

INTRODUCED: August 15, 2016

AN ORDINANCE No. 2016-212

To conditionally rezone the property known as 800 Jefferson Davis Highway from the M-1 Light Industrial District to the B-6C Mixed-Use Business District.

\_\_\_\_\_  
Patron – Mayor Jones (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

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

THAT THE CITY OF RICHMOND HEREBY OR DAINS:

§ 1. That, as shown on the survey entitled “American Tobacco, #800 Jeff Davis Highway, City of Richmond, Virginia,” prepared by Shadrach & Associates, LLC, and dated January 7, 2016, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property known as 800 Jefferson Davis Highway, with Tax Parcel No. S007-0774/001 in the 2016 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 (2015), as amended, and that the same is included in the B-6C Mixed-Use Business

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:    SEPT 12 2016    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

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.

§ 2. That this rezoning shall be conditioned upon the compliance by the owner or owners with all of the proffered conditions notarized on July 29, 2016, a copy of which is attached to, incorporated into, and made a part of this ordinance. These conditions, having been proffered by the owner or owners and accepted by the City, shall continue in full force and effect until a subsequent amendment to the City's zoning ordinance changes the zoning of the parcels rezoned by this ordinance and specifically repeals such conditions.

§ 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

## Intracity Correspondence

Pre Introduction to Council: PRE. 2016-200

**RECEIVED**

AUG 01 2016

File Number: PRE. 2016-200

OFFICE OF CITY ATTORNEY

To conditionally rezone the property known as 800 Jefferson Davis Highway from the M-1 - Light Industrial District to the B-6C - Mixed Use Business District Conditional, upon certain proffered conditions.

O & R Request

4-5458  
**O & R REQUEST**

JUL 28 2016

Chief Administration Office  
City of Richmond

**TO:** The Honorable Members of City Council

**THROUGH:** Dwight C. Jones, Mayor (by request) *[Signature]*  
(This in no way reflects a recommendation on behalf of the Mayor)

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

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

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

**RE:** Conditional rezoning of 800 Jefferson Davis Highway from the M-1 Light Industrial District to the B-6C Mixed Use Business District.

ORD. OR RES. No.

**PURPOSE:** To conditionally rezone the property known as 800 Jefferson Davis Highway from the M-1 Light Industrial District to the B-6C Mixed Use Business District Conditional, upon certain proffered conditions.

**REASON:** The applicant has requested a conditional rezoning to the B-6C Mixed Use District in order to accommodate mixed-use development that includes residential uses currently not permitted in the existing M-1 Light Industrial District.

**RECOMMENDATION:** In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its September 6, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property consists of an 11.07 acre (482,297 SF) parcel of land and improved with 4 large, interconnected brick buildings, 2 rows of one-story metal warehouses, a free standing brick warehouse and several accessory vacant industrial buildings constructed, per tax assessment records, circa 1930 to 1937. The property is located roughly between Maury and Kern Street along Jefferson Davis.

The applicant proposes to develop the properties in a manner consistent with the B-6 Mixed-Use Urban Business District regulations. The applicant is proposing primarily residential use of the property. The B-6 zoning district was designed to promote the development of mixed land use and promote enhancement of the character of development. The B-6 Mixed-Use Business District encourages an urban style of mixed-use development by requiring minimum heights, maximum setbacks and the orientation of parking to the side or the rear of buildings.

The existing zoning designation of the property as M-1 Light Industrial permits commercial and office uses, however residential uses are not permitted. In addition, the M-1 district permits a variety of uses, including car dealerships, drive-thru restaurants, and the manufacture of metal, wood, and food products. The proposed B-6 Mixed-Use Business District permits commercial, office, and residential uses, while restricting uses such as drive-thrus, the manufacturing of products, and the outdoor storage of products.

The existing M-1 zoning requires parking to be provided as outlined in the Zoning Ordinance, which is typically one space for every 300 square feet of floor area for retail and personal service uses. Restaurants require one space for every 100 square feet of floor area in the M-1 district. The B-6 district requires one parking space for every dwelling unit and a maximum of one space per 300 square feet of floor area for commercial uses. The B-6 district also permits shared parking and provides a 50% reduction in the parking requirement for uses located in existing buildings. The proposed residential development would be eligible for the 50% reduction in the parking requirement, as it will be located in existing renovated warehouse buildings.

