



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: 400 Stockton Street and 401 Everett Street

Date: 3.13.23

Tax Map #: S0000138-012 and -013 Fee: 1700.00

Total area of affected site in acres: 2.013

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

**Zoning**

Current Zoning: B-7

Existing Use: Paved parking area and a shed

**Proposed Zoning/Conditional Zoning**

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

TOD-1

Existing Use: Paved parking area and a shed

Is this property subject to any previous land use cases?

Yes

No



If Yes, please list the Ordinance Number: 2010-48-58

**Applicant/Contact Person:** Susan S. Smith

Company: Hirschler

Mailing Address: P.O. Box 500

City: Richmond

State: VA

Zip Code: 23218

Telephone: (804) 771-9526

Fax: ( )

Email: ssmith@hirschlerlaw.com

**Property Owner:** 403 Stockton Street, LLC and Flat Water, LLC

If Business Entity, name and title of authorized signer: Jeffrey P. Geiger and Susan S. Smith

(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: P.O. Box 500

City: Richmond

State: VA

Zip Code: 23218

Telephone: (804) 771-9557

Fax: ( )

Email: jgeiger@hirschlerlaw.com and ssmith@hirschlerlaw.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.



## Review & Approval process for **REZONING/CONDITIONAL REZONING**

In instances where it has been determined that underlying zoning regulations cannot be met, a rezoning/conditional rezoning may be granted by City Council to provide relief from zoning regulation. It is the policy of the City of Richmond to encourage the voluntary proffering of conditions by the applicant in cases where the use of conventional rezoning methods are inadequate to achieve certain desired goals. With conditional rezoning, the applicant voluntarily proffers written conditions designed to offset identified problems and render an otherwise unacceptable rezoning acceptable. Off-site impacts on public infrastructure may be mitigated by the inclusion of proffers that address circumstances directly related to the rezoning proposal. Rezoning/conditional rezoning should not be used if proffered conditions will not sufficiently offset or are unrelated to the identified problems.

Applicants **must** schedule a pre-application conference with the Division of Land Use Administration staff to review related Master Plan, land use and other issues that may be involved prior to making application. Please call (804) 646-6304 to schedule an appointment with the staff. **Staff may reject any application without a pre-application conference.** Staff will review submitted applications to ensure all required materials and information are provided. If the application is not acceptable, the required information must be provided prior to formal staff review.

Applicants should also discuss the proposed rezoning/conditional rezoning with area civic associations, property owners, residents, and the area Council Representative prior to submitting an application. Letters from the associations and property owners stating their position in regards to the request should be submitted with the application.

