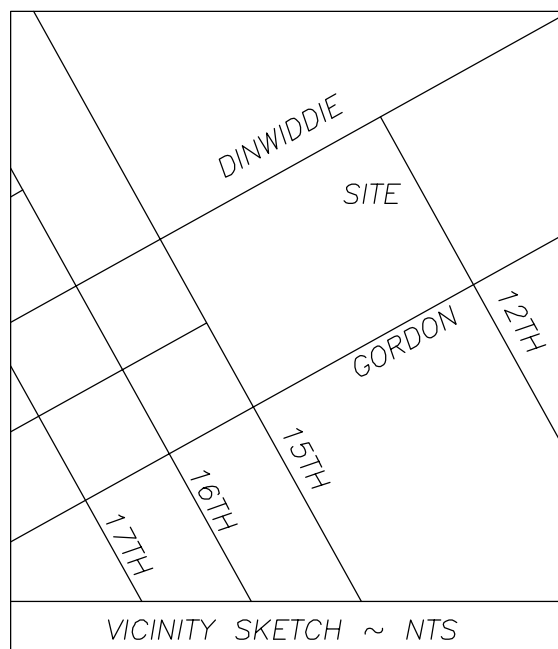
Very Truly Yours,

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

Lory Markham

Enclosures

cc: The Honorable Ellen F. Robertson, 6th District Council Representative
Richard Saunders, Secretary to the City Planning Commission



Current Zoning Information

ZONING PER CITY OF RICHMOND GIS
NO ZONING REPORT WAS FURNISHED

Zoning District(s): M-1
Zoning Definition: LIGHT INDUSTRIAL

Statement of Encroachments

- ① OVERHEAD POWER LINES APPEAR TO BE ENCROACHING
- ② VARIOUS BROKEN CONCRETE AND ASPHALT PADS ENCROACHING INTO R/W.

Notes Corresponding to Schedule B

4. Agreement by and between Seaboard Air Line Railway Company, Acme Land Corporation and Industrial Realty Corporation dated December 8, 1922, recorded in Deed Book 53-B, page 72 may affect parcel. Unable to determine easement location.
5. Easements as contained in Deed by and between ACME Land Corporation and Alleghany Warehouse Corporation, Incorporated by Instrument dated July 1, 1936, recorded August 6, 1936 in Deed Book 77A page 296 may affect parcel. Tracts no longer in existence.
6. Easements as contained in Deed by and between ACME Land Corporation and Dominion Leaf Corporation by Instrument dated April 10, 1946, recorded April 9, 1946 in Deed Book 99B, page 44 affects parcel. Approximate location shown on survey. Tracts partially removed.
7. Easements and Agreement as contained in Deed by and between Acme Land Corporation, et al to Alleghany Warehouse Company, Incorporated dated March 30, 1948, recorded May 27, 1948 in Deed Book 122, page 39 may affect parcel. Unable to determine location of easement.
8. Easements and Agreement as contained in Deed by and between Haywood C. Cockrell, et al and Dominion Leaf Corporation by Instrument dated November 1, 1948, recorded November 6, 1948 in Deed Book 128, page 256 affects parcel. Approximate location shown on survey. Tracts partially removed.
9. Deed and Easement wherein H. C. Cockrell Warehouse Corporation granted to Commonwealth of Virginia Department of Purchases and Supply by Instrument dated October 7, 1976, recorded October 8, 1976 affects parcel and is shown on survey.
10. Right of Way Agreement by and between Stein Real Estate Limited Partnership and Virginia Electric & Power Company, dated March 27, 2007, recorded April 13, 2007 as Instrument No. 07-12522 affects parcel and is shown on survey.
11. Easement Agreement by and between Stein Real Estate Company, LLC and Wayne R. Kidd and Kimberly Kidd dated April 12, 2007, recorded, May 4, 2007 in Instrument No. 07-15351 affects parcel and is shown on survey.
12. Not a matter of survey.
13. All matters as shown and set forth on the recorded plats and plats attached to Deeds recorded in Plat Book 2, page 16; Plat Book 5, pages 49 and 146; Plat Book 01, pages 54 and 55; Plat Book 07, pages 36 and 37 (Instrument No. 07-15350 Deed Book 145, page 243 and Deed Book 257, page 205. Any matters that affect parcel are shown on survey.