In addition to the B-6 district regulations, the applicant has proffered a site plan to which any redevelopment of the property would have to adhere. The site plan shows the primary access to the site from Kern Street to the south and across property owned by the Department of Public Utilities to the north of the subject property.

The subject property falls within the Mixed Used future land use designation of the Old South Planning district, as established by the 2000-2020 City of Richmond Master Plan. Such areas are "characterized by a combinations of office, retail, personal service, general commercial and service uses and, in some cases, multi-family residential and dwelling units above ground floor commercial. Generally, such areas consist of a mix of several types of uses, designed and arranged to be compatible with one another. Each type of use could function independently, but all benefit from proximity to one another." (Page 134).

The subject property is currently zoned M-1 Light Industrial and is located along the Jefferson Davis Corridor. Properties to the east of the subject property are zoned B-3 General Business. Properties to the north, south, and west are in the same M-1 district as the subject property. Property zoned in the B-6C - Mixed-Used Business (Conditional) District are also located just a little further down the Jefferson Davis Corridor to the south of the subject property. A mix of multi-family residential, office, commercial, industrial, institutional, public-open space, and mixed-use land uses are present in the vicinity.

**FISCAL IMPACT / COST:** The Department 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:** \$2,600.00

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** August 15, 2016

**CITY COUNCIL PUBLIC HEARING DATE:** September 12, 2016

**REQUESTED AGENDA:** Consent.

**RECOMMENDED COUNCIL COMMITTEE:** None.

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission,  
September 6, 2016.

**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 and Survey

**STAFF:** Leigh V. Kelley, Senior Planner  
Land Use Administration (Room 511)  
804-646-6384

O&R 16-16



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) 646-8304
http://www.richmondgov.com/

Project Name/Location

Project Name: American Tobacco Date: May 3, 2016

Property Address: 800 Jefferson Davis Highway Tax Map #: S0070774001

Fee: \$2,600.00 Total area of affected site in acres: 11.2
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning Current Zoning: M-1

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

Existing Use: warehouse and vacant

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

If Yes, please list the Ordinance Number:

Applicant/Contact Person: Jennifer D. Mullen, Esq.

Company: Roth Doner Jackson Gibbons Conklin, PLC

Mailing Address: 919 E. Main Street, Suite 2110

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 977-3374 Fax: (804) 441-8438

Email: jmullen@rothdonerjackson.com

Property Owner: Keck's Warehouses, Inc.

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: 1100 Jefferson Davis Highway

City: Richmond State: VA Zip Code: 23224

Telephone: ( ) Fax: ( )

Email:

Property Owner Signature: [Signature] by power of attorney

(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.)

**SPECIAL LIMITED POWER OF ATTORNEY  
CITY OF RICHMOND  
LAND USE APPLICATIONS**

**KNOW ALL MEN BY THESE PRESENTS**, that Keck's Warehouses, Inc. has made, constituted and appointed, and by these presents does hereby make, constitute and appoint Jennifer D. Mullen and Andrew M. Condlin, its true and lawful attorney-in-fact ("Attorney"), to act as its true and lawful attorney-in-fact in our name, place and stead with such full power and authority it would have, if acting personally, to file all such applications required by City of Richmond, Virginia, with respect to that certain real property currently owned by the undersigned, such real estate being located in the City of Richmond, Virginia, being the parcels identified on the attached Exhibit A (the "Property"), including, but not limited to, an application for a rezoning or special use of the Property (the "Richmond Application"). Our said Attorney is also authorized and directed to sign, seal, acknowledge and deliver all such documentation and consents as required for the Richmond Application, and to do, execute and perform all and every other act or acts, thing or things in law needful and necessary to be done as required for the Richmond Application and related to the Property, as fully as we might or could do if acting personally.

