INTRODUCED: June 25, 2018

### AN ORDINANCE No. 2018-187

To rezone the properties known as 210 and 212 Brinser Street; 101, 103, 105, 115, and 117 Thurman Street; and 2400 Elton Street from the M-1 Light Industrial District to the B-6 Mixed-Use Business District.

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Patron – Mayor Stoney (By Request)

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Approved as to form and legality by the City Attorney

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PUBLIC HEARING: JULY 23 2018 AT 6 P.M.

### THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the survey entitled "ALTA/NSPS Land Title Survey Showing 2 Parcels of Land Lying West of Thurman Street," prepared by Timmons Group, and dated April 25, 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 2018 records of the City Assessor, are excluded from the M-1 Light Industrial District and shall no longer be subject to the provisions of sections 30-452.1 through 30-452.4 of the Code of the City of Richmond (2015), as amended, and that the same are included in the B-6 Mixed-Use Business District and shall be

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	JULY 23 2018	REJECTED:		STRICKEN:	

subject to the provisions of sections 30-444.1 through 30-444.8 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2015), as amended:

210 Brinser Street	Tax Parcel No. S007-0924/001
212 Brinser Street	Tax Parcel No. S007-0924/007
101 Thurman Street	Tax Parcel No. S007-0924/006
103 Thurman Street	Tax Parcel No. S007-0924/005
105 Thurman Street	Tax Parcel No. S007-0924/004
115 Thurman Street	Tax Parcel No. S007-0924/003
117 Thurman Street	Tax Parcel No. S007-0924/002
2400 Elton Street	Tax Parcel No. S007-0924/008

§ 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.2018.232 OFFICE OF CITY ATTORNEY

O & R REQUEST

O & R Request

Office of the

Chief Administrative Officer

EDITION: 1

DATE:

May 31, 2018

TO:

The Honorable Members of City Council

THROUGH: Levar M. Stoney, Mayor (Patron: Mayor, by Request)

(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and

Planning

FROM:

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

RE:

To rezone the properties known as 210 and 212 Brinser Street, 101, 103, 105, 115 and 117

Thurman Street, and 2400 Elton Street from the M-1 Light Industrial District to the B-6

Mixed-Use Business District.

ORD. OR RES. No.

PURPOSE: To rezone the properties known as 210 and 212 Brinser Street, 101, 103, 105, 115 and 117 Thurman Street, and 2400 Elton Street from the M-1 Light Industrial District to the B-6 Mixed-Use Business District.

REASON: The applicant is requesting a rezoning from the M-1 District to the B-6 District in order to develop the property under the mixed-use provisions of the B-6 District.

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

BACKGROUND: The subject properties, occupying approximately 2.556 acres, is located at the southwest corner of Brisner Street and Thurman Street, off of Jefferson Davis Highway, in the Maury neighborhood of the Old South Planning District. The properties adjoin 1000 Jefferson Davis Highway to the south. The properties are currently vacant.

The applicant proposes to develop the properties in a manner consistent with the B-6 Mixed-Use Urban Business District regulations. The B-6 Mixed-Use Business District regulates minimum heights, maximum setbacks and the orientation of parking to the side or the rear of buildings.

The intent of the B-6 zoning district is to encourage development of mixed land uses consistent with the objectives of the master plan and the downtown plan, and to promote enhancement of the character of development along principal corridors and in other areas. The district regulations are intended to encourage appropriate infill development on undeveloped land, promote adaptive reuse of underutilized buildings or enable redevelopment of properties where continuation of current uses or adaptive reuse is not feasible, depending on the character and needs of particular areas. The district regulations are also intended to safeguard the character of adjoining properties, to maintain existing streetscape character by providing continuity of building setbacks and heights, to enhance public safety and encourage an active pedestrian environment appropriate to the mixed use character of the district by providing for windows in building facades along street frontages, and to promote an environment that is conducive to preservation of important historic, architectural and cultural features that may exist within the district. Finally, the district regulations are intended to ensure adequate accessible parking and safe vehicular and pedestrian circulation, to facilitate a streetscape with minimum setbacks along principal street frontages and to provide for limited interruption by driveways and vehicular traffic across public sidewalk areas along principal street frontages.