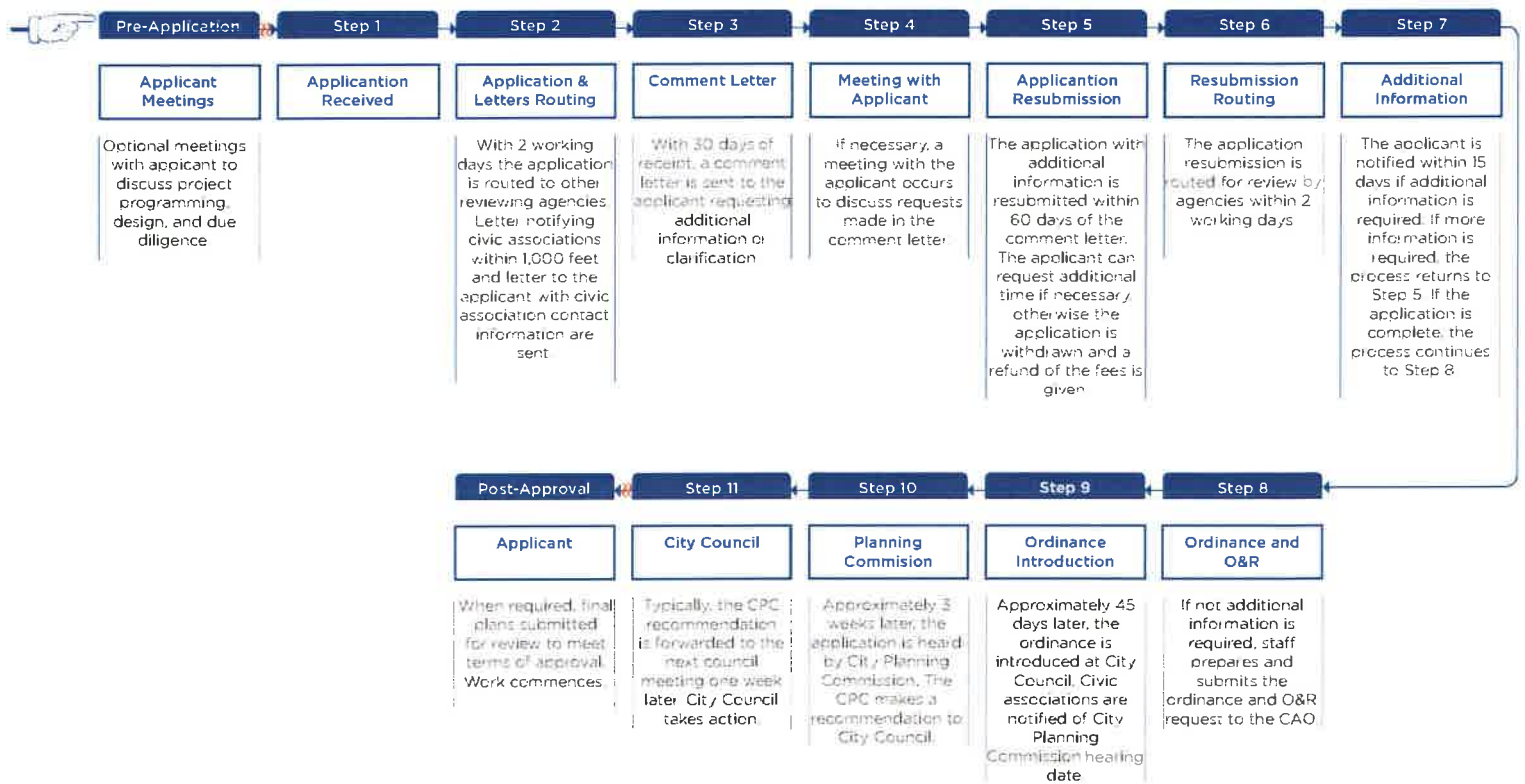
The Division of Land Use Administration circulates the application materials to appropriate City agencies as determined necessary. City agencies reviewing the proposal may include: Public Works, Building Permits & Inspections, Public Utilities, Water Resources, Zoning Administration, and Fire and Emergency Services. The Division of Land Use Administration will coordinate responses by City agencies. Written comments will be provided generally within 30 days of the application submittal date.

After review by these agencies and by the Division of Land Use Administration, the staff will confer with the applicant regarding suggested zoning districts and proffers to be included with the application. Once the application is in final form, an ordinance is drafted and the proffers are attached to and are made a part of the ordinance. The staff will forward a copy of the ordinance to the applicant for review and approval.

The ordinance is then reviewed by the City Attorney's office and the City Administration. Once their review is complete, the ordinance is introduced to City Council and a public hearing is scheduled, usually thirty days after introduction. During this thirty-day period, public notice of the hearing is posted on the site and in a daily newspaper. Notices are also mailed to the owners of all properties within 150 feet of the subject property. One week prior to the City Council public hearing, the Planning Commission, after receiving a report from the Department of Planning and Development Review, considers the proposed rezoning/conditional rezoning and forwards a recommendation to City Council. The Planning Commission welcomes information submitted prior to the meeting and may ask questions of proponents and opponents during the course of its deliberation on the ordinance.

In the event that additions, deletions or other modifications to proffered conditions are desired, they shall be made in writing to the Planning Commission before the Commission makes its recommendation to City Council. City Council may consider additional conditions, deletions or modifications to conditions after the Planning Commission makes its recommendation, provided that such are voluntarily proffered in writing prior to the public hearing at which City Council is to consider the request. City Council may refer the request back to the Planning Commission for further review and action if additions, deletions or modifications to conditions are proposed after the Planning Commission makes its recommendation.