The undersigned hereby confirm all lawful acts done by our Attorney pursuant to this Special Limited Power of Attorney. We further declare that as against ourselves or persons claiming under us, everything which our Attorney shall do pursuant to this Special Limited Power of Attorney shall be valid and binding in favor of any person or entity claiming the benefit hereof who has not received actual written notice that this Special Limited Power of Attorney has been revoked.

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

**[SIGNATURES APPEAR ON NEXT PAGE]**

WITNESS the following signatures and seals this 25<sup>th</sup> day of April, 2016

Keck's Warehouses, Inc.

By: [Signature] (SEAL.)  
Name: Charles J. Keck  
Title: President

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

The foregoing instrument was acknowledged before me in my jurisdiction aforesaid by Charles J. Keck, the President of Keck's Warehouse, Inc., a Virginia corporation, on this 25<sup>th</sup> day of April, 2016, on behalf of the corporation.



[Signature]  
Notary Public  
My Commission expires: 3/31/20  
My Registration No.: 278/26



**Exhibit A**

**800 Jefferson Davis Highway**

**S0070774001**

**(00457261,02)**



**roth doner jackson gibbons condlin, plc**

ATTORNEYS AT LAW

919 East Main Street, Suite 2110, Richmond, VA 23219-4625  
(804) 441-8440 (main) - (804) 441-8438 (fax)  
www.rothdonerjackson.com

**Jennifer D. Mullen**  
(804) 977-3374 (direct)  
jmullen@rothdonerjackson.com

May 3, 2016

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

Re: 800 Jefferson Davis Highway Rezoning

Dear Willy:

This letter shall serve as the applicant's report for the enclosed rezoning application of the property located at 800 Jefferson Davis Highway (the "Property") from M-1 Light Industrial to B-6 Mixed-Use Business. The requested rezoning will facilitate a mixed use re-development of the Property with the potential to be the catalyst for additional quality investment in and redevelopment of the Jefferson Davis corridor.

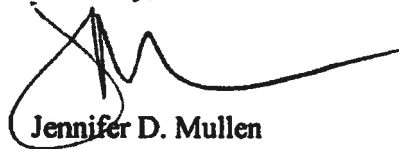
The Property is located on the west side of Jefferson Davis Highway between Kern and Maury Streets. The Property is referenced by the City Assessor as tax map number S0070774001 and is an irregular-shaped piece of with approximately 1005 feet of frontage on Jefferson Davis Highway and containing 11.2 acres of lot area. The American Tobacco Company occupied the 4 large, interconnected brick buildings, 2 rows of one-story metal warehouses, a free standing brick warehouse and several accessory buildings on the Property for tobacco leaf processing and drying. The one-story metal warehouses are currently used for warehouse purposes, but the remaining structures are currently vacant.

The Master Plan recommends "Mixed Use" for the Property. Additionally, text guidance contained in the Land Use Policies and Strategies section of the Old South Planning District suggests that, among other things, well designed multi-family, office and commercial uses are appropriate uses for the area. The proposed rezoning of the Property from M-1 to the B-6 district allows for use of the Property that is more consistent with the Mixed Use designation of the Master Plan, and necessary to permit residential use on the Property.

In addition to consistency with the Master Plan designation, this proposed rezoning provides the opportunity to spark revitalization of the Jefferson Davis corridor with appropriate infill development. A mix of uses will bring needed residents to support business, provide high quality housing options and commercial space. This rezoning is consistent with the revitalization plan for Jefferson Davis Highway. The availability of tax credits for the renovation of the existing structures provide design controls through the State and Federal review of tax credit applications. The B-6 district also includes "form-based" requirements addressing design and character for infill development, such as building façade fenestration, maximum setbacks, and restrictions on the location of parking areas.

