

INTRODUCED: September 25, 2017

AN ORDINANCE No. 2017-193

To rezone the properties known as 904 Oliver Hill Way, 908 Oliver Hill Way, and 1020 Oliver Hill Way from the M-1 Light Industrial District and the M-2 Heavy Industrial District to the B-5 Central Business District.

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

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

PUBLIC HEARING: NOV 13 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the survey entitled “ALTA/NSPS Land Title Survey Showing Existing Improvements to Three Parcels of Land Situated on the West Line of Oliver Hill Way, City of Richmond, Virginia,” prepared by Shadrach & Associates LLC, and dated June 8, 2017, 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 2017 records of the City Assessor, are excluded from the M-1 Light Industrial District and the M-2 Heavy Industrial District and shall no longer be subject to the provisions of sections 30-452.1 through 30-454.6 of the Code of the City of Richmond (2015), as amended, and that the same are included in the B-5 Central

AYES:            8            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:    NOV 13 2017    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

Business District and shall be subject to the provisions of sections 30-442.1 through 30-442.7 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2015), as amended:

904 Oliver Hill Way	Tax Parcel No. E000-0276/003
908 Oliver Hill Way	Tax Parcel No. E000-0276/001
1020 Oliver Hill Way	Tax Parcel No. E000-0452/036

§ 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. 2017.363

**O & R REQUEST**  
4-6990  
SEP 5 2017

### O & R Request

Office of the  
Chief Administrative Officer

**DATE:** September 1, 2017

**EDITION:** 1

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

**THROUGH:** The Honorable Levar M. Stoney, Mayor *JS 9/20/17*  
(This in 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 9-5-17*

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

**RE:** Rezoning of 904, 908 and 1020 Oliver Hill Way from the from M-1 Light Industrial District and M-2 Heavy Industrial District to the B-5 Central Business District

**ORD. OR RES. No.** \_\_\_\_\_

**PURPOSE:** To rezone the properties known as 904, 908 and 1020 Oliver Hill Way from the M-1 Light Industrial District and M-2 Heavy Industrial District to the B-5 Central Business District.

**REASON:** The applicant is requesting to rezone the historic Herod Seed property fronting on Oliver Hill Way from the existing M-1 and M-2 industrial zoning districts to the B-5 district to develop the property with residential uses under the more urban mixed-use form-based regulations found in the B-5 district. The existing M-1 and M-2 districts do not permit residential uses.

**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 October 16, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The proposed rezoning is for three properties that front on Oliver Hill Way just east of

Downtown, in the City's Upper Shockoe Valley Neighborhood of the East Planning District. The Martin Luther King Memorial Bridge crosses a portion of the property with the Bridge itself running well above the property. The three properties together are comprised of 2.4 acres. There are three historic warehouse buildings totaling approximately 46,375 square feet located on the property north of the Martin Luther King Memorial Bridge. The property to the south of the Bridge is currently unimproved.

The property is currently located in M-1 Light Industrial and M-2 Heavy Industrial zoning districts. The existing industrial zoning does not permit residential uses. The applicant wishes to redevelop the existing warehouse buildings with residential uses and to construct new residential buildings on the unimproved portion of the property. The proposed B-5 Central Business zoning district would limit the number of noxious commercial and industrial uses currently allowed and would permit the redevelopment of the property with residential and mixed-uses. The B-5 district includes form-based requirements that are not found in the existing industrial zoning districts, which will ensure that any development of the site is more urban in character and will provide activity on the street.

The southern portion of this site was included in the 2009 Downtown Plan, which recommends that the property be developed consistent with the Urban Center Character Area. The Urban Center Character Area calls for higher density, mixed-use development, typically arranged on a fine-grained street network, with wide sidewalks, regular tree planting, and minimal setbacks.

Specifically addressing Shockoe Valley, the Downtown Plan states, "It is important that the vacant lots and parking lots in Shockoe be developed responsibly, in a manner that enhances and reinforces the district's historic, urban character. Surface parking lots should be targeted for development...Infill development with streetscape improvements can transform this portion of district currently characterized by sporadic development and vacant lots." (page 4.58).

The southern portion was more recently designated by the Pulse Corridor Plan for Neighborhood Mixed-Use land use, which is characterized by "cohesive districts that provide a mix of uses, but with a larger amount of residential uses than other mixed-use districts." The Pulse Corridor Plan recommends the B-5 district as an appropriate zoning district for Neighborhood Mixed-Use areas (p. xii).

The northern portion of the site was not included in the Downtown Plan. The City's 2001 Master Plan recommends Industrial uses for this portion of the site. Primary uses for this category "...include a wide variety of manufacturing, processing, research and development, warehousing, distribution, office-ware- house and service uses. Office, retail and other uses that complement industrial areas are often secondary support uses. The mix of industrial uses and character of such areas may vary depending on the location and available highway access." (City of Richmond Master Plan, p.135).

