

INTRODUCED: March 26, 2018

AN ORDINANCE No. 2018-113

To rezone the property known as 1 East Cary Street from the B-3 General Business 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 APR 23 2018 AT 6:00 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the survey entitled “Plat Showing Improvements on No. 1 East Cary Street, in the City of Richmond, Virginia.,” prepared by McKnight & Associates, P.C., and dated November 7, 2017, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property known as 1 East Cary Street, with Tax Parcel No. W000-0080/001 as shown in the 2018 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 District and shall be subject to the provisions of sections 30-442.1 through 30-

AYES:            9            NOES:            0            ABSTAIN:            \_\_\_\_\_

ADOPTED:    APR 23 2018    REJECTED:            \_\_\_\_\_    STRICKEN:            \_\_\_\_\_

442.7 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2015), as amended.

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

RECEIVED

MAR 22 2018

City of Richmond

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

OFFICE OF CITY ATTORNEY

Item Request  
File Number: PRE.2018.045

O & R REQUEST  
4-7553  
FEB 27 2018

O & R Request

Office of the  
Chief Administrative Officer

DATE: February 27, 2018

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor *LS 3/22/18*  
(This is 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 2-26-18*

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

RE: To rezone the property known as 1 East Cary Street from the B-3 General Business District to the B-5 Central Business District. *MO*

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

**PURPOSE:** To rezone the property known as 1 East Cary Street from the B-3 General Business District to the B-5 Central Business District.

**REASON:** The applicant has requested a rezoning of the property to facilitate its redevelopment. Rezoning the property to the B-5 Central Business District would be in keeping with the study being undertaken by the Department of Planning and Development Review to rezone the Monroe Ward area.

**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 April 16, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The property consists of a 9,838 SF, .23 acre parcel, of land currently improved and located in the Downtown Planning District of the Monroe Ward neighborhood.

The City of Richmond's Pulse Corridor Plan designates a future land use for this property as Downtown Mixed-Use, which features high-density development with office buildings, apartments, and a mix of complementary uses, including regional destinations (p. 30).

Specifically for Monroe Ward, the plan states, "The future land use for Monroe Ward builds on the incredibly dynamic and diverse existing building stock, creating a truly eclectic urban neighborhood" (p. 84).

The property is within the Arts District Station Area of the Pulse Corridor Plan. The vision for this Station Area is as follows: Historic buildings are preserved and complemented by denser development on vacant lots that generates more activity through a greater concentration of residents, shoppers, workers, and tourists who are attracted to the residential options, retail and restaurant destinations, jobs, and cultural attractions, including galleries, parks, museums, theaters, and other such destinations throughout Jackson Ward, Monroe Ward, and along W. Broad Street (p. 84).

The subject property, and properties to the north, east, and west are located in the B-3 General Business District. Properties to the south are located in the M-1 Light Industrial District. A mix of office, commercial, mixed-use, industrial, vacant, and residential 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:** \$1,500 application fee

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** March 26, 2018

**CITY COUNCIL PUBLIC HEARING DATE:** April 23, 2018

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, April 16, 2018

**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 Report, Draft Ordinance, Survey, Map

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

*PDR O&R 18-14*



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December 1, 2017 (revised January 25, 1028)

BY HAND DELIVERY

Mr. Matthew Ebinger  
City of Richmond Department of Community Development  
Land Use Administration Division, Room 511  
City Hall, 900 East Broad Street  
Richmond, Virginia 23219

Re: **Rezoning: 1 East Cary Street**

Dear Matthew:

This letter shall serve as the Applicant's Report accompanying the application for a rezoning from B-3 General Business to B-5 Central Business for the property known as 1 East Cary Street, identified as Tax Parcel W000-0080/001 (the "Property"). The Property is located on the south side of east Cary Street between South Foushee and South 1<sup>st</sup> Streets and contains 0.226 acres of lot area. The Property is occupied by a three-story building containing approximately 17,400 square feet of finished floor area and an additional 6,370 square feet of floor area in the basement. The building has most recently been occupied as offices. The proposed rezoning would facilitate the rehabilitation of the existing building as a mixed-use development.

The Property is currently zoned B-3 General Business. The Downtown Plan recommends "Urban Center Area" for the Property, which is characterized by higher density, mixed-use development, typically arranged on a fine-grained street network, with a strong pedestrian focus (wide sidewalks, regular tree planting, and minimal setbacks). The Property is also located in the Monroe Ward rezoning study area related to the Pulse Corridor Plan, which currently contemplates "Downtown Mixed Use" for the vicinity and, specifically, the B-5 zoning classification. Because the timing of the Monroe Ward area-wide rezoning is uncertain, the applicant is requesting to rezone this property to B-5 individually, while remaining consistent with the study. The surrounding properties are zoned a mix of B-3 General Commercial and M-1 Light Industrial and share the same Downtown Plan policy guidance with regard to appropriate use and zoning classification.

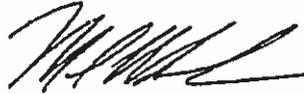
The B-3 zoning classification is inconsistent with the existing Downtown Plan and proposed Pulse Corridor rezoning guidance as it permits a variety of auto-oriented commercial uses including drive-thru facilities, auto sales and auto service centers, and parking areas and lots that are incompatible with the desired mixed-uses and overall pedestrian orientation for the area.

1 East Cary Street  
December 1, 2017 (revised January 25, 2018)  
Page 2

Conversely, the proposed B-5 district is consistent with the guidance as it encourages mixed-use development through a broad range of compatible land uses, including residential, commercial and service uses. The B-5 district also further responds to the applicable guidance by encouraging an active and safe pedestrian environment, and ensuring an appropriate mixed-use character through fenestration requirements, lesser parking requirements, and certain form-based requirements.

Thank you for your time and consideration of this request, please let me know if you have any questions.

Sincerely,



Mark Baker

Enclosures

cc: The Honorable Ellen F. Robertson



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.richmond.gov/>

**Project Name/Location**

Property Address: 1 East Cary Street Date: January 25, 2018 (Revised)  
Tax Map #: W0000080001 Fee: \$1500.00  
Total area of affected site in acres: 0.226 acres

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

**Zoning**

Current Zoning: B-3 General Business  
Existing Use: B-5 Central Business

**Proposed Zoning/Conditional Zoning**

(Please include a detailed description of the proposed use and proffers in the required applicant's report)  
Rezoning to permit mixed-use development according to the B-5 zoning regulations.

Existing Use: General Office

Is this property subject to any previous land use cases?

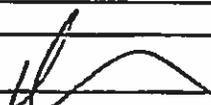
Yes  No  If Yes, please list the Ordinance Number: N/A

**Applicant/Contact Person:** Mark Baker  
Company: Baker Development Resources  
Mailing Address: 919 East Main Street, Suite 2110  
City: Richmond State: VA Zip Code: 23219  
Telephone: (804) 874-6275 Fax: ( )  
Email: markbaker@bakerdevelopmentresources.com