Thank you in advance for your consideration of the rezoning application. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer D. Mullen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jennifer D. Mullen

Enclosures

Cc: Tom Wilkinson via email



# City of Richmond Department of Planning & Development Review

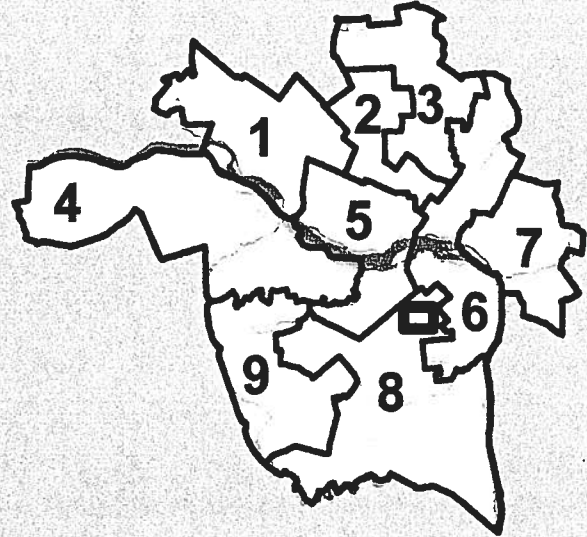
## Rezoning

**LOCATION:** 800 Jefferson Davis Highway

**APPLICANT:** Jennifer Mullen

**COUNCIL DISTRICT:** 8

**PROPOSAL:** Rezoning from M-1 Light Industrial to B-6C Mixed Use Conditional



*For questions, please contact Lory Markham  
at 646-6309 or [Lory.Markham@richmondgov.com](mailto:Lory.Markham@richmondgov.com)*



PROPOSED SURVEY  
**American Tobacco**  
 1820 Jeff Davis Highway  
 City of Richmond, Virginia  
 DATED JANUARY 2, 2018



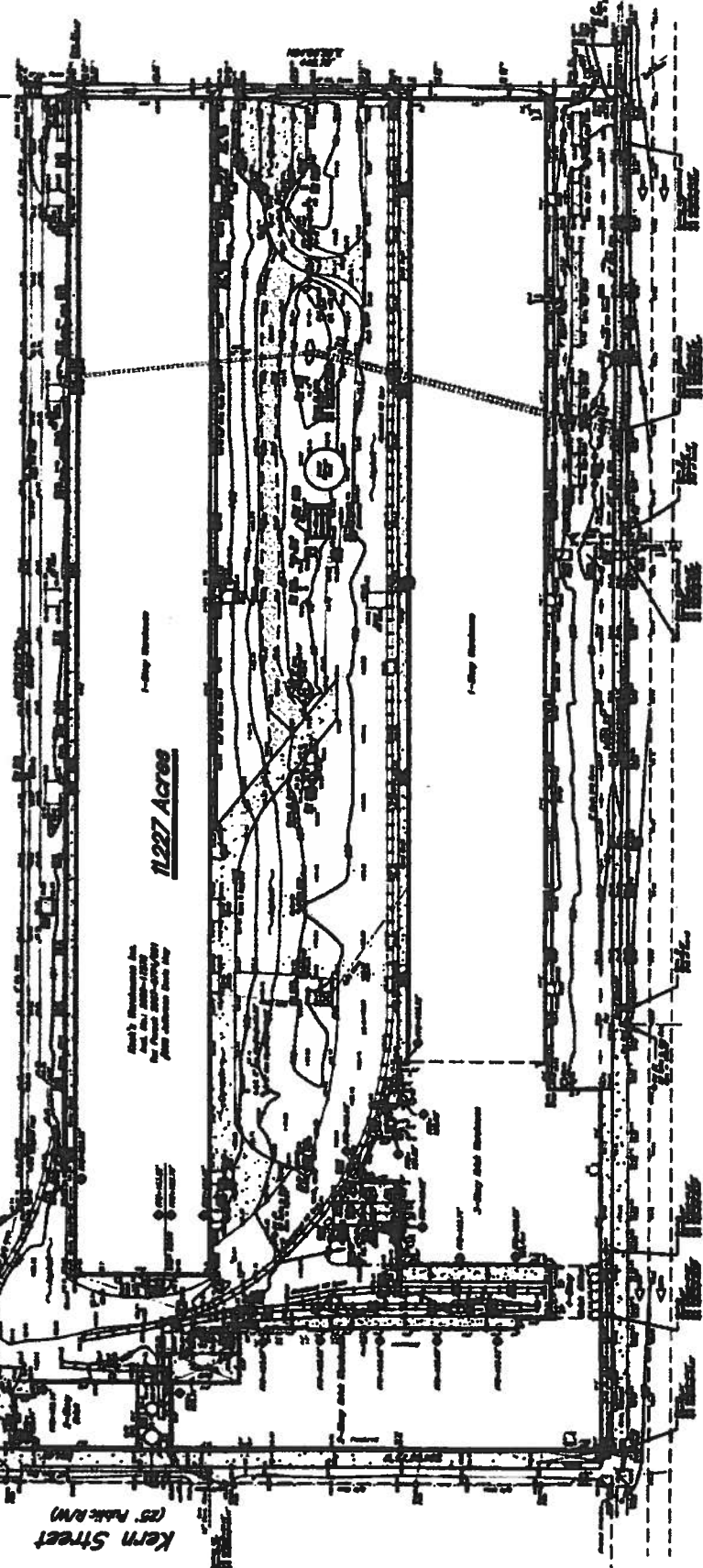
**Shadrach G. Associates, LLC**  
 LAND SURVEYING