Properties surrounding the subject property are located within the same M-1 and M-2 districts as the subject property. A mix of industrial, commercial, institutional, office, multi-family residential, and vacant 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:** \$1,700 application fee

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** September 25, 2017

**CITY COUNCIL PUBLIC HEARING DATE:** November 13, 2017

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission,  
October 16, 2017

**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:** Application Form, Applicant's Letter, Draft Ordinance, Survey, Map

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

*PDR O&R No.17-33*



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-019364-2017

**Project Name/Location**

Property Address: 904, 908 and 1020 Oliver Hill Way

Date: June 9, 2017

Tax Map #: E0000-276/003 & 1001 and E0000-452/038 Fee: \$1700

Total area of affected site in acres: 2.409 acres

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

**Zoning**

Current Zoning: M-1 Light Industrial and M-2 Heavy Industrial

Existing Use: Vacant Historic Warehouses

**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

Existing Use: Vacant Historic Warehouses

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: 2314 West Main Street

City: Richmond

State: VA

Zip Code: 23220

Telephone: (804) 2,482,561

Fax: ( )

Email: lory@markhamplanning.com

**Property Owner:** Norman E. Herod

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: 1501 Willingham Road

City: Richmond

State: VA

Zip Code: 23238

Telephone: ( )

Fax: ( )

Email: sdherod@aol.com

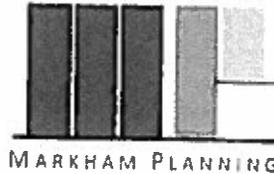
**Property Owner Signature:**

Authenticat

Norman Herod

8/9/2017 10:31:05 AM EDT

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.



June 9, 2017

Mr. Mark Olinger, Director  
Department of Planning & Development Review  
900 East Broad Street, Suite 511  
Richmond, VA 23219  
[Mark.Olinger@richmondgov.com](mailto:Mark.Olinger@richmondgov.com)

RE: Applicant's Report for Rezoning of 904, 908 and 1020 Oliver Hill Way (Herod Seed)

Dear Mr. Olinger,

Please accept this letter as the Applicant's Report for the Rezoning application for 904, 908 and 1020 Oliver Hill Way, the historic Herod Seed property, from M-1 Light Industrial and M-2 Heavy Industrial to B-5 Central Business. With this application, Norman E. Herod and Crescent Preservation & Development Co., LLC are petitioning the City Council to rezone the three properties from the existing industrial zoning regulations, which prohibit residential uses to the nearby B-5 district in order to develop the property with residential uses under the urban mixed-use form-based regulations found in the B-5 district.

#### *Site*

The proposed rezoning is for three properties that front on Oliver Hill Way just east of Downtown. The Martin Luther King Memorial Bridge crosses a portion of the property with the Bridge itself running well above the property. The three properties together are comprised of 2.4 acres. There are three historic warehouse buildings totaling approximately 46,375 square feet located on the property north of the Martin Luther King Memorial Bridge. The property to the south of the Bridge is currently unimproved.

#### *Zoning Regulations*

The property is currently located in M-1 Light Industrial and M-2 Heavy Industrial zoning districts. These districts permit a wide variety of commercial, industrial and service uses, many of which could be considered noxious or undesirable so close to Downtown.

The existing industrial zoning does not permit residential uses. The applicant wishes to redevelop the existing warehouse buildings with residential uses and to construct new residential buildings on the unimproved portion of the property. The proposed B-5 Central Business zoning district would limit the number of noxious commercial and industrial uses currently allowed and would permit the redevelopment of the property with residential and mixed-uses. The B-5 district includes form-based requirements that are not found in the existing industrial zoning districts, which will ensure that any development of the site is more urban in character and will provide activity on the street. These requirements include such things as regulation on the location and screening of parking decks and lots,

fenestration and setbacks maximums. There is no setback requirement in the B-5 district and height is limited to five stories. This will require new development to be located closer to the street and provide for a more engaging streetscape.

*Master Plan / Downtown Plan*

The southern portion of this site was included in the 2009 Downtown Plan, which recommends that the property be developed consistent with the Urban Center Character Area. The Urban Center Character Area calls for higher density, mixed-use development, typically arranged on a fine-grained street network, with wide sidewalks, regular tree planting, and minimal setbacks.

Specifically addressing Shockoe Valley, the Downtown Plan states, "It is important that the vacant lots and parking lots in Shockoe be developed responsibly, in a manner that enhances and reinforces the district's historic, urban character. Surface parking lots should be targeted for development...Infill development with streetscape improvements can transform this portion of district currently characterized by sporadic development and vacant lots." (page 4.58) The type of development that would be permitted under the proposed B-5 district is consistent with these recommendations found for the site in the Downtown Plan.

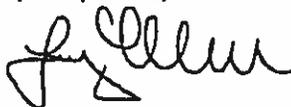
The northern portion of the site was not included in the Downtown Plan and City's 2001 Master Plan recommends Industrial uses for this portion of the site. However, given the site in its entirety and its proximity to Downtown, the recommendations found in the Downtown Plan for one half of the site are applicable to the other half of the site.

*City Charter Conditions*

Given the recommendations in the City's Downtown Plan, we trust that you will agree with us 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 application. Please feel free to contact me at [lory@markhamplanning.com](mailto:lory@markhamplanning.com) or (804) 248-2561 if you have any questions or require additional materials to process the application.

Very Truly Yours,



Lory Markham

Enclosures

cc: The Honorable Cynthia Newbille  
Matthew Ebinger, Secretary to the City Planning Commission

