

INTRODUCED: January 11, 2016

AN ORDINANCE No. 2016-013

To conditionally rezone the property known as 2900 West Broad Street from the B-3 General Business District to the B-5 Central Business District, upon certain proffered conditions.

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

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

PUBLIC HEARING: FEB 8 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the plat entitled “ALTA/ACSM Survey, Plat of Property Situated on the Northern Line of West Broad Street and the Western Line of North Sheppard Street, City of Richmond,” prepared by Engineering Design Associates, and dated September 10, 2015, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property known as 2900 West Broad Street, with Tax Parcel No. N000-1587/016 as shown in the 2015 records of the City Assessor, is excluded from the B-3 General Business District and shall no longer be subject to the provisions of sections 30-438.1 through 30-438.5 of the Code of the City of Richmond (2015), as amended, and that the same is included in the B-5 Central Business

AYES:            8            NOES:            0            ABSTAIN:            1  
\_\_\_\_\_

ADOPTED:    FEB 8 2016    REJECTED:    \_\_\_\_\_    STRICKEN:    \_\_\_\_\_

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.

§ 2. That this rezoning shall be conditioned upon the compliance by the owner or owners with all of the proffered conditions contained in the document entitled “Proffers for 2900 W Broad Street Rezoning,” and dated January 5, 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.

DEC 10 2015

NOV 23 2015



Office

CITY OF RICHMOND  
INTRACITY CORRESPONDENCE

Chief Administration Office  
City of Richmond

O&R REQUEST

O & R Request

DATE: November 18, 2015 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor *D.C.J.*  
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *SCG*

THROUGH: Peter L. Downey, Interim Deputy Chief Administrative Officer for Economic Development and Planning *P.L.D.*

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

RE: To rezone the property known as 2900 West Broad Street from the B-3 General Business District to the B-5 Central Business District.

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

**PURPOSE:** To rezone the property known as 2900 West Broad Street from the B-3 General Business District to the B-5 Central Business District.

**REASON:** The subject property is zoned B-3 General Business District, which does not permit the desired building height for the proposed mixed-use building. A rezoning to B-5 Central Business District is required to permit the proposed use.

**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 January 4, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property is located on the block bounded by North Sheppard Street to the east, West Broad Street to the south, Altamont Avenue to the west, and West Marshall Street to the north.

The request is to rezone the property and construct a mixed-use development, which would include approximately 8,500 square feet of commercial space and approximately fifty multi-family dwelling units. The proposed building would be five (5) stories in height. The maximum height allowed in the B-5 district is five (5) stories. The maximum height allowed in the B-3 district is 35 feet.

For the B-5 district, the zoning ordinance requires one (1) parking space for every four (4) dwelling units and no parking requirements for the commercial space.

The Master Plan recommends General Commercial uses for the subject property. "General commercial uses include a broad range of office, retail, general commercial, wholesale and service uses, typically located along major transportation corridors and serving large portions of the City, the region or the traveling public" (page 135).

**FISCAL IMPACT:** The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

**COST TO CITY:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

**REVENUE TO CITY:** \$1,500 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** December 14, 2015

**CITY COUNCIL PUBLIC HEARING DATE:** January 11, 2016

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission, January 4, 2016

**AFFECTED AGENCIES:** Office of Chief Administrative Officer; Law Department (for review of draft ordinance); and City Assessor (for preparation of mailing labels for public notice)

**RELATIONSHIP TO EXISTING ORDINANCES:** None.

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

**STAFF:** Willy Thompson, Senior Planner  
Land Use Administration (Room 511)  
646-5734

*DCD O&R No.15-39*



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

Project Name: BEACON ON BROAD Date: 9/16/2015
Property Address: 2900 W. BROAD STREET Tax Map #: N 0001587016

Fee: \$1,500 Total area of affected site in acres: 0.463 AC
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning Current Zoning: B-3 Proposed Zoning/Conditional Zoning B-5 CONDITIONAL
(Please include a detailed description of the proposed use and proffers in the required applicant's report)