1. The existing property boundaries and the proposed center line of the Jeff Davis Highway are shown in solid lines.
2. The proposed center line of the Jeff Davis Highway is shown in a dashed line.
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10. The proposed center line of the Jeff Davis Highway is shown in a dashed line.

ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.  
 ALL ANGLES ARE IN DEGREES AND DECIMALS THEREOF.  
 ALL CURVES ARE CIRCULAR UNLESS OTHERWISE NOTED.  
 ALL DISTANCES ARE MEASURED ALONG THE CENTER LINE OF THE HIGHWAY.  
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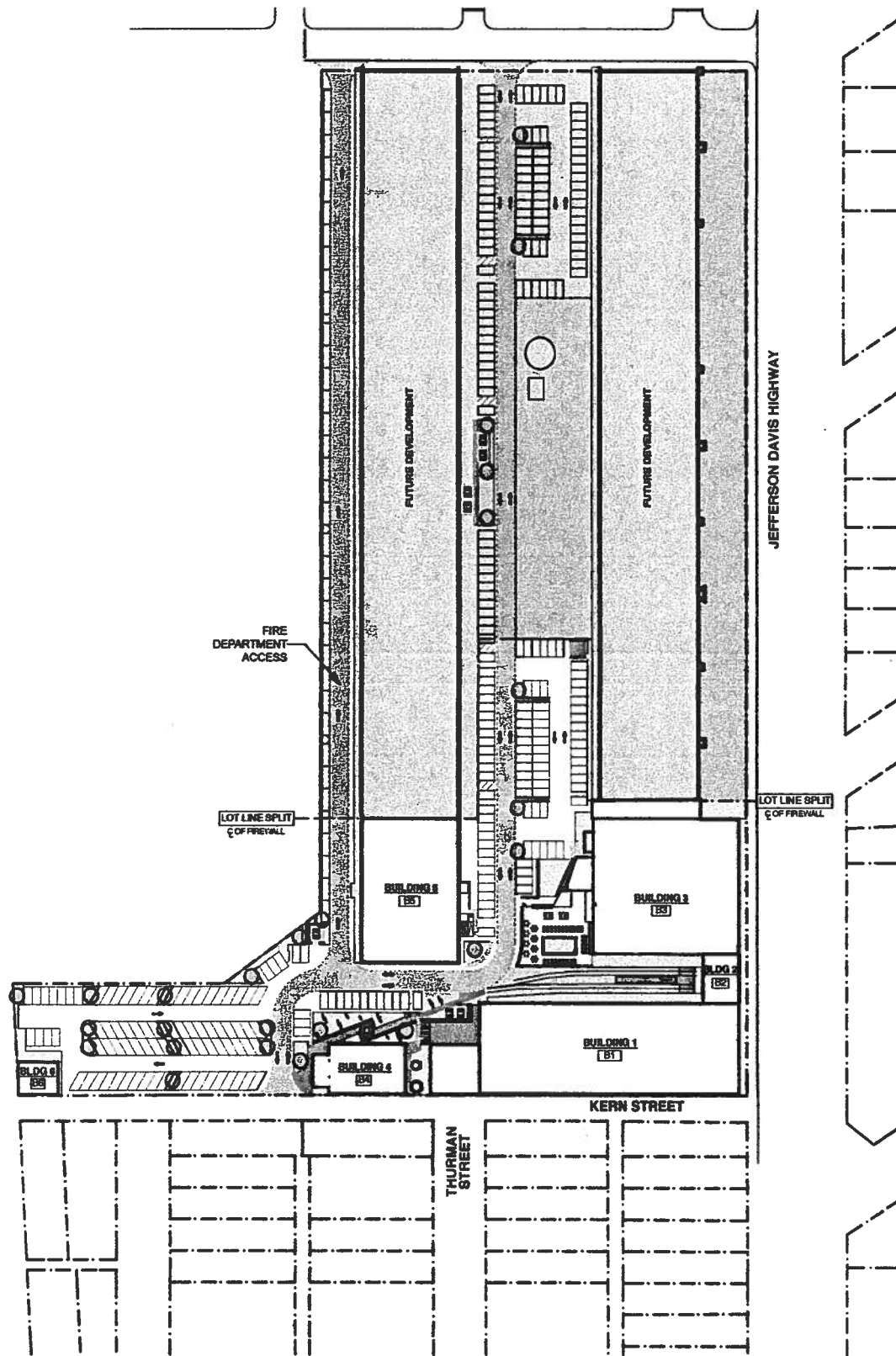
NOT TO SCALE