# Legislative Land Use Application Process





## Filing Procedures for REZONING/CONDITIONAL REZONING

### FILING

Rezoning/conditional rezoning applications are filed with the:

Department of Planning and Development Review  
Land Use Administration Division, Room 511  
City Hall, 900 East Broad Street, Richmond, Virginia 23219  
Telephone (804) 646-6304

### APPLICATION REQUIREMENTS

The application for a rezoning/conditional rezoning must include the following, each part of which is explained below. ***Application must be submitted in an electronic format (PDF).***

1. **Application form;**
2. **Application fee;**
3. **Applicant's report;**
4. **Survey plat; and**
5. **Applicable Proffers signed by the property owner(s).**

1. **Application Form:** All the owners of the property must sign the application form and any proffers. In the event that the applicant for a conditional rezoning is a contract purchaser, such purchaser must also be made a part to the proffer and must sign their name. Faxed or photocopied signatures will not be accepted.
2. **Application Fee:** The appropriate fee of \$1,500 plus \$100 for each acre or fraction thereof over the first acre (fee is not prorated by acreage) must accompany the application. Checks should be made payable to the **"City of Richmond"**.
3. **Applicant's Report:** A written report must be submitted explaining the reasons for the rezoning/conditional rezoning request, and the intended use of the property. Information contained in the report will assist the staff in the preparation of its recommendation to the Planning Commission. The report and any supporting materials (i.e. plans) will also be used by staff to determine which zoning district would best accommodate the proposed development.
4. **Survey Plat:** A PDF of a survey plat showing the property and including metes and bounds is required. The plat should show existing physical features of the property, including:
  - a. North arrow, scale, property address, the distance to nearest public street, preparer of plat, date, revision dates, area of site;
  - b. Existing structures, buildings, paved areas, fences, streets, alleys, easements, and limits of the 100 year flood plain, Chesapeake Bay Preservation Area limits, wetlands, and streams.
5. **Written Proffers:** The written proffers (the original must be signed and executed by the property owner(s) and the contract purchaser, if applicable) shall only be accepted as conditions attached to the rezoning if they meet the following criteria:
  - a. The rezoning itself must give rise to the need for the conditions;
  - b. The conditions shall have a reasonable relation to the rezoning;
  - c. The conditions shall be in conformity with the City Master Plan;
  - d. The conditions shall be drafted in such manner as to be clearly understandable



## Filing Procedures for REZONING/CONDITIONAL REZONING

- e. The conditions cannot impose upon the applicant the requirement to create a property owners' association nor a condition that members of a property owners' association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments, and other public facilities; however, such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the City;
- f. **The conditions can not be less restrictive than the provisions of the requested zoning district, and shall not require or permit a standard that is less than required by any applicable law;** and
- g. Where proffered conditions include the dedication of real property or payment of cash, such property may not transfer and such payment of cash may not be made until the facilities for which such property is dedicated or cash is tendered are included in the Capital Improvement Program (CIP). However, the City may accept proffered conditions which are not normally included in the CIP. If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions must provide for the disposition of such property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.



### COMMUNITY UNIT PLAN

Preliminary	\$3,000 + \$100/acre <sup>1</sup>
Extension of Preliminary Approval	\$1,500
Final	\$1,500 + \$100/acre <sup>1</sup>
Amendment	\$1,500 + \$100/acre <sup>1</sup>

### CONDITIONAL USE PERMIT

Initial	\$1,500 + \$100/acre <sup>2</sup>
Amendment	\$1,000 + \$100/acre <sup>2</sup>

### PLAN OF DEVELOPMENT

Floor area & Land disturbed ≤5,000 square feet	\$500 + \$100/acre <sup>2</sup>
Floor area & Land disturbed ≥5,001 & ≤50,000 square feet	\$1,000 + \$100/acre <sup>2</sup>
Floor area & Land disturbed ≥50,001 square feet	\$1,500 + \$100/acre <sup>2</sup>

### REZONING/CONDITIONAL REZONING

Each continuance caused by the applicant	\$1,500 + \$100/acre <sup>2</sup> \$250
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### SPECIAL USE PERMIT

<i>Use</i>	<i>Initial</i>	<i>Amendment</i>
Day Nursery	\$300	\$200
Single- or two-family detached or attached dwelling	\$300	\$200
Outdoor dining	\$300	\$200
Mobile food business	\$300	\$200
Sign	\$300	\$200
Multi-family dwelling (3 to ten units)	\$1,800	\$1,200
Commercial or industrial equal to or less than 5,000 sq ft	\$1,800	\$1,200
Multi-family dwelling (more than 10 units)	\$2,400	\$1,800
Commercial or industrial more than 5,000 sq ft	\$2,400	\$1,800

Each continuance caused by the applicant	\$250
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### SUBDIVISION

Preliminary Plat	\$500 + \$15/lot
Extension of Preliminary Plat Approval	\$150
Final Plat	\$500 + \$15/lot
Subdivision Confirmation Letter	\$100
Continuance*	\$50
Plat of Correction	\$100

**A full refund of the application fee is permitted if the application is withdrawn prior to the second submittal of plans. Once a second submittal of plans is made, fees are not refundable.**

<sup>1</sup>For Community Unit Plans (CUP), the first 10 acres are included in the base price.

