INTRODUCED: May 22, 2023

AN ORDINANCE No. 2023-175

To rezone the properties known as 500 Commerce Road and 520 Commerce Road from the M-2 Heavy Industrial District to the TOD-1 Transit-Oriented Nodal District.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUN 26 2023 AT 6 P.M

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the survey entitled "ALTA/NSPS Land Title Survey of 2.09 Acres of Land Situated at Commerce Road, Old South District, City of Richmond, Virginia," prepared by Townes, dated March 28, 2018, 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 2023 records of the City Assessor are excluded from the M-2 Heavy Industrial District and shall no longer be subject to the provisions of sections 30-454.1 through 30-454.6 of the Code of the City of Richmond (2020), as amended, and that the same are included in the TOD-1 Transit-Oriented Nodal District and shall be subject to the provisions of

AYES: 7 NOES: 0 ABSTAIN: _____

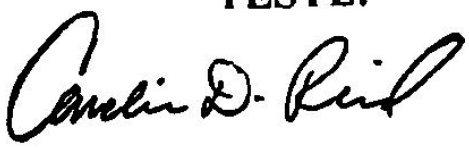
ADOPTED: JUN 26 2023 REJECTED: _____ STRICKEN: _____

sections 30-457.1 through 30-457.10 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2020), as amended:

500 Commerce Road	Tax Parcel No. S000-0274/010
502 Commerce Road	Tax Parcel No. S000-0274/012

§ 2. This ordinance shall be in force and effect upon adoption.

A TRUE COPY:
TESTE:



City Clerk

RECEIVED
By City Attorney's Office at 3:18 pm, May 03, 2023

RECEIVED
By CAO Office at 11:00 am, Apr 14, 2023

City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Item Request

File Number: PRE.2022.1153

O & R Request

DATE: April 11, 2023 **EDITION:**1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (By Request)
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review for KJV

RE: To rezone the properties known as 500 Commerce Road and 520 Commerce Road from the M-2 Heavy Industrial District to the TOD-1 Transit Oriented Nodal District.

ORD. OR RES. No. ___

PURPOSE: To rezone the properties known as 500 Commerce Road and 520 Commerce Road from the M-2 Heavy Industrial District to the TOD-1 Transit Oriented Nodal District.

REASON: The applicant is requesting to rezone two contiguous properties; 500 and 520 Commerce Road, which are currently zoned M-2 Heavy Industrial, to the TOD-1 Transit Oriented Nodal District, which requires a rezoning application.

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.

BACKGROUND: The properties together consist of approximately 91,040 SF, or 2.09 acres, of land. The properties are located in the Old Town Manchester neighborhood between Maury and Marx Streets.

The City's Richmond 300 Master Plan designates these parcels as Destination Mixed Use. Such areas are intended to include "Key gateways featuring prominent destinations, such as retail, sports venues, and large employers, as well as housing and open space. Located at the convergence of several modes of transportation, including Pulse BRT or other planned transit improvements."

Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space.
Secondary Uses: Institutional and government. (p. 64)

Currently, adjacent properties to the north and east are zoned M-2 Heavy Industrial. Properties to the south are zoned TOD-1 Transit Oriented Nodal District, and properties to the West are zoned B-3 General Business District.

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: May 8, 2023

CITY COUNCIL PUBLIC HEARING DATE: June 12, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
June 5, 2023

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Survey

STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646 5734

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: 500 - 520 Commerce Road Date: 11/18/2022
Tax Map #: S0000274010 S0000274012 Fee: $1,700
Total area of affected site in acres: 2.09 acres

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

Zoning

Current Zoning: M-2 Heavy Industrial

Existing Use: Auto Parts and Repair Shop (Truck Pro)

Proposed Zoning/Conditional Zoning

(Please include a detailed description of the proposed use and proffers in the required applicant's report)
Tessera Development seeks a rezoning to TOD-1 to allow a mix of uses and form based code design to redevelop the site.

Existing Use: Auto Parts and Repair Shop (Truck Pro)

Is this property subject to any previous land use cases?