Kern Street  
 (25' Right-of-Way)

11,227 Acres

Jefferson Davis Highway (U.S. Route 1)  
 (Per: Westnote 8/11)



AMERICAN TOBACCO  
 800 JEFFERSON DAVIS HWY  
 RICHMOND, VIRGINIA  
 project # 15-32  
 date: 7/25/10

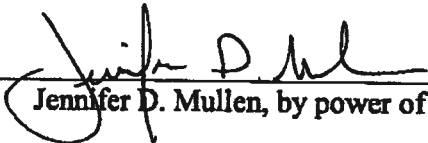
# OVERALL SITE PLAN

A0

The owner of the parcel located at 800 Jefferson Davis Highway, having a tax identification number of S0070774001 (the "Property"), pursuant to Virginia Code (1950, as amended) for itself, its successors and assigns, voluntarily proffers in connection with the rezoning, the following condition:

1. The layout of the development shall be in general conformance with the concept plan entitled "Overall Site Plan" prepared by Walter Parks Architects, dated July 26, 2016 attached hereto as Exhibit A, or as otherwise approved at the time of Plan of Development Review or Subdivision.

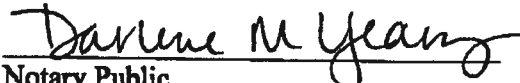
Keck's Warehouses, Inc.

By:   
Jennifer D. Mullen, by power of attorney

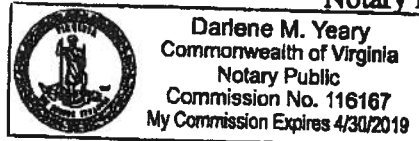
COMMONWEALTH OF VIRGINIA  
CITY OF RICHMOND, to-wit:

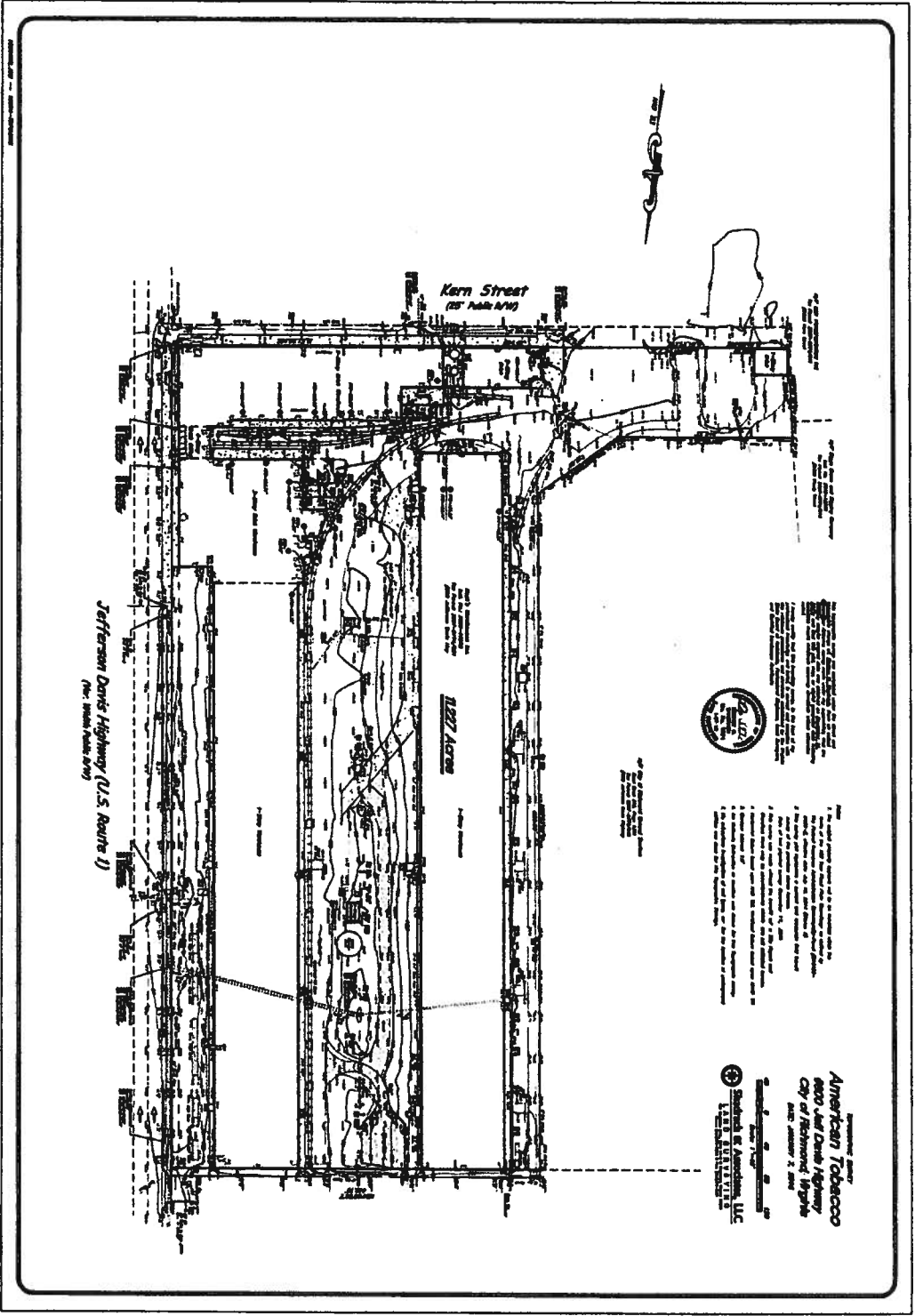
The foregoing was acknowledged before me the 29<sup>th</sup> day of July, 2016, by Jennifer D. Mullen, as power of attorney for Keck's Warehouses, Inc., a Virginia corporation, on behalf of the corporation.

My commission expires: April 30, 2019.

  
Notary Public  
Notary Reg No. 116167

[Notary Stamp]