Existing Use: VACANT
Is this property subject to any previous land use cases? B-5 CONDITIONAL
[ ] Yes [X] No

If Yes, please list the Ordinance Number:

Applicant/Contact Person: ANDY SCUDDER
Company: JOHANNAS DESIGN GROUP
Mailing Address: 1901 W. CART ST.
City: RICHMOND State: VA Zip Code: 23220
Telephone: (804) 358.4993 Fax: (804) 358.8211
Email: ANDY@JOHANNASDESIGN.COM

Property Owner: ROSEMARY BENJAMIN & LILLIAN YESHINA OF VIRGINIA, INC

If Business Entity, name and title of authorized signer:
(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: 6801 PATTERSON AVE
City: RICHMOND State: VA Zip Code: 23226
Telephone: ( ) Fax: ( )
Email:

Property Owner Signature: Benjamin & Lillian Rochkiv Yeshina of Va, Inc

(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.)

## **Applicants report for Rezoning 2900 W. Broad Street**

The request to conditionally rezone the property from its underlying zoning classification of B-3 GENERAL BUSINESS DISTRICT to B-5 CENTRAL BUSINESS DISTRICT is based on the following reasons:

The B-3 district is too limiting in its height restriction and too demanding in parking requirement for this particular corridor. The Broad Street right of way is in excess of 100 feet and is comprised of 6 travel lanes, on street parking and 12 foot sidewalks. The B-3 zoning imposed limitations within a corridor of this width and magnitude create a density much too low and encourages sprawl development as witnessed by the current state of development along this section of West Broad Street.

The close proximity of jobs, government services, housing, cultural and religious institutions and entertainment/dining are better-served by higher density development than is permitted under B-3. The Scotts Addition neighborhood has gone through a variety of planning exercises over the past decade which have resulted in a common desire of walkability, vibrancy, street life and diversity while maintaining small businesses, manufacturing and distribution enterprises mixed with commercial, dining and creative start-ups. This vision is hampered by the property's current zoning of B-3.

The pending construction of a Bus Rapid Transit station 2 blocks west of this site will provide an efficient transportation mode along a corridor rich with opportunities for work and play. Hence, this rezoning request is very timely in encouraging a higher density of development with less focus on automobiles.