Yes ☐ No ☑ If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Andrew Stone
Company: Tessera Development
Mailing Address: 3817 Bedford Avenue, Suite 220
City: Nashville State: TN Zip Code: 37215
Telephone: _(518) 331-2124 Fax: _(_____)_____
Email: astone@tesseradevelopment.com

Property Owner: Same as above.
If Business Entity, name and title of authorized signee: Andrew Stone, Principal

(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: Same as above
City: _____ State: _____ Zip Code: _____
Telephone: _(_____)_____ Fax: _(_____)_____
Email: _____

Property Owner Signature: _____

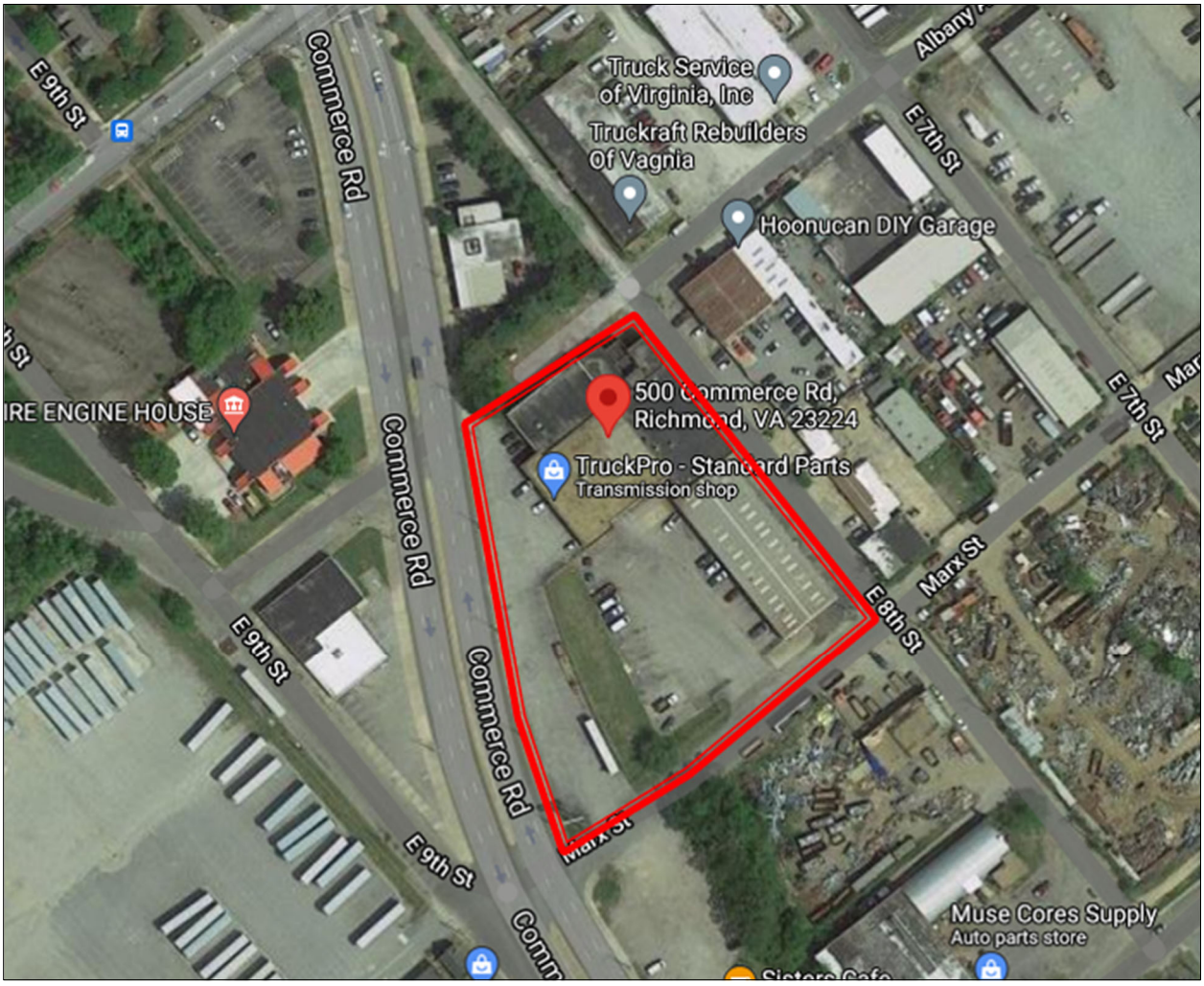
The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.

LaBella
Powered by partnership.

Application for Rezoning

500 – 520 Commerce Road
TD 11, LLC

City of Richmond



Prepared by:
LaBella Associates
1604 Ownby Lane
Richmond, VA 23220

LaBella Project No. CZ82117.00

1.0 PROJECT DESCRIPTION

1.1 Introduction

The Applicant, TD 11, LLC[1], requests the rezoning of 500 – 520 Commerce Road from Heavy Manufacturing (M-2) to Transit-Oriented Nodal District (TOD-1) from the City of Richmond's City Council. The site is located at the southern gateway to the City on a 2.09-acre parcel comprised of two tax parcels.[2] Currently, these parcels are developed with a Truck Pro facility that provides retail auto parts sales and a repair shop.

1.2 Land Use

The site is located between the Historic Blackwell and Manchester neighborhoods near South Richmond. North of the site is a social services facility, east of the site includes auto repair and services, and south of the site is a parking lot and carry-out restaurant. Across Commerce Road, the site abuts a trucking facility, construction contractor and a fire station. The CSX railroad travels south and east of the site.

Recent rezonings have taken place in the immediate area. For instance, 600, 602 and 606 Commerce was recently rezoned from M-2 to TOD-1, 600 and 610 Maury Street was recently rezoned from M-2 to TOD-1; and 1003 Commerce Road was recently rezoned from M-2 to TOD-1. With these rezonings, the area is in a better position to realize the vision of Richmond 300, which identifies these sites as, "Destination Mixed Use" and "Industrial Mixed Use."

Similar to the sites noted above, the site is designated, "Destination Mixed Use," further described in Richmond 300 as, "key gateways featuring prominent destinations, such as retail, sports venues, and large employers, as well as housing and open space. Located at the convergence of several modes of transportation, including Pulse BRT or other planned transit improvements." A rezoning of 500 - 520 Commerce Road to TOD-1 would allow a mix of uses and include form-based design requirements that will ensure development is contextual and relates to/promotes street activity.

Furthermore, the site is located just outside the Manchester Node, which is a priority growth node. A rezoning to TOD-1 would enable residential use, which could better support the vision for Manchester, which includes increased population and economic activity to support the Hull Street corridor. Commerce Road is identified as a Greenway and Shared Use Path and is less than 0.5 miles from enhanced transit service.

Finally, Commerce Road is a designated "Great Street," which are described as, "significant entrances to the city and serve as major connectors between city destinations." As this relates to the site, Commerce Road, connects Manchester and Bellemeade. The

[1] TD 11, LLC is an affiliate of Tessera Development. Tessera Development is a boutique, commercial real estate development firm headquartered in Nashville, Tennessee, and operating across the Southeast. www.tesseradevelopment.com

[2] Tax Lot S0000274010 is comprised of 0.89 acres and is developed with the 30,598 SF Truck Pro facility. Tax Lot S0000274012 is comprised of 1.2 ac. and is developed with a 9,600 SF one-story cinder block building.

redevelopment of this site under TOD-1 would enable development that addresses the street complementing the Greenway and Shared Use Path qualities.

1.3 Zoning

1.3.1 Permitted Uses

The site is currently zoned M-2, which permits commercial, manufacturing, wholesaling and distribution establishments, see Table 1 below. Note that no residential is permitted. As shown in Table 1, the TOD-1 District allows a variety of residential and commercial uses, including retail, offices, personal service businesses and restaurants. A plan of development is required for certain uses, (including buildings with greater than 10 dwelling units) and for any newly constructed building with greater than 30,000 square feet of floor area, and construction of any new building where vehicular circulation, including driveways, parking areas or loading areas, is to be provided on the site.

From a use standpoint, the TOD-1 District better enables the type of development proposed in the Richmond 300 Plan. Given the site's location adjoining the Manchester Node and the other nearby rezonings to TOD-1, the impetus is in place to transform this area into a more prominent destination. Given market conditions, TD 11, LLC anticipates a mixed use building, with ground floor commercial and dwelling units above for the site.

1.3.2 Bulk and Dimensional Requirements

The M-2 District requires yard setbacks only where the site adjoins a property in the Residential or Residential Office Districts. Screening is required for parking areas, refuse areas and junkyards or similar uses. Heights are limited to 45 FT maximum and may not penetrate the inclined plane.

In the TOD-1 District, there is a required front yard setback maximum of 15 FT for residential on ground floor. No front yard is required for other uses. No side or rear yards area required. The TOD-1 requires buildings to have 2 stories at minimum and 12 stories are the permitted maximum. The TOD-1 District requires open space at a ratio of not less that 0.1 for residential developments. Screening is required for parking areas and refuse areas. Parking and vehicular circulation is required to be located behind the main building on the lot. In addition, TOD-1 requires building façade fenestration stipulated by use type and varied according to story height.

One of the primary next steps for the Manchester Nodes is to, "implement design standards to create a high-quality, well-designed urban realm, including elements such as street lights and exploring the creation of signature public art." According to Richmond 300, a "Destination Mixed Use,"

> *"should be urban in form, may be of larger scale than existing context, and, where relevant, should pay special attention to the historic character of the existing context. Development should enhance the public realm and create a sense of place. Many buildings are vertically mixed-use. Developments continue or introduce a gridded street pattern to increase connectivity. Ground floor uses engage with, and enliven, the street. Monolithic walls are discouraged, while*

windows, doors, storefronts, and other features that allow transparency and interaction between building and street are encouraged. Active commercial ground floor uses are required on street-oriented commercial frontages. Buildings typically a minimum height of five stories."

Figure 1: Manchester Conceptual Aerial - Richmond 300

Accordingly, the rezoning of the site to TOD-1 would result in a building envelope that would enliven the streetscape, create a sense of place, and would assist in connecting this area with the greater Manchester Node complementing the vision for the Node, see Figure 1. TD 11, LLC anticipates redevelopment of this site with a zoning compliant structure (including bicycle parking) that will complement the vision for the area and activate the street with a building that is scaled to that vision.

Table 1: M-2 vs. TOD-1 Permitted Uses

M-2 Zoning District	Permitted Uses	TOD-1 Zoning District	Permitted Uses
	Any use in the M-1 District (light industrial food and beverage; metal and metal products, textiles, bedding and fiber, wood and paper products, and several other unclassified uses (e.g., substations, generating plants, and chemical compound blending)		Adult day care
			Art galleries
	Any use or structure not permitted in any other district		Banks and other financial services
	Curing, smoking, packing, storing of fish		Breweries < 10,000 barrel of beer annually and distilleries < 25,000 case of liquor annually
	Non-governmental waste/dead animal/refuse incineration, dumping, transfer station		Catering
	Manufacturing chemicals, including explosive or flammable products		Day nurseries
	Medical waste management facilities		Dwelling units
	Flea market		Grocery stores, convenience stores, specialty food and beverage, and bakeries
	Outdoor shooting range		Hospitals, but not psychiatric
	Nightclub		Hotels, except on transitional sites
	Private penal institution		Laundromats and dry cleaning
	Public/private alternative incarceration dorms and institutions		Laboratories and research facilities
	Refineries of tallow, grease or lard		Manufacturing, warehouse, and distribution of < 8,000 SF of food or beverages with consumption on premise
	Petroleum refinery		Nursing homes
	Fat rendering		Office supply, business and office service
	Liquor sales		Offices, business, professional, medical and artist studios

M-2 Zoning District	Permitted Uses	TOD-1 Zoning District	Permitted Uses
	Used tires sales, storage, disposal		Parking decks and garages
	Storage of dyestuffs, explosives, pyrotechnics		Personal service businesses
	Bulk petroleum storage for distribution		Pet shop, veterinary clinic, and animal hospital
			Postal and package mailing services
			Printing, publishing and engraving establishments < 20 people
			Professional, business and vocational schools
			Recreation and entertainment, including theaters and museums, except on transitional sites
			Restaurants, tearooms, cafes, and similar food and beverage establishments, including catering
			Retail sales, food, beverage
			Retail stores and shops
			Rights-of-way, easements, public utility and public transportation, limited
			Service businesses
			Governmental facilities, not including incarceration or substance abuse facilities
			Wireless communications
			Short-term rental
			Nightclubs
			Social service delivery uses

Note: Uses listed above have been abbreviated and may include supplementary or condition use requirements not stated herein.