Miscellaneous Notes

1. OWNER OF RECORD: TURNER VIRGINIA PROPERTIES, LLC
2. TAX ID: S000-0390/002
3. BEARING DATUM BASED PLAT 15-8
4. AREA OF SUBJECT PROPERTY: 0.100 ACRES
5. THIS SURVEY IS BASED ON A FIELD RUN SURVEY BY LONG SURVEYING DATED APRIL 3, 2017.
6. THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
7. DURING OUR FIELD OBSERVATION OF THE SITE, THERE WERE NO OBSERVED CHANGES IN STREET RIGHT-OF-WAY LINES EITHER COMPLETED OR PROPOSED, AND THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
8. THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
9. THERE WAS NO VISIBLE EVIDENCE OF CEMETERIES ON PARCEL.

Commitment Legal Description

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, LYING AND BEING IN THE CITY OF RICHMOND, VIRGINIA, BEING DESIGNATED AS LOT 1, CONTAINING 3.1 ACRES, MORE OR LESS, AS SHOWN AND DESCRIBED ON A PLAT OF 12TH STREET SUBDIVISION, CITY OF RICHMOND, VIRGINIA, MADE BY HARVEY L. PARKS, INC., DATED FEBRUARY 15, 2007, A COPY OF WHICH IS RECORDED AS PLAT NO. 07-36, REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID REAL ESTATE.

BEING THE SAME REAL ESTATE CONVEYED TO TURNER VIRGINIA PROPERTIES, LLC BY DEED FROM STEIN REAL ESTATE COMPANY, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY, FORMERLY KNOWN AS STEIN REAL ESTATE LIMITED PARTNERSHIP, A DELAWARE LP, DATED MARCH 27, 2015, RECORDED APRIL 7, 2017 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT, CITY OF RICHMOND, VIRGINIA AS INSTRUMENT NO. 15-5708.

Certification

TO: CHICAGO TITLE INSURANCE COMPANY, LARSON DEVELOPMENT; This is to certify 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 1,2,3,4,7(a),8,9,13,14 and 16 of Table A thereof.

1. The field work was completed on April 11, 2017.
2. The survey correctly shows the location of all buildings, structures, and other improvements situated on the Property.
3. Except as shown, all visible and known utilities serving the Property enter through adjoining public streets and/or easements of record; that, except as shown, there are no visible easements or rights-of-way across said Property; that the Property is the same as the Property described in Chicago Title Insurance Company, Commitment number 731700031 dated March 17, 2017; and that all easements, covenants and restrictions referenced in said title commitment, or easements of which the undersigned has been advised or has knowledge, have been plotted hereon or otherwise noted as to their affect on the Property.
4. Except as shown, there are no encroachments onto adjoining premises, streets or alleys by any buildings, structures or other improvements, and no encroachments onto said Property by buildings, structures or other improvements situated on adjoining premises.
5. By graphic plotting only, the Property is located in Zone(s) "X" of the Flood Insurance Rate Map, Community Panel No. 5101290039E, which bears an effective date of July 16, 2014. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.
6. The Property has direct physical access to Dinwiddie Avenue and East 12th Street
7. The Property comprises a single separate tax lot.
8. The number of striped parking spaces located on the Property is 0.