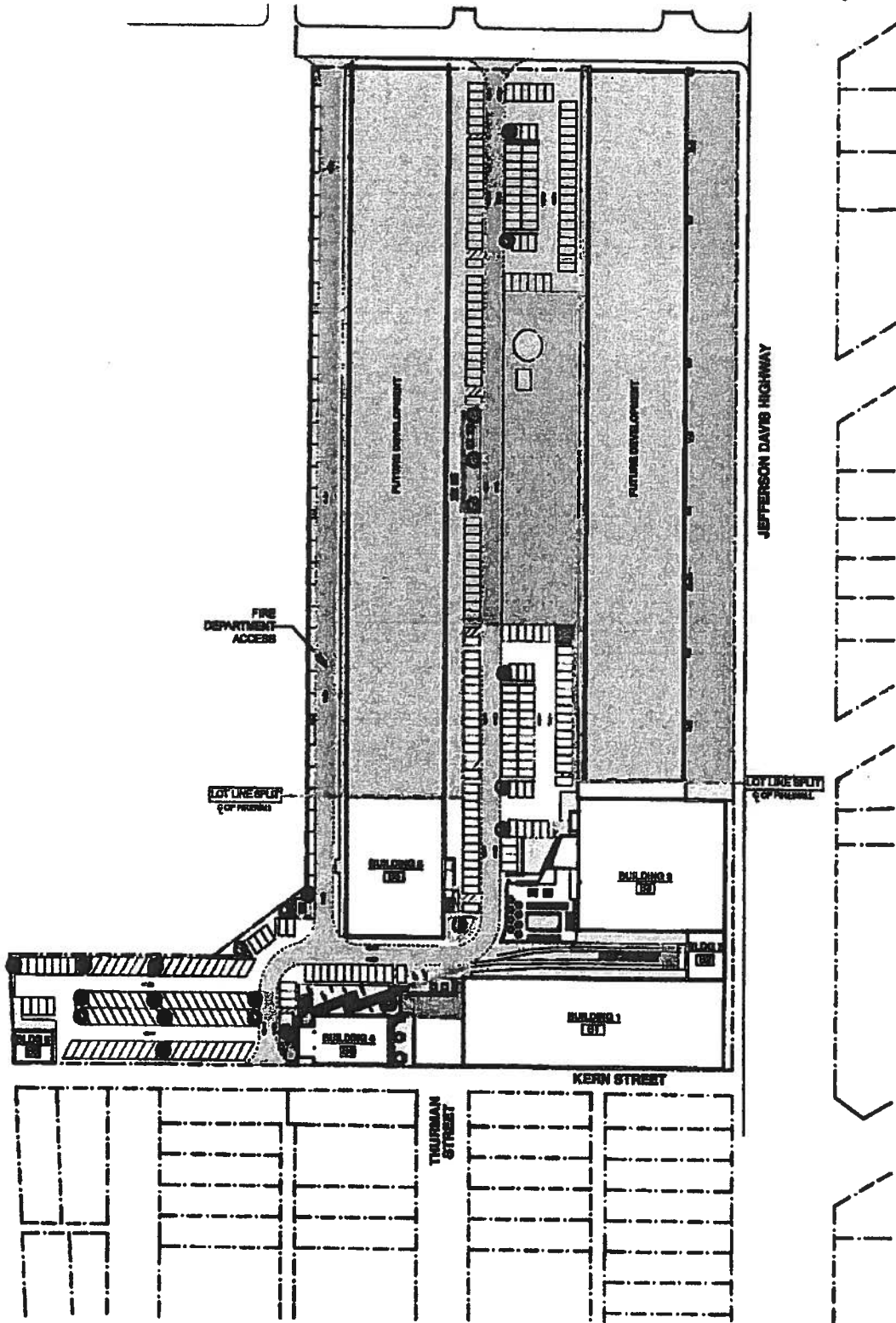


This plan shows the layout of the farm and the location of the buildings and other structures. The plan is based on a survey of the property and is intended to show the general location of the buildings and other structures. The plan is not intended to show the exact location of the buildings and other structures.

The plan shows the layout of the farm and the location of the buildings and other structures. The plan is based on a survey of the property and is intended to show the general location of the buildings and other structures. The plan is not intended to show the exact location of the buildings and other structures.

American Tobacco  
 400 West Davis Highway  
 City of Richmond, Virginia  
 23218-0001  
 800-848-2000  
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# OVERALL SITE PLAN

AMERICAN TOBACCO  
 800 JEFFERSON DAVIS HWY  
 RICHMOND, VIRGINIA  
 PROJECT # 10-00  
 DATE: 1/19/88