



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: 2406 Ownby Lane aka 2408 Ownby Lane Date: 10/22/2019
Tax Map #: N0001294034 Fee: \$1,500
Total area of affected site in acres: 0.898

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

Zoning

Current Zoning: M-2 Heavy Industrial

Existing Use: 511-B Light Industrial

Proposed Zoning/Conditional Zoning

(Please include a detailed description of the proposed use and proffers in the required applicant's report)
B-5 Central Business District. See applicant's report enclosed.

Existing Use: Hardywood Park Craft Brewery

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: 23 West Broad Street #304

City: Richmond State: VA Zip Code: 23220

Telephone: (804) 248-2561 Fax: ()

Email: lory@markhamplanning.com

Property Owner: 2408 Ownby Lane LLC c/o Steiner Business Solutions (This property is currently under contract with the developer)

If Business Entity, name and title of authorized signee: Darren J. Nolt - member

(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: 8814 Fargo Road, Suite 225

City: Richmond State: VA Zip Code: 23229

Telephone: () Fax: ()

Email: _____

Property Owner Signature: Darren J Nolt

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.



November 4, 2019

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

Re: 2406 (Alternate 2408) Ownby Lane Rezoning Applicant's Report from M-2 to B-5

Dear Mr. Olinger,

On behalf of the developers of 2406 Ownby Lane, please accept this letter as the Applicant's Report for the rezoning from M-2 Heavy Industrial to B-5 Central Business District. With this application, Spy Rock Real Estate Group is petitioning City Council to rezone the property from the existing outdated industrial district to the Central Business District zoning intended to promote storefront characters along principal street frontages, a sense of compatibility with adjacent residential neighborhoods, and a safe, convenient and economically viable pedestrian environment. This application is related to the similar rezoning applications RZON-061488-2019 for 1601 & 1611 Overbrook Road submitted on September 25, 2019 and RZON for 2413 Ownby Lane submitted on October 22, 2019.

Site

The proposed rezoning is for parcel N0001294034 located on the west side of Ownby Lane which is a collector street to the minor arterial Hermitage Road. The property is located in the Hermitage Business Park subdivision of The Diamond neighborhood in the Near West Planning District. The site is about one block west of the residential portion of Overbrook Road in the Virginia Union neighborhood.



The parcel is approximately 0.898 acres of land area and is currently improved with a one-story building fronting on Ownby Lane. The building sits behind an asphalt parking surface and an unimproved path in lieu of a hardscaped sidewalk. The structure serves as one of the buildings supporting the Scott's Addition Hardywood Brewery location and per the City Assessor's Office was built in 1900. The tenant has been made aware by the owner the intent to rezone this parcel. A survey is enclosed.

Existing Zoning Regulations

The property is located in M-2 Heavy Industrial District, which permits a wide variety of commercial, industrial and service uses, many of which could be considered noxious or undesirable so close to the mix of uses now found in the area and so proximate to residential uses on the opposing side of Overbrook Road.

M-2 allows for a base building height of forty-five feet with additional height based on an incline plane from the centerline of the abutting street. No portion of a building can penetrate the inclination of one foot horizontal for each three feet vertical. This would allow a building height up to approximately 90 feet along the principal street frontage of Overbrook, a 60-foot-wide right of way. Setbacks are only required on the side and rear lot lines.

Proposal

The owner wishes to construct a new mixed-use development involving this property and those in the surrounding area for which rezoning applications have already been submitted, again all that would comply with the B-5 Central Business District zoning regulations. It permits a wide variety of retail shops and businesses as principal uses which would promote a more pedestrian atmosphere. Dwelling units, including single-family, are also allowed.

B-5 allows for a base building height of no more than 5 stories, no greater than 15 feet with the ground floor as an exception, and a minimum of 2 stories. This would allow for a building up to at least 75 feet.

In addition, to the normal zoning requirements, any development of the site as a mixed-use residential project with more than 10 units or greater than 50,000 square feet will require a plan of development to be approved by the Director of Planning and Development Review to ensure compatibility with the district and the city's plans.

It should be noted that B-5 is more suitable than the B-7 district. B-7 should not be considered as it permits uses allowed in M-1 and M-2 district which are deemed undesirable so close to residential uses on the opposing side of the street and in the area. Also, B-7 does not allow single-family detached, single-family attached or two-family dwellings. The applicant would like to incorporate a variety of housing types and styles at different price points and market these to different demographics. B-7 only permits what would be large monolithic multi-family buildings.

Master Plan / Pulse Corridor Plan

The City of Richmond's Master Plan, adopted in 2001, designates the subject properties for "industrial" development. However, for the Near West Planning District, the plan states that "it is meant

to accommodate new and diverse development opportunities where appropriate,” and “recommends the ultimate conversion or phasing out of several isolated pockets of uses that are inconsistent with surrounding uses.” (pages 229-230).

The current singular use of the parcel is becoming increasingly incompatible with the area and in particular due to the conversion of the majority of the properties in surrounding properties to mixed use and multi-family residential uses. Ord. No. 2018-326 authorized nearby 1650 Overbrook Road for the use of up to 205 dwelling units. Though it does currently support an active scene during drinking hours, the mixed-use development potential of this parcel could far exceed that even, especially in conjunction with the nearby parcels we are requesting to rezone to B-5.

The subject properties are a few blocks outside of the walkshed for the Pulse Corridor Plan. Within this plan the stated goals for development along the transit line is for it to be Compact & Mixed, Connected, and Thriving & Equitable. The rezoning of this property would allow for development that would support these objectives. The current use acts only as a singular structure and surrounded by parking surfaces without any visual interest at the human scale. It does not entirely support the safety concept of “eyes on the street” or a pedestrian atmosphere, especially during day-time hours, as it stands or could be developed presently to the extent that of B-5.

City Charter Conditions

We trust that you will agree that the development of the site would be better suited under the regulations in the B-5 Central 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 rezoning. 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', followed by a vertical line.

Lory Markham

Enclosure: application form, fee payment, survey

cc: The Honorable Kimberly B. Gray
Matthew Ebinger, Planning Commission Secretary
Andrew Basham, Spy Rock Real Estate Group