Brian M Long
Reg. Land Surveyor No. 002372
Commonwealth of Virginia



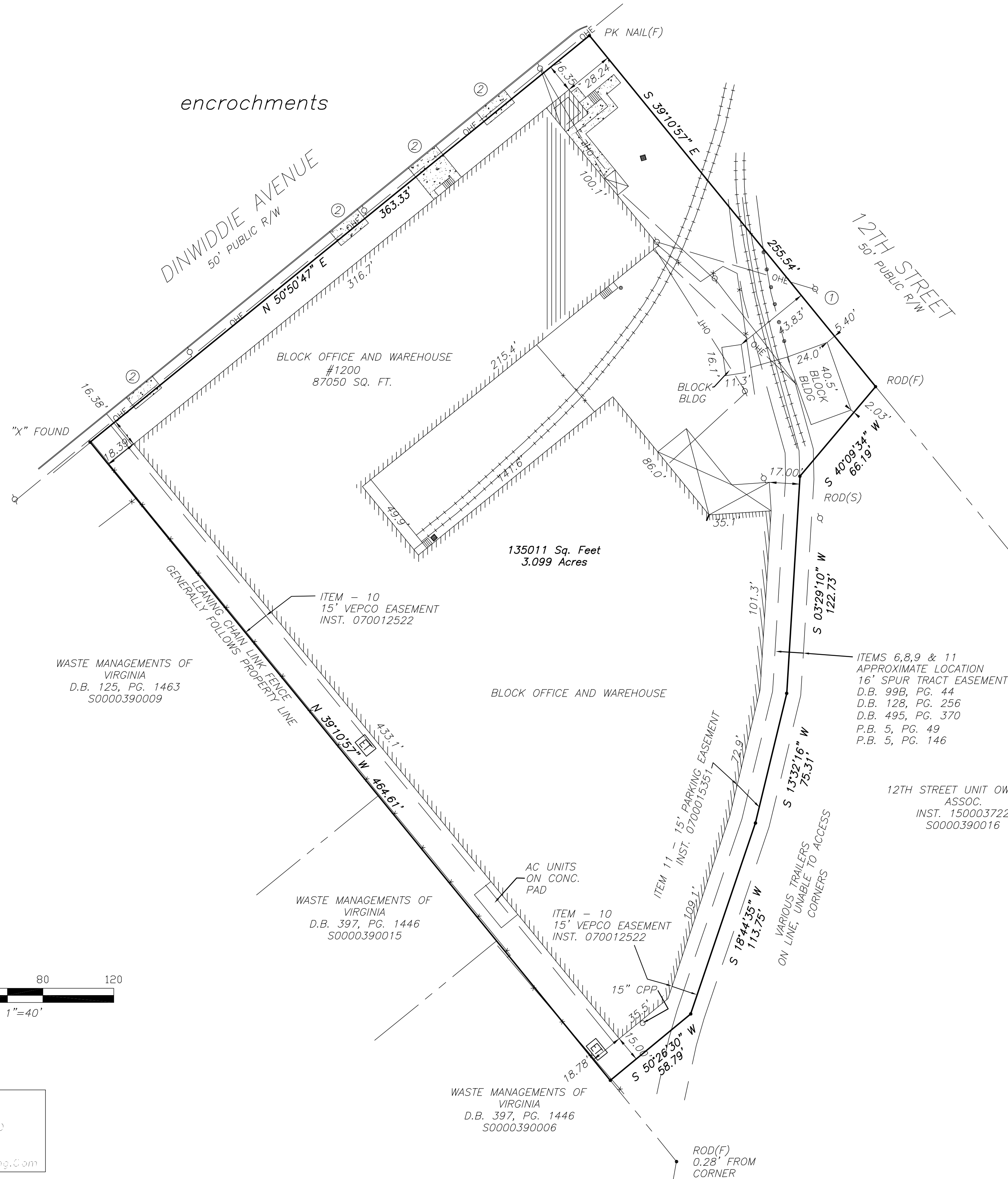
SURVEY PREPARED BY:
LONG SURVEYING, LLC
4560 FACTORY MILL ROAD
MAIDENS, VA 23102
804-314-5620
Brian.Long@Long-Surveying.Com

ALTA/NSPS LAND TITLE
SURVEY OF
1200 DINWIDDIE AVENUE
CITY OF RICHMOND, VIRGINIA
APRIL 12, 2017

encroachments

LEGEND

- DRAIN INLET
- ET TRANSFORMER
- ⊕ UTILITY POLE
- BOLLARD
- ⊕ FIRE CONNECTION



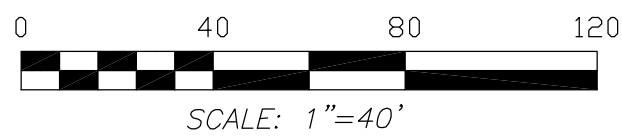
WASTE MANagements OF VIRGINIA
D.B. 125, PG. 1463
S0000390009

WASTE MANagements OF VIRGINIA
D.B. 397, PG. 1446
S0000390015

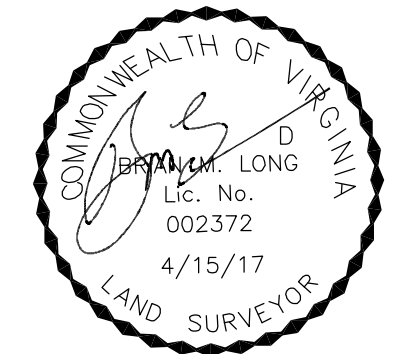
WASTE MANagements OF VIRGINIA
D.B. 397, PG. 1446
S0000390006

ITEMS 6,8,9 & 11
APPROXIMATE LOCATION
16' SPUR TRACT EASEMENT
D.B. 99B, PG. 44
D.B. 128, PG. 256
D.B. 495, PG. 370
P.B. 5, PG. 49
P.B. 5, PG. 146

12TH STREET UNIT OWNERS
ASSOC.
INST. 150003722
S0000390016



SURVEY PREPARED BY:
LONG SURVEYING, LLC
4560 FAC TOBY MILL ROAD
MADISON, VA 23102
804-314-5620
Brian.Long@Long-Surveying.Com



ALTA/NSPS LAND TITLE
SURVEY OF
1200 DINWIDDIE AVENUE
CITY OF RICHMOND, VIRGINIA
APRIL 12, 2017