The Master Plan recommends "Mixed-Use" for the subject property, which includes "combinations of office, retail, personal service, general commercial, and service uses and, in some cases, multi-family residential and dwelling units above ground floor commercial" (p. 134). The B-6 district is a typical zoning classification to accommodate this land use category.

Specifically for the Jefferson Davis Highway, the Master Plan states that "revitalization of the Jefferson Davis Highway corridor is a high priority" (p. 274).

Surrounding properties to the west, north, and east are zoned M-1 Light Industrial. Property to the south, including 1000 Jefferson Davis Highway, is zoned B-6(Conditional) and is subject to a rezoning request to amend the existing proffers, which is running concurrently with this rezoning request. A mix of uses, including commercial, office, and industrial 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: None.

**REVENUE TO CITY:** \$1,800 application fee.

**DESIRED EFFECTIVE DATE:** Upon adoption.

REQUESTED INTRODUCTION DATE: June 25, 2018

CITY COUNCIL PUBLIC HEARING DATE: July 23, 2018

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, July 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 Letter, Draft Ordinance, Survey, Map

STAFF:

Jonathan Brown, Senior Planner

Land Use Administration (Room 511) 646-5734

PDR O&R No. 18-38

## Application for REZONING/CONDITIONAL REZONING



Disparament of Planning and Development Review Lone Use Administration Division 1806 El Brand Street, Room 511 Planning, Vagnus 25210 8041 646 6304

Project Name/Location Property Adress: As 9 Als Panadov 14 Als De 18 Als This work Tax Map # Fee: See: See: See: See: See: See: See:	Date: No. 1972, 1898.
(See page 6 for fee schedule, please make check payable to the "City of Richmond")	FIRE HOSE APR T
Zoning Current Zoning: Alt-1	2. 76524625 - 1. 247247625 - 76424663
Existing Use, Value 1	12 1242-16
Proposed Zoning/Conditional Zoning (Rease include a describe description of the disposed use and profites in the required application of the disposed use and profites in the required application.	Tail of the tail of a section of the control of the
Existing Use Vacacid	and the transmission remainder-transfer for the different of the contract of t
is this property subject to any previous, and use cases?  Yes No.  If Yes, please list the Ordinance Number	
Applicant/Contact Person: Larry Wark Mach. Company: Wark Mach. Place The Larry Mailing Address: 12514 W. Mach. Cop. 4.1	
Cay the Court of State ( State ) Fex ( Emails long is what Victorial Manager 1975)	/ to Gode 1 to
Property Owner: Brisner Street LLC If Business Entity name and title of authorized Signee Manying Many	36(
The person or persons executing or attesting the execution of this Application or exhault the spends or have been duly authorized and empowered to so execute or after.	
Making Address 5301 Westhard Circle #147  City: Bethasda State MO  Telephone (301) 913-0012 Fax 301  Email Chrise Cahaccison Companies Com	7, Cose 20816 913-6612
Property Owner Signature: Phintophylaut	
The names addresses telephone numbers and significant that a line is the many a smeets as needed at a legal representative signs for a property owner place at a contract photocopied significant with notice assumed.	ad nove, at attaces. Ease of



May 29, 2018

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

RE: Applicant's Report for a Conditional Rezoning Amendment Application at 1000 and 1100 Jefferson Davis Highway (Also known as Model Tobacco Site); and a Rezoning Application at 210 and 212 Brinser Street, 101, 103, 105, 115 and 117 Thurman Street and 2400 Elton Street

Dear Mr. Olinger,

Please accept this letter as the Applicant's Report for the Conditional Rezoning Amendment (REZ) application for 1000 and 1100 Jefferson Davis Highway, also known as Model Tobacco Site. With this application, Chris Harrison, is petitioning the City Council for authorization to amend the existing proffers approved in 2008 as part of a rezoning from M-1 Light Industrial to B-6 Mixed-Use Business. The proposed amendment would remove the proffer requiring an indoor swimming pool and modify the proffer regulating the site's landscaping.

In addition, the applicant is requesting to rezone 210 and 212 Brinser Street, 101, 103, 105, 115 and 117 Thurman Street and 2400 Elton Street from M-1 Light Industrial to B-6 Mixed-Use Business.

Site

The properties 1000 and 1100 Jefferson Davis Highway, occupying approximately 15. 89 acres, are located on the northwest corner of Jefferson Davis Highway and Hopkins Road. The properties are currently occupied by the historic Model Tobacco site, which includes a 6-story Art Deco style building historically used as a tobacco factory. The properties also contain various other historic industrial buildings associated with the manufacturing and production of tobacco. In 2008, the properties were conditionally rezoned from M1- Light Industrial to 8-6 Mixed-Use Business for the purposes of adaptively reusing a majority of the existing buildings for a mix of uses. The primary use proposed was residential, with up to 600 dwelling units.

The property at 210 and 212 Brinser Street, 101, 103, 105, 115 and 117 Thurman Street and 2400 Elton Street, occupying approximately 2.556 acres, is located at the end of Brinser Street off of Jefferson Davis Highway. The property adjoins 1000 Jefferson Davis Highway to the north.

#### Proposal

The applicant proposes to amend the existing proffers for 1000 and 1100 Jefferson Davis Highway, which among other things require that an indoor swimming pool be constructed in Building 2 (Proffer #7). The applicant intends to construct an outdoor swimming pool. In addition, the applicant proposes to amend Proffer #10, to require a landscape, parking, and streetscape plan to be provided to and approved by the Director of Planning and Development Review prior to issuance of any building permits. All other proffers would remain as approved.

In addition, the applicant proposes to rezone 210 and 212 Brinser Street, 101, 103, 105, 115 and 117 Thurman Street and 2400 Elton Street from M-1 to B-6 to develop it with residential and support uses consistent with the B-6 zoning district.

## **Zoning and Ordinance Conditions**

The zoning is B-6 Mixed-Use Business, which permits multi-family residential uses and a mix of commercial uses. All existing proffers will remain as approved except for the proposed amendments to the proffers related to the requirement for an indoor swimming pool and adjustments to the landscape plan that had previously been proffered.

#### Master Plan

The City's 2001 Master Plan recommends Mixed-Use and specifically states that the revitalization of the Jefferson Davis Highway corridor is a high priority.

#### City Charter Conditions

This is an ideal opportunity in the City's Jefferson Davis Highway corridor to utilize a historically commercial property for the community's benefit. We trust that you will agree with us that this amendment meets the City Charter criteria as the project will not (i) be detrimental to the safety, health, morals and general welfare of the community involved; (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved; (iii) create hazards from fire, panic or other dangers; (iv) tend to overcrowding of land and cause an undue concentration of population; (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or (vi) interfere with adequate light and air.

Thank you for your consideration of this application. Please feel free to contact me at willy.thompson@markhamplanning.com or (540) 383-4320 if you have any questions or require additional materials to process the application.

Very Truly Yours,

Lory Markham

Enclosures

cc:

The Honorable Reva Trammell

Matthew Ebinger, Secretary to the City Planning Commission

MARKHAM PLANNING 2314 West Main Street · Richmond, Virginia 23220 (804) 248-2561

- 2.) THIS PLAT IS BASED ON A CURRENT TIMMONS GROUP FIELD SURVEY.
- 3.) THE PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP NO.5101290039E DATED JULY 16, 2014.
- 4.) ZONING: M-1 PER PROPERTY IDENTIFICATION CARDS
- 5.) THIS PLAT WAS PREPARED WITH THE BENEFIT OF A TITLE BINDER PREPARED BY CHICAGO TITLE INSURANCE COMPANY: COMMITMENT NO. SHTC18-380

COMMITMENