



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: 1011 Commerce Rd Date: January 21, 2023
Tax Map #: S0000388001 Fee: \$2,000.00
Total area of affected site in acres: 5.07 AC

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

Zoning

Current Zoning: M-2 Heavy Industrial

Existing Use: Retail

Proposed Zoning/Conditional Zoning

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

TOD-1 Transit Oriented District for mixed use
Existing Use: Retail

Is this property subject to any previous land use cases?

Yes ☐ No ☒ If Yes, please list the Ordinance Number: n/a

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: Ton Ton LLC

If Business Entity, name and title of authorized signee: Andy Thornton

(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: 9307 CHEROKEE RD
City: RICHMOND State: VA Zip Code: 23235
Telephone: (804) 516-4163 Fax: ()
Email: athornton@ladiff.com

Property Owner Signature: [Signature] [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 13, 2023

Mr. Kevin Vonck
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 1011 Commerce Road

Dear Mr. Vonck:

Please accept this letter as the Applicant's Report for the request to rezone the following property from the M-2 Heavy Industrial district to the TOD-1 Transit Oriented District:

Address	Tax Parcel ID	Acreage	Existing Zoning	Ownership
1011 Commerce Rd	S0000388001	5.07	M-2	Ton Ton LLC

With this application, the property owner is petitioning the City Council for a rezoning to facilitate future development that would be permitted under the regulations of the TOD-1 district. This requested rezoning is consistent with and in support of the development goals for this property as detailed in the Richmond 300 Master Plan.

Property

The property is located at the northwest intersection of East Commerce Road and Gordon Avenue in the City's Old South neighborhood. Containing 5.07 acres of land area, this parcel is improved with three warehouse buildings. The largest of these contains 19,390 SF of floor area and was constructed in 1983. This building is currently the location of a furniture retailer. Surrounding properties along Commerce Rd and Dinwiddie Ave are primarily industrial uses located in the M-2 districts. However, a 3-acre property to the north located on the same block as the subject property was rezoned to the TOD-1 district in 2021.

Zoning Regulations & Proposal

The property is currently 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 currently found directly north in Manchester and the nearby residential neighborhoods of Oak Grove and Blackwell. Despite the wide-range of permitted uses, dwellings are not permitted in the M-2 district.

The property owner wishes to construct new mixed-use development on the property that would comply with the TOD-1 zoning district regulations. The proposed TOD-1 district regulations would allow for a mix of uses, including residential and commercial uses fronting on Commerce Road with structured parking to the rear of these active uses. The owner plans to develop the property in accordance with the stated intent of the TOD-1 district which is to promote enhancement of the character of development along principal corridors, at key gateways, and at nodes of high activity located near transit service, bicycle infrastructure, and pedestrian-friendly streetscapes. These regulations promote redevelopment, placemaking, and development of surface parking lots to create high-quality urban spaces.

The TOD-1 district includes form-based requirements that are not found in the existing zoning district which will ensure that any development of the site is urban in character, provide life and activity on the street and promote walking and biking. These requirements include a maximum height of 12 stories, and regulations on the location and screening of parking decks and lots, fenestration and setbacks minimums and maximums.

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Richmond 300 Master Plan

The property is designated for future land use by Richmond 300 as Industrial Mixed-Use. 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. Primary uses recommended by the Plan include retail/office/personal service, multi-family residential, cultural, and open space. Development style is recommended 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. Additionally, the property is adjacent to the Manchester Priority Growth Node that have been transformed by a mix of development in recent years. For this Node, the Plan specifically recommends rezoning areas to allow for residential development.

While the recommended development height in Industrial Mixed-Use areas is between three to eight stories, Commerce Road is exceptionally wide at the location of the property. This width, comparable to that of Broad Street, can easily accommodate development heights up to 12 stories as permitted by TOD-1 regulations. In addition, the properties directly across Commerce Road at this location are designated for Destination Mixed Use with no maximum height recommendation by the Richmond 300 Plan. Given that typical development patterns on both sides of one street should be comparable, we believe that the proposed rezoning to allow for an urban-form, mixed use development under TOD-1 is fully consistent with and in support with the recommendations of Richmond 300 for the property and the area.

City Charter Conditions

Given the recommendations in the City's Richmond 300 Master Plan, we trust that you will agree with us that the potential development of the site under TOD-1 regulations would support the efforts to develop the property in a manner consistent with the 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', with a stylized, cursive script.

Lory Markham
Markham Planning

Enclosures

cc: The Honorable Ellen F. Robertson, 6th District Council Representative

GENERAL NOTES

- THE PROPERTY SHOWN IS IDENTIFIED ON THE CITY OF RICHMOND, VIRGINIA GIS AS PARCEL S000388001.
- THE PROPERTY SHOWN HEREON IS NOW IN THE NAME OF MEYERS CO. LLC, RJ COMPANY ASSOC. LLC AND SPOOR ENTERPRISES, LLC, ET. ALS. RECORDED IN THE LAND RECORDS OF CITY OF RICHMOND, VIRGINIA.
- HORIZONTAL DATUM SHOWN HEREON IS REFERENCED TO THE NORTH AMERICAN DATUM OF 1983(NAD83)
- DURING THE PROCESS OF OUR PHYSICAL SURVEY THERE WERE NO INDICATIONS OF A CEMETERY.
- THE PHYSICAL IMPROVEMENTS AND BOUNDARY SHOWN HEREON ARE BASED UPON A FIELD SURVEY BY THIS FIRM COMPLETED ON JULY 21, 2021.
- NO GEOTECHNICAL, SUBSURFACE, FIELD REVIEWS, RESEARCH, AGENCY OR GOVERNMENTAL RECORD REVIEWS, OR OTHER MATERIALS, OR OTHER ENVIRONMENTAL CONCERNS ON SITE IN THE PERFORMANCE OF CHRISTOPHER CONSULTANTS, LTD SERVICES FOR THE PROJECT AS SHOWN HEREON.
- NO CERTIFICATION IS MADE AS TO THE LOCATIONS OF UNDERGROUND UTILITIES SUCH AS, BUT NOT LIMITED TO ELECTRIC, GAS, TELEPHONE, CATV, WATER, SANITARY AND STORM SEWERS.
- AS TO ITEM 9 OF TABLE "A" THE TOTAL NUMBER OF STRIPED REGULAR PARKING SPACES ON THE SURVEYED PORTION OF THE S SUBJECT PROPERTY IS 0 AND 0 HANDICAP PARKING SPACES.
- AS TO ITEM 16 OF TABLE "A" THERE IS NO VISIBLE EVIDENCE OF RECENT EARTH MOVING, BUILDING CONSTRUCTION OR ADDITIONS.
- AS TO ITEM 17 OF TABLE "A" THERE IS NO VISIBLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIR.

NOTES CORRESPONDING TO SCHEDULE B-SECTION 2

THE FOLLOWING EASEMENTS AND/OR EXCEPTIONS AS LISTED IN SCHEDULE B - SECTION 2 OF THE COMMITMENT FOR TITLE INSURANCE FURNISHED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. 21013295, EFFECTIVE DATE OF SEPTEMBER 16, 2021 AT 8:00 A.M., WAS REVIEWED AND ADDRESSED AS FOLLOWS AS TO THEIR CONNECTION WITH THE PROPERTY SHOWN HEREON AND AS DESCRIBED IN SCHEDULE A OF SAID COMMITMENT:

- ⑤ EASEMENTS, TERMS AND CONDITIONS, AS CONTAINED IN DEED BY AND BETWEEN ACME LAND CORPORATION AND ALLEGHANY WAREHOUSE COMPANY, INCORPORATED, DATED JULY 1, 1938, RECORDED AUGUST 5, 1938, IN DEED BOOK 77A, PAGE 296 FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF RAILROAD SIDE TRACKS, AS AMENDED BY INSTRUMENT DATED FEBRUARY 14, 1947, RECORDED MARCH 28, 1947, IN DEED BOOK 106, PAGE 466, AND AMENDED BY INSTRUMENT DATED MARCH 30, 1948, RECORDED MAY 27, 1948, IN DEED BOOK 122, PAGE 39.
RESPONSE: APPROXIMATE LOCATION SHOWN ON SURVEY. RAILROAD SPUR NO LONGER EXISTS ON PARCEL.
- ⑥ EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY, DATED APRIL 24, 1948, RECORDED MAY 17, 1948, IN DEED BOOK 121, PAGE 345.
RESPONSE: EASEMENT IS SHOWN ON SURVEY. ASSOCIATED POLE LINE NO LONGER EXISTS.
- ⑦ EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY, DATED FEBRUARY 17, 1955, RECORDED MAY 24, 1955, IN DEED BOOK 212, PAGE 312.
RESPONSE: EASEMENT IS SHOWN ON SURVEY.
- ⑧ INTENTIONALLY DELETED

RECORD DESCRIPTION

ALL THAT CERTAIN TRACT OR PARCEL OF LAND, WITH ALL THE IMPROVEMENTS THEREON AND APPURTENANCES THEREUNTO BELONGING, LYING AND BEING IN THE CITY OF RICHMOND, VIRGINIA, CONTAINING 5.073 ACRES, AS SHOWN ON A PLAT MADE BY J. K. TIMMONS AND ASSOCIATES DATED SEPTEMBER 18, 1968, REVISED MARCH 25, 1980, ENTITLED "MAP SHOWING PROPERTY AT THE NORTHWESTERN INTERSECTION OF COMMERCE ROAD AND GORDON AVENUE, RICHMOND, VIRGINIA," A COPY OF WHICH PLAT IS ATTACHED TO A DEED RECORDED IN THE CLERK'S OFFICE, CIRCUIT COURT, CITY OF RICHMOND, VIRGINIA, DIVISION II, IN DEED BOOK 571, PAGE 440 AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED IN ACCORDANCE WITH SAID PLAT AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF GORDON AVENUE AND THE WEST LINE OF COMMERCE ROAD, WHICH POINT IS MARKED BY A LEAD-HUB SET; THENCE EXTENDING IN A WESTERLY DIRECTION S. 51° 35' 09" W. 473.97 FEET TO A STONE; THENCE IN A NORTHERLY DIRECTION N. 38° 26' 57" W. 442.77 FEET TO A POINT; THENCE IN AN EASTERLY DIRECTION N. 51° 35' 09" E. 485.18 FEET TO A ROD ON THE WEST LINE OF COMMERCE ROAD; THENCE SOUTHERLY ALONG THE WEST LINE OF COMMERCE ROAD S. 43° 23' 00" E. 213.25 FEET TO A LEAD-HUB SET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1,094.92 FEET, 194.41 FEET TO A ROD SET; THENCE S. 0° 18' 34" W. 46.39 FEET TO THE POINT AND PLACE OF BEGINNING.

ZONING INFORMATION

THE SUBJECT PROPERTY IS CURRENTLY ZONED "M-2", HEAVY INDUSTRIAL

ZONING INFORMATION SHOWN BELOW AS REFERENCED FROM A ZONING REPORT FROM THE EDGE GROUP LLC, PROJECT 20210216-01. THIS INFORMATION IS FOR REFERENCE ONLY, NO CERTIFICATION IS MADE TO THE GENERAL ZONING COMPLIANCE OF THE SITE SHOWN HEREON.

REQUIRED SET BACKS

FRONT NONE
SIDE NONE
REAR NONE

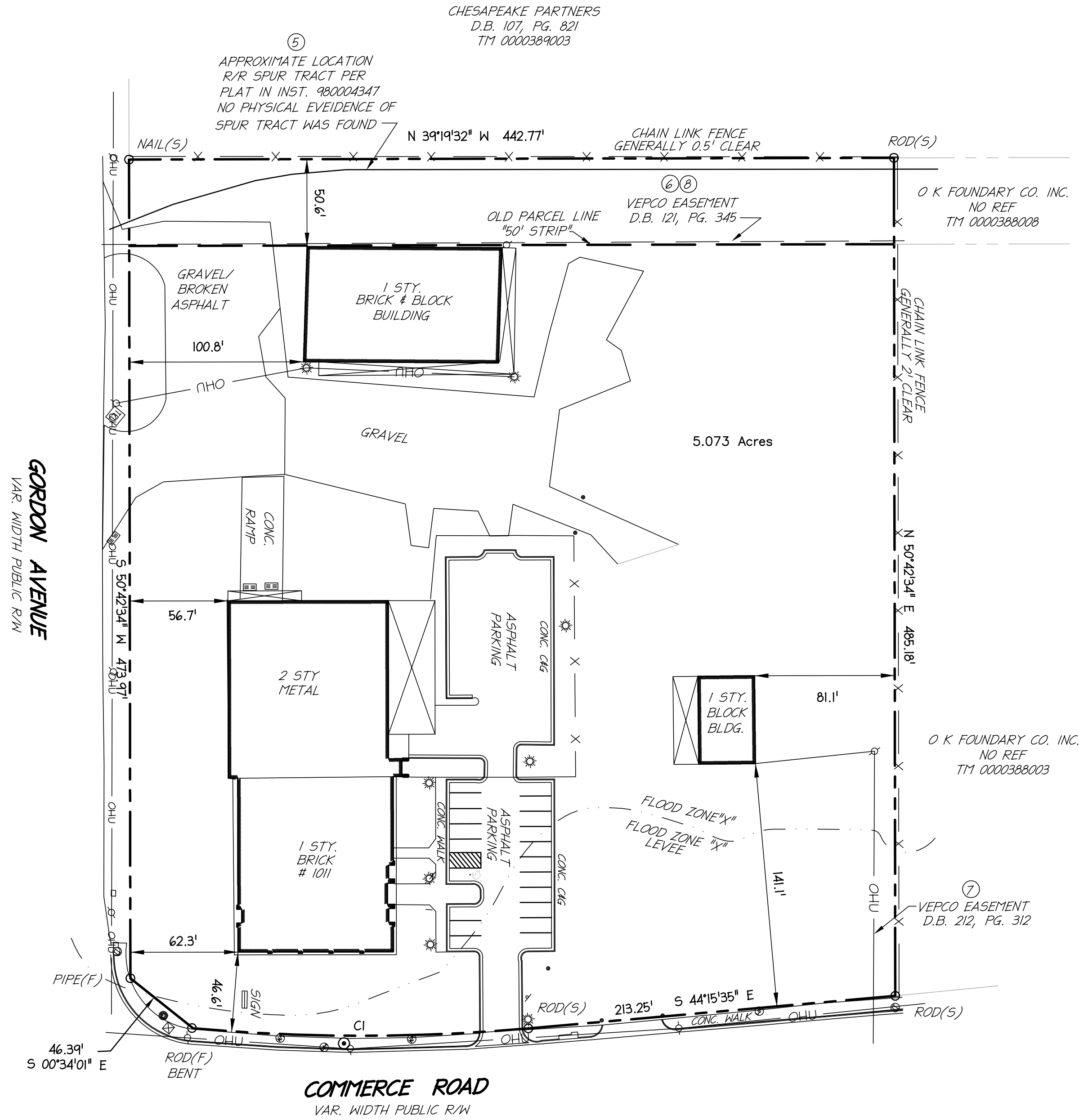
PARKING REQUIREMENTS: VARIES PER USE

EXISTING REGULAR: 19
EXISTING HANDICAPPED: 1
PARKING STRIPES ARE FADED. AERIAL PHOTOS USED.