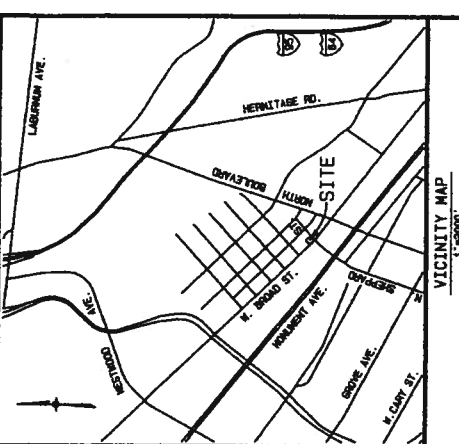
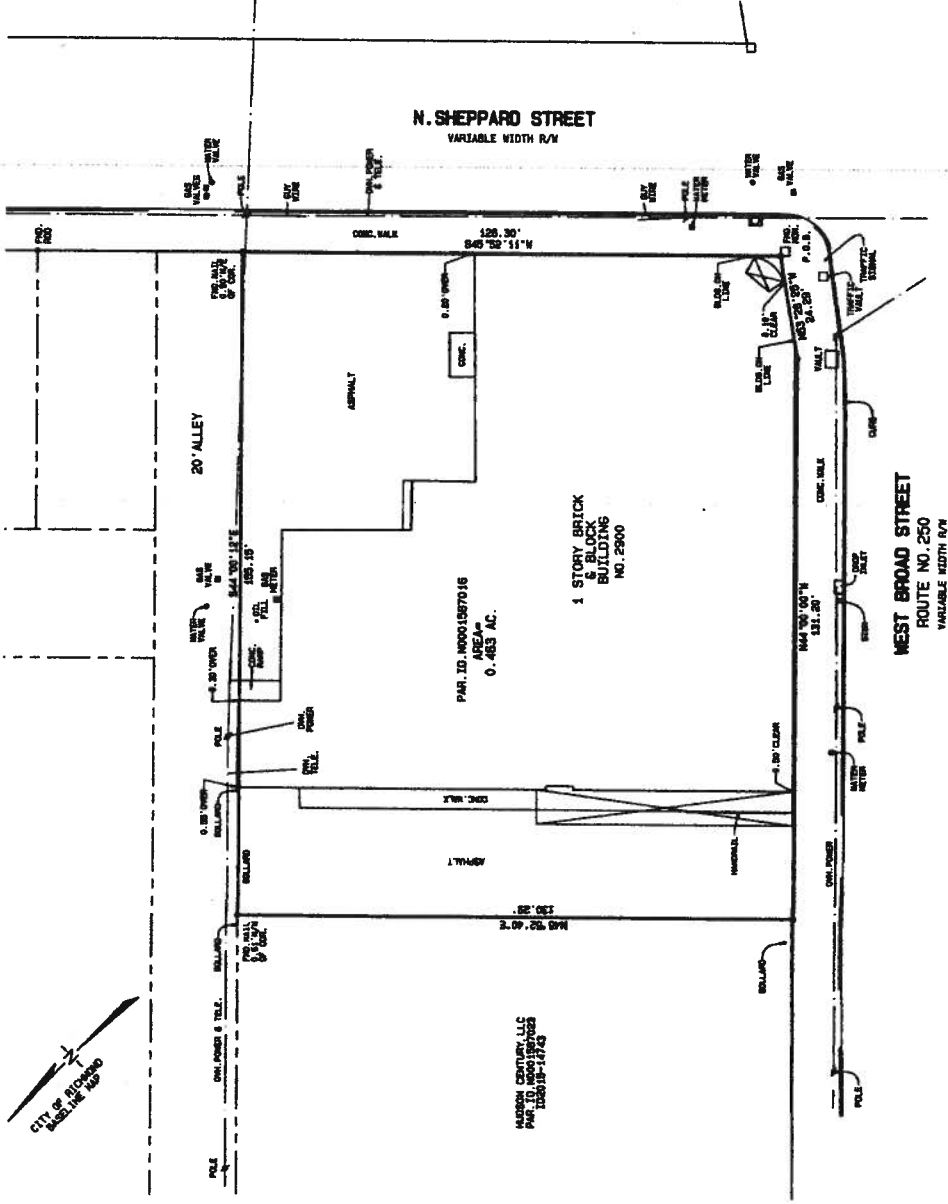
The recent spate of residential development within existing historic warehouses has not only depleted the available space for commercial and business ventures but it has also raised property values steeply and provided only market rate "luxury" rental. This has put pressure on land owners, business leaseholders and employment prospects while ousting the diverse workforce that could once afford to live in this area.

The conditional rezoning to B-5 would allow this proposed mixed use development of over 8,500 square feet of ground floor commercial and over 50 residential units in a mix of sizes which will provide work force housing geared towards individuals and families. The height needed to permit this intensity of appropriately-placed development and its commercial uses is 5 stories. Maintaining ground floor commercial uses on the street frontage leaves only the rear of the site available to parking. We are proposing 1 specific condition to the B-5 zoning, that a secure bicycle storage room capable of holding at least 30 bicycles be provided on the ground floor.

The proposed project is consistent with the development patterns and uses in the district and the proposed BRT and transit oriented development for the area.

**FLOOD ZONE DESIGNATION**  
 Said property is located within an area having a Zone Designation "X" by the City of Richmond, Virginia, as shown on the Flood Insurance Rate Map of the City of Richmond, Virginia, dated April 15, 2005 for the community in which said property is situated.