<sup>2</sup>For Conditional Use Permits, Plans of Development, and Rezonings, the first acre is included in the base price.

For all applications with an additional price per acre, fractions of an acre are rounded up to the nearest whole number. Do not prorate the fee per fraction of acre.

- Example: A Conditional Use Permit (CUP) for a 0.76 acre property would owe \$1,500 (base fee only). A CUP for a 2.3 acre property would owe \$1,700 (\$1,500 base fee + 2\*\$100 (for the 1.3 acres over the first acre))

\* No charge for the 1st continuance requested by the applicant or for any continuance requested by the Planning Commission. The second or subsequent continuance request by the applicant costs \$50.

Fees went into effect upon adoption of Ordinance No. 2018-209 by City Council on September 10, 2018

**400 STOCKTON STREET AND 401 EVERETT STREET**  
**APPLICANT'S REPORT**

**1. REZONING REQUEST.**

403 Stockton Street, LLC and Flat Water LLC (collectively, the “Applicant”) desires to implement the vision of Richmond 300 (the “Master Plan”) between the Maury Street/I-95 Interchange and the rejuvenating Hull Street Road corridor. This implementation entails a request for TOD-1 zoning for a city block between Stockton Street and Everett Street and 4<sup>th</sup> and 5<sup>th</sup> Streets. The acreage of the city block is approximately 2.013 acres and is comprised of two existing parcels of land. The parcels of land are shown on the City’s tax map as #S0000138012 and #S0000138013, and are commonly known as 400 Stockton Street and 401 Everett Street (the “Property”) in the City of Richmond, Virginia (the “City”). The Master Plan designates this Property as Destination Mixed Use and the Applicant understands that TOD-1 is an appropriate rezoning for the Destination Mixed Use designation.

**2. DEVELOPMENT PROPOSAL.**

The Applicant shares the Master Plan’s vision of transforming the area between Maury Street and Hull Street to a gateway neighborhood for the City, which would attract visitors, consumers and businesses from Interstate 95. Granting this rezoning request will allow investment into, and development of, this underutilized city block within the confines of the form-based requirements of the TOD-1 zoning district. The rezoning of this Property will continue the redevelopment of this area into a more dense, walkable community.

This request mirrors a similar TOD-1 rezoning request the City approved for the city block directly across Everett Street (#S0000178001) and the city block adjacent to the new Maury Street interchange roundabout (#S0000219001). This request will facilitate continued investment around the Reynolds Metals plant buildings. This new construction will continue the rejuvenation started with these plant buildings and add more consumers to support the businesses in the plant buildings and the new businesses opening up along the Hull Street Corridor.

**3. EXISTING PROPERTY CONDITIONS.**

The Property is zoned B-7 mixed-use business. A portion of the Property is improved with two paved parking areas. An old shed is located along the Property’s frontage on 5<sup>th</sup> Street. The remnants of this shed include the steel structure and the metal roof, with metal siding remaining on small portion of the shed near Everett Street. The remaining portion is undeveloped and has been used as a dog area.

The Property is surrounded on the northside, westside and southside by multifamily uses. These projects include Plant 0, Plant 1, Miller Lofts, and Stella 360. A rezoning to TOD-1 for the Property would be consistent with these existing uses by

enabling new construction similar to the new construction projects on the east side of these redevelopment projects.

On the eastside of the Property is an existing outside storage lot. This outside storage lot consists of vehicles and construction materials. This outside storage lot was previously rezoned to TOD-1. A rezoning to TOD-1 for the Property would be consistent with the zoning on this outside storage lot and encourage redevelopment of the lot.

#### 4. **ECONOMIC DEVELOPMENT.**

Rezoning this Property to TOD-1 would allow the City to leverage this underutilized tract of land for new economic development within a rejuvenating part of the City.