1.4 Public Policy

TD 11, LLC has engaged with the local community and the City's Councilmember for this area. The following meetings were held to discuss the potential rezoning of this site from M-2 to TOD-1:

- 8/12/21 Manchester Alliance President Mr. David Bass – Introduction to rezoning petition
- 8/16/21 Councilmember Robertson and Tavares Floyd – Introduction to rezoning petition
- 11/3/21 Ms. Louise McQueen, Councilmember Robertson and Mr. Tavares Floyd – Introduction to rezoning petition
- 10/6/2022 Councilmember Robertson and Mr. Tavares Floyd – Check-in on neighborhood trends

During these meetings, the existing conditions and existing zoning were discussed and compared to the possibilities under the TOD-1 Zoning District. TD 11, LLC explained their anticipated development scenario for the site. To date, no major objections have been communicated; however, TD 11, LLC remains open to any concerns that may arise.

1.5 Conclusion

As described above, the site is categorized as, "Destination Mixed Use" in Richmond 300, which means that it is considered a "Key Gateway" area that can feature prominent destinations, such as retail, sports venues, and large employers, as well as housing and open space. Richmond 300 identifies 500 – 520 Commerce Road as a site that is suited to higher density, transit-oriented development that enhances the public realm and creates a sense of place. The site is located on a Major Mixed Use Street and form-based design elements, such as building windows and entrances on the street, are required for a Destination Mixed Use site. Furthermore, this site is located near to enhanced transit opportunities and along a Greenway and Shared Use Path. TD 11, LLC anticipates building a mixed-use development with ground floor commercial and residential on upper floors in a structure that complies with zoning and meets the intent of the Richmond 300 vision.

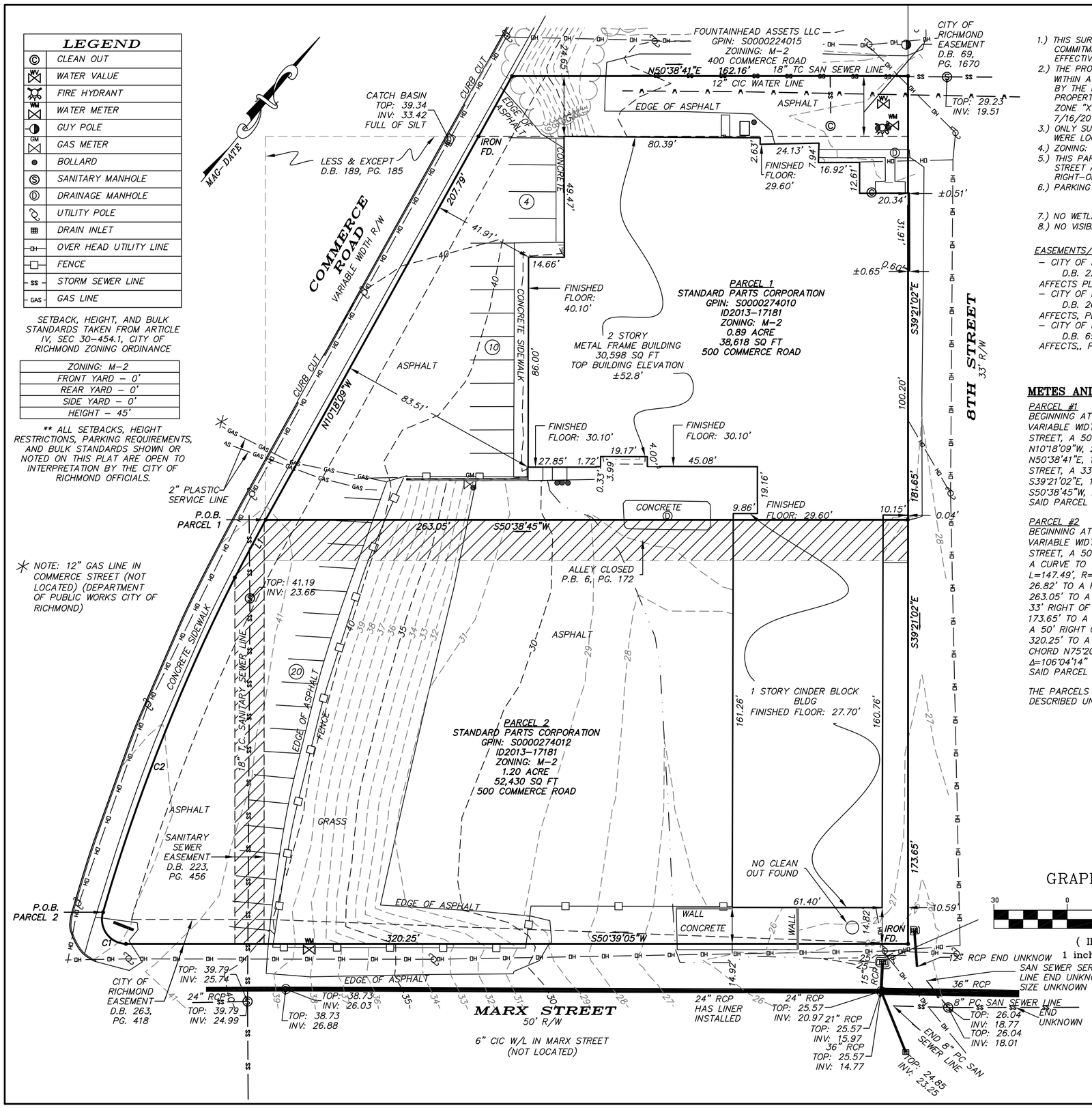
LEGEND	
©	CLEAN OUT
WV	WATER VALVE
	FIRE HYDRANT
WM	WATER METER
	GUY POLE
GM	GAS METER
	BOLLARD
Ⓢ	SANITARY MANHOLE
Ⓓ	DRAINAGE MANHOLE
	UTILITY POLE
	DRAIN INLET
OH	OVER HEAD UTILITY LINE
	FENCE
SS	STORM SEWER LINE
GAS	GAS LINE

SETBACK, HEIGHT, AND BULK STANDARDS TAKEN FROM ARTICLE IV, SEC 30-454.1, CITY OF RICHMOND ZONING ORDINANCE

ZONING: M-2
FRONT YARD – 0'
REAR YARD – 0'
SIDE YARD – 0'
HEIGHT – 45'

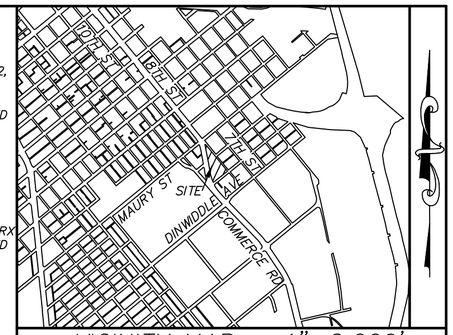
** ALL SETBACKS, HEIGHT RESTRICTIONS, PARKING REQUIREMENTS, AND BULK STANDARDS SHOWN OR NOTED ON THIS PLAT ARE OPEN TO INTERPRETATION BY THE CITY OF RICHMOND OFFICIALS.

✳ NOTE: 12" GAS LINE IN COMMERCE STREET (NOT LOCATED) (DEPARTMENT OF PUBLIC WORKS CITY OF RICHMOND)



NOTES

1.) THIS SURVEY WAS MADE WITH THE BENEFIT OF A TITLE COMMITMENT FROM FIDELITY NATIONAL TITLE No. 831700172, EFFECTIVE SEPTEMBER 28, 2017
2.) THE PROPERTY DESCRIBED ON THIS SURVEY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA) AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE PROPERTY LIES WITHIN ZONE "X". COMMUNITY PANEL No. 5101290043E, DATED: 7/16/2014
3.) ONLY SURFACE INDICATIONS OF UNDER GROUND UTILITIES WERE LOCATED ON THIS SURVEY.
4.) ZONING: M-2
5.) THIS PARCEL HAS DIRECT ACCESS COMMERCE ROAD S, MARX STREET AND E. 8TH STREET, WHICH IS A PUBLIC DEDICATED RIGHT-OF-WAY.
6.) PARKING PROVIDED.....34 REG. SPACES
.....0 HCP SPACES
34 TOTAL SPACES
7.) NO WETLANDS ON SUBJECT PARCELS
8.) NO VISIBLE CEMETERIES



VICINITY MAP – 1"=2,000'

EASEMENTS/AGREEMENTS THAT AFFECT SUBJECT PROPERTY:
– CITY OF RICHMOND EASEMENT D.B. 223, PG. 456 (EXCEPTION 4, AFFECTS PLOTTED HEREON)
– CITY OF RICHMOND EASEMENT D.B. 263, PG. 418 (EXCEPTION 5, AFFECTS, PLOTTED HEREON)
– CITY OF RICHMOND EASEMENT D.B. 69, PG 1670 (EXCEPTION 6, AFFECTS,, PLOTTED HEREON

CERTIFICATION

TO: FIDELITY NATIONAL TITLE, TD 11, LLC IS A DELAWARE LIMITED LIABILITY COMPANY, VIRGINIA CREDIT UNION ISAOA ATIMA:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 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, 7a, 7b, 8, AND 9 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 10/13/2017.

METES AND BOUNDS

PARCEL #1
BEGINNING AT A POINT ON THE EASTERN SIDE OF COMMERCE ROAD, A VARIABLE WIDTH RIGHT OF WAY, SAID POINT BEING ±150' FROM MARX STREET, A 50' RIGHT OF WAY; THENCE ALONG SAID EASTERN SIDE N10°18'09"W, 207.79' TO A POINT; THENCE LEAVE SAID EASTERN SIDE, N50°38'41"E, 162.16' TO A POINT, SITUATED ON THE WESTERN SIDE OF 8TH STREET, A 33' RIGHT OF WAY; THENCE ALONG SAID WESTERN SIDE S39°21'02"E, 181.65' TO A POINT; THENCE LEAVE SAID WESTERN SIDE S50°38'45"W, 263.05' TO THE POINT OF BEGINNING.
SAID PARCEL CONTAINING 0.89 ACRE OR 38,618 SQ FT.

PARCEL #2
BEGINNING AT A POINT ON THE EASTERN SIDE OF COMMERCE ROAD, A VARIABLE WIDTH RIGHT OF WAY, SAID POINT BEING ±10' FROM MARX STREET, A 50' RIGHT OF WAY, THENCE ALONG SAID EASTERN LINE ALONG A CURVE TO THE RIGHT, WITH A CHORD N17°51'11"W, 147.28', AND A L=147.49', R=800.00', AND Δ=10°33'47" TO A POINT; THENCE N11°16'45"W, 26.82' TO A POINT; THENCE LEAVE SAID EASTERN SIDE N50°38'45"E, 263.05' TO A POINT SITUATED ON THE WESTERN SIDE OF 8TH STREET, A 33' RIGHT OF WAY; THENCE ALONG SAID WESTERN SIDE S39°21'02"E, 173.65' TO A POINT, SITUATED ON THE NORTHERN SIDE OF MARX STREET, A 50' RIGHT OF WAY; THENCE ALONG SAID NORTHERN SIDE S50°39'05"W, 320.25' TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, WITH A CHORD N75°20'40"W, 15.98', AND A L=18.51', R=10.00' AND A Δ=106°04'14" TO THE POINT OF BEGINNING.
SAID PARCEL CONTAINING 1.20 ACRES OR 52,430 SQ FT.

THE PARCELS DEPICTED ON THE SURVEY ARE THE SAME AS THOSE DESCRIBED UNDER COMMITMENT 831700172

LINE TABLE		
LINE	LENGTH	BEARING
L1	26.82'	N11°16'45"W

COMMONWEALTH OF VIRGINIA
DRAFT
KARL T. LIPSCOMB
LIC. NO. 3218
03-28-2018
LAND SURVEYOR

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING	TANGENT
C1	18.51'	10.00'	106°04'14"	15.98'	N75°20'40"W	13.29'
C2	147.49'	800.00'	10°33'47"	147.28'	N17°51'11"W	73.95'

GRAPHIC SCALE
30 0 15 30 60
(IN FEET)
1 inch = 30 ft.

ALTA/NSPS LAND TITLE SURVEY OF 2.09 ACRES OF LAND SITUATED AT COMMERCE ROAD OLD SOUTH DISTRICT CITY OF RICHMOND, VIRGINIA

SCALE 1" = 30' MARCH 28, 2018

Townes
SITE ENGINEERING
9850 LORI ROAD, SUITE 201
CHESTERFIELD, VIRGINIA 23832
PHONE: (804) 748-9011 FAX: (804) 748-2590

DRAWN BY: SDF CHECKED BY: _____ SHEET 1 OF 1

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