FLOOD ZONE NOTE

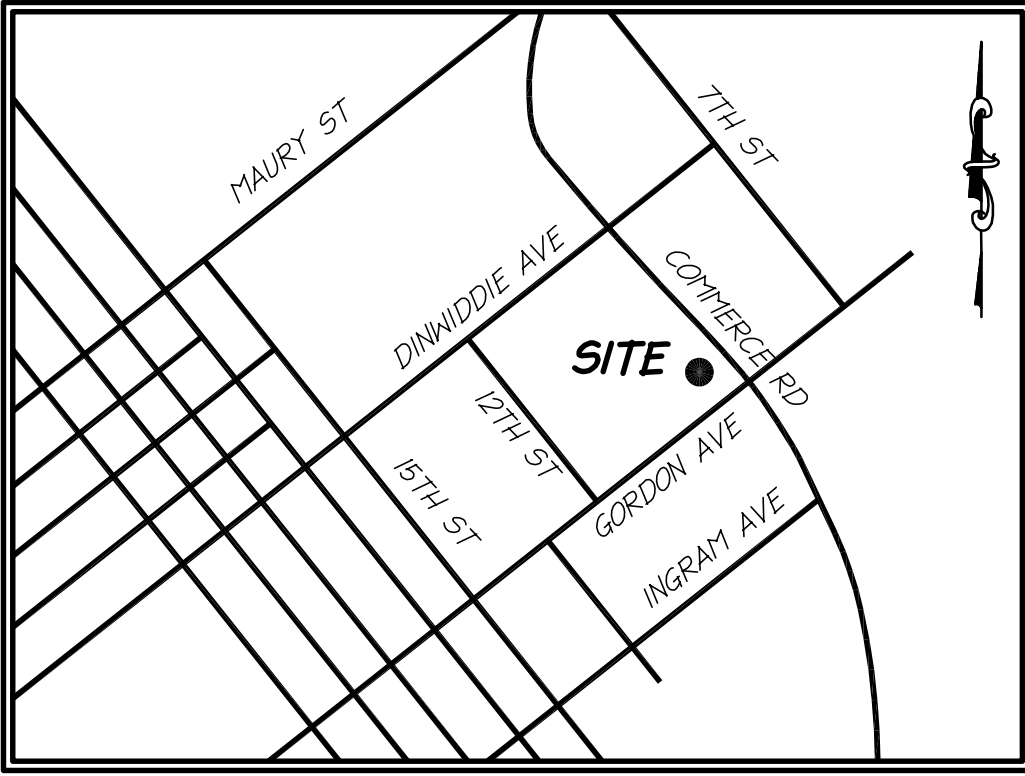
THE PROPERTY SHOWN HEREON IS LOCATED ON THE FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL NO. 510120043E, EFFECTIVE DATE OF JULY 18, 2014, BY GRAPHICALLY DEPICTION ONLY. THE PROPERTY SHOWN HEREON IS SHOWN IN:
FLOOD ZONE "X", AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN
FLOOD ZONE "X", AREAS WITH REDUCED RISK DUE TO LEVEE

A FIELD SURVEY WAS NOT PERFORMED TO DETERMINE THE FLOOD ZONES LISTED HEREON. AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	1094.92	194.38	101°10'14"	194.19	S 34°10'30" E

- LEGEND
- ✓ SIGN
 - ◇ UTILITY POLE
 - ☆ LIGHT POLE
 - ⊙ WATER METER
 - BOLLARD
 - ⊞ TELE. PED.
 - ⊙ STORM MANHOLE



VICINITY MAP
NTS

SURVEYOR'S CERTIFICATION

TO: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY AND TON-TON LLC

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 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, 6(A), 8, 9, 13, 14, 16 AND 17 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON JULY 21, 2021.

Brian M Long
LICENSED LAND SURVEY NO.: 2372
COMMONWEALTH OF VIRGINIA



Rev#	DATE	REVISION
1	10/6/21	CLIENT COM

2021 ALTA/NSPS LAND TITLE SURVEY

1011 COMMERCE ROAD ~ MAP NUMBER 50000388001

MEYER CO LLC & RJ COMPANY ASSOC. LLC & SPOOR ENTERPRISES LLC, ET ALS.

CITY OF RICHMOND ~ VIRGINIA

PROJECT:

SCALE: 1" = 100'

DATE: 8/9/21

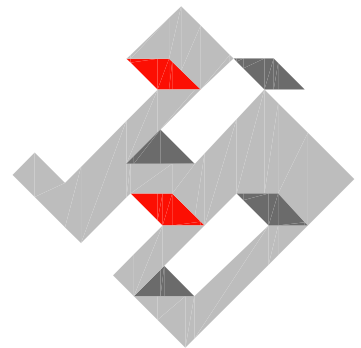
DRAWN: BML
CHECKED:

SHEET No.

1 of 1

christopher
consultants

9301 Innovation drive (suite 150) · manassas, va 20110
phone 703.393.9887 · fax 703.273.6820



XXXXXX



City of Richmond Department of Planning & Development Review

Rezoning

LOCATION: 1011 Commerce Road

APPLICANT: Markham Planning

COUNCIL DISTRICT: 6

PROPOSAL: To rezone the properties known as 1011 Commerce Road from the M-2 Heavy Industrial District, to the TOD-1 Transit Oriented Nodal District.

*For questions, please contact Matthew Ebinger
at 804-646-5789 or matthew.ebinger@rva.gov*