**NOTES AND BOUNDS DESCRIPTION**  
 THIS SURVEY IS LOCATED ON THE NORTHWEST CORNER OF WEST BROAD STREET AND WEST BROAD STREET, THE WESTERN LINE OF WEST BROAD STREET BEING 44' 10" 00" WIDE. THE EASTERN LINE OF WEST BROAD STREET BEING 44' 10" 00" WIDE. THE WESTERN LINE OF WEST BROAD STREET BEING 44' 10" 00" WIDE. THE EASTERN LINE OF WEST BROAD STREET BEING 44' 10" 00" WIDE. THE WESTERN LINE OF WEST BROAD STREET BEING 44' 10" 00" WIDE. THE EASTERN LINE OF WEST BROAD STREET BEING 44' 10" 00" WIDE.



**GENERAL NOTES**  
 CURRENT OWNER: BENJAMIN AND LILLIAN ROCKING  
 PARCEL ZONING: RESIDENTIAL BUSINESS, INC.  
 MONTANA ESTIMATED  
 ADJACENT PROPERTY OWNERS:  
 NEAR NONE

CERTIFICATION COMMITMENT No. 15188-COMMUNITY  
 ISSUED BY CHICAGO TITLE INSURANCE COMPANY  
 To: Street Title Surety Company.

This is to certify that this map or plat and the survey on which it is based were prepared in accordance with the 2011 Minimum Standard Detail Requirements for Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 3, 4, 5, 6, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

Date: \_\_\_\_\_  
 Signed: Brian L. Bozler  
 Registration No. 003188

ALTA/ACSM SURVEY  
 PLAT OF PROPERTY SITUATED ON THE  
 NORTHERN LINE OF WEST BROAD STREET  
 AND THE WESTERN LINE OF NORTH  
 SHEPPARD STREET

CITY OF RICHMOND  
 JOB NO. 15179

DATE: SEPTEMBER 10, 2015 SCALE: 1"=20'

ENGINEERING DESIGN ASSOCIATES  
 P.O. BOX 50067 RICHMOND, VA. 23250 (804) 298-0190

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 5, 6, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

# Proffers for 2900 W Broad Street Rezoning

REZONING CASE #: \_\_\_\_\_  
Owner: Benjamin and Lillian Rochkind Yeshiva of Virginia, Inc.  
Tax Map Parcel #: N000-1587/016  
ADDRESS: Northwest Corner of North Sheppard Street and West Broad Street  
2900 West Broad Street, Richmond, Virginia  
Date: 1/5/2016

Benjamin and Lillian Rochkind Yeshiva of Virginia, Inc., (the "Applicant"), is seeking a rezoning of Tax Map Parcel N0001587016 ("Property") from B-3 to B-5 within the City of Richmond. The Property contains approximately 20,169 +/- square feet of land area. The subject Proffers shall become effective only upon full and final approval of the Property's rezoning and the expiration of any applicable appeal period.

### Proffers:

1. Section 30-710.2 of the City of Richmond's Zoning Ordinance shall not be applicable to the parking requirements for the Property. All other Sections of Division 2 of Article VII of the City of Richmond's Zoning Ordinance shall be applicable.
2. **SUCCESSORS AND ASSIGNS.** These proffers will bind and inure to the benefit of the Applicant and its successors and assigns.
3. **COUNTERPARTS.** These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one in the same instrument.

Benjamin and Lillian Rochkind Yeshiva of Virginia, Inc.

By:   
Stuart Cantor

Commonwealth of Virginia

County of Henrico

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Stuart Cantor, whose name is signed to the foregoing document, has personally acknowledged the same before me in my aforesaid jurisdiction for Benjamin and Lillian Rochkind Yeshiva of Virginia, Inc..

GIVEN under my hand and seal this 6<sup>th</sup> day of January, 2016.

  
Notary Public

My commission expires: 5-31-2017  
Registration Number: 223692