The project will continue the reinvestment and economic growth envisioned within the Master Plan for this area. This project will not require new infrastructure spending by the City. The development of this Property will also bring new construction jobs and consumers to further stimulate economic growth.

#### 5. **MASTER PLAN.**

- a. *Follows the City's Master Plan.*

The City's Master Plan recognizes the potential for this Property by designating it as a Destination Mixed Use Area. As a Destination Mixed Use Area this Property has been identified by the City as appropriate for higher density pedestrian and transit oriented development. Rezoning this Property to TOD-1 follows the plan for this Property set out in the Master Plan.

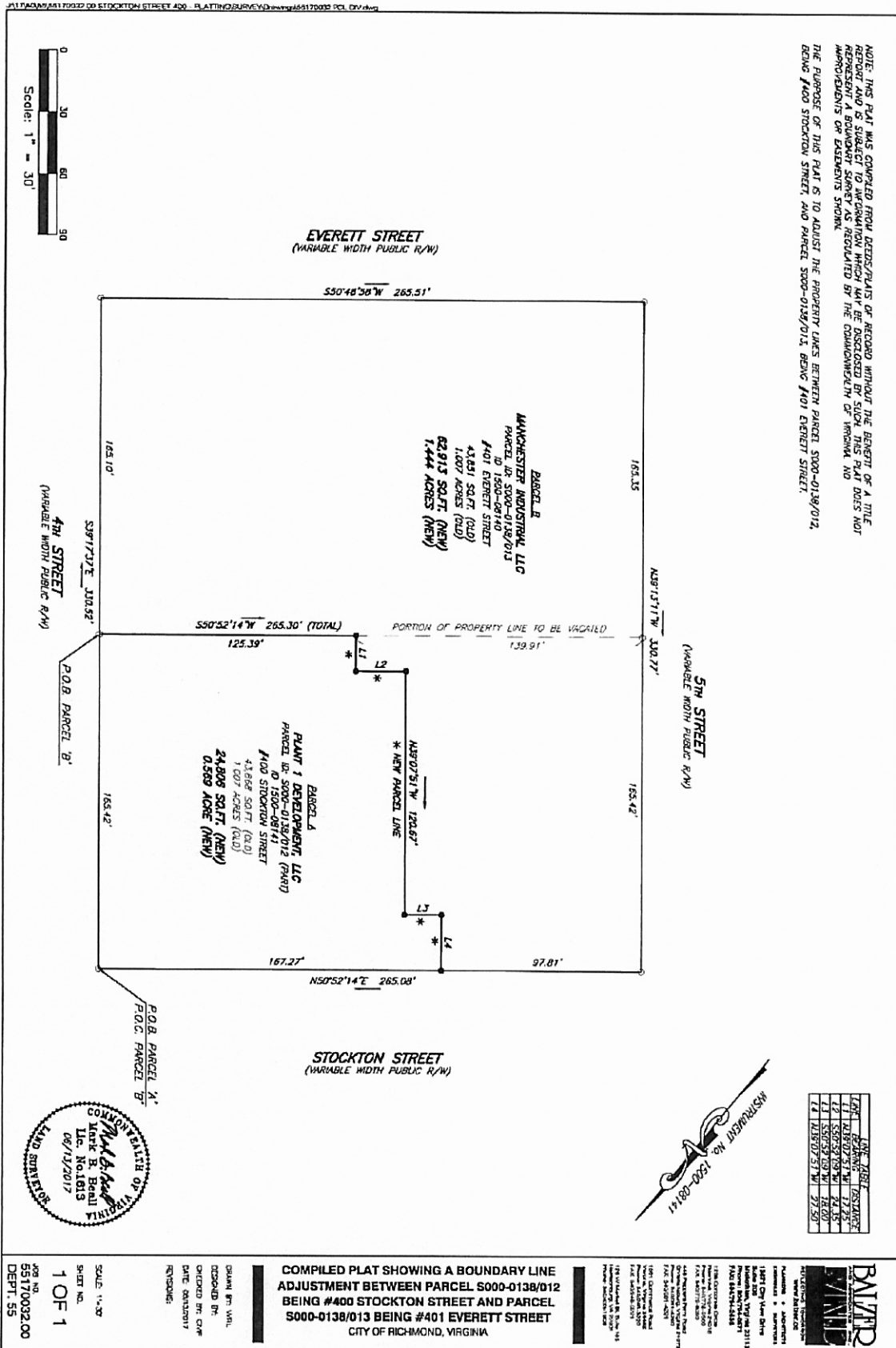
- b. *Meets the Goals of the City's Master Plan.*