**Property Owner:** MSI ENTERPRISES LLC  
If Business Entity, name and title of authorized signee: \_\_\_\_\_

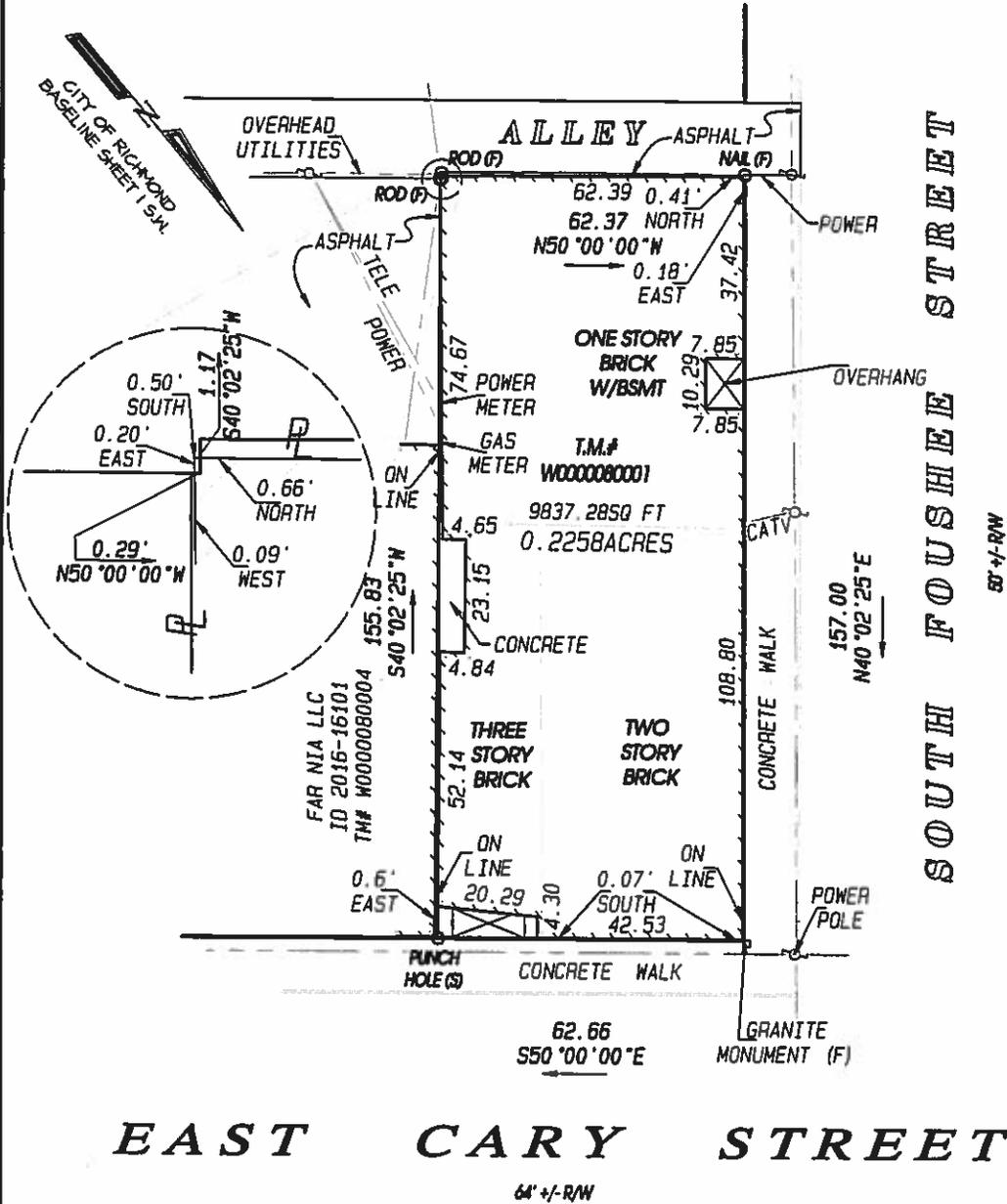
(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 1 East Cary Street  
City: Richmond State: VA Zip Code: 23219  
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.

NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "X".  
 CURRENT OWNER: MSI ENTERPRISES LLC ID 9900-21260



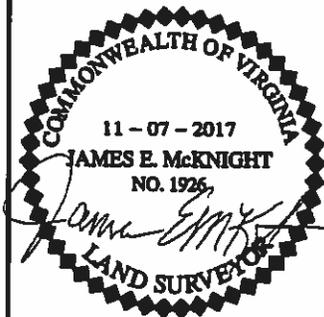
**EAST CARY STREET**

64' +/- RW

**PLAT SHOWING IMPROVEMENTS ON  
 No. 1 EAST CARY STREET, IN THE  
 CITY OF RICHMOND, VIRGINIA.**

THIS IS TO CERTIFY THAT ON NOVEMBER 07, 2017, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS SURVEY IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT. PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS PLAT COMPLIES WITH THE MINIMUM STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS.

SCALE: 1" = 30'



**McKNIGHT & ASSOCIATES, P.C.**

LAND SURVEYORS PLANNERS

201 TWIN RIDGE LANE  
 RICHMOND, VIRGINIA 23235  
 TELEPHONE (804) 320-2646

JOB NUMBER: 88012801