Granting the requested rezoning will also address other goals the City has espoused in its Master Plan. The TOD-1 zoning will provide additional opportunities in this area for new, high-quality development that will enhance the public realm and encourage other adjacent vacant and underutilized property to redevelop consistent with the Master Plan. The tremendous success of Scott's Addition and other areas of the City shows how granting by-right zoning leads to attracting capital investment into the City and the expansion of tax revenue for the City.

6. **CONCLUSION.**

The Property is ripe for development that will continue the rejuvenation within this gateway area of the City. The City's Master Plan's designation recognizes and promotes this potential. Approval of this rezoning request will permit continued investment in this area of the City and provide new revenues to support City priorities in the years to come.

# Exhibit B





# City of Richmond Department of Planning & Development Review

## Rezoning

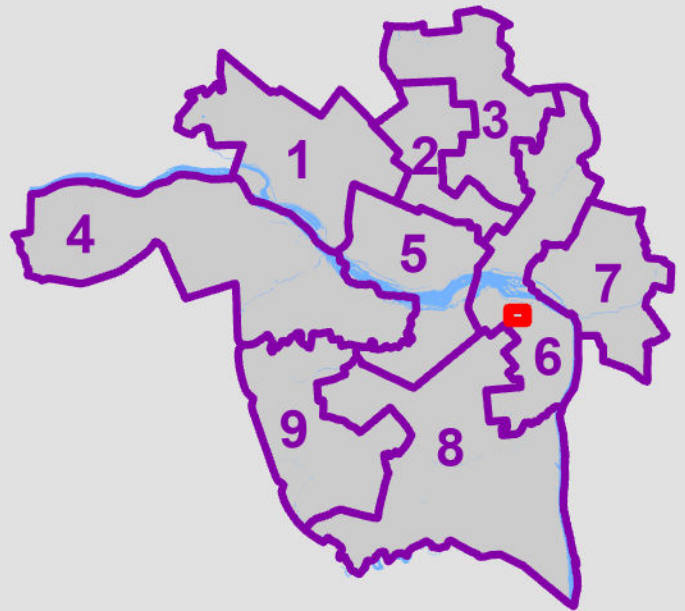
**LOCATION:** 400 Stockton Street and  
401 Everett Street

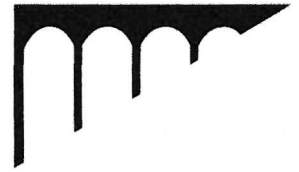
**APPLICANT:** 403 Stockton Street LLC and Flat  
Water LLC

**COUNCIL DISTRICT:** 6

**PROPOSAL:** To rezone the properties known  
as 400 Stockton Street and 401 Everett Street  
from the B-7 Mixed Use Business District to the  
TOD-1 Transit-Oriented Nodal District.

*For questions, please contact David Watson  
at 804-646-1036 or [David.Watson@RVA.gov](mailto:David.Watson@RVA.gov)*





March 14, 2023

Mr. Jeffrey Geiger  
Hirschler Law  
2100 East Cary Street  
Richmond, VA 23223

RE: Rezoning of 400 Stockton Street

Dear Mr. Geiger:

Manchester Alliance is a neighborhood organization which represents the interests of business owners, residents, developers, and property owners in Manchester.

On February 9, 2023, you came to the Manchester Alliance Board meeting and our membership meeting to present your intent to request a rezoning the parcel and property located at 400 Stockton Street to TOD-1.

The Manchester Alliance Board of Directors has reviewed this rezoning request and has voted to support it. Several properties in the vicinity have been rezoned to TOD-1 and we believe that this zoning will be beneficial to this section of the neighborhood and is in keeping with the goals and objectives of the Richmond 300 plan.

Thank you for your continued support of our community.

Sincerely,

A handwritten signature in black ink, reading "Glenda Kotchish". The signature is fluid and cursive, with the first name "Glenda" and last name "Kotchish" clearly visible.

Glenda Kotchish  
President, Manchester Alliance

cc: The Honorable Ellen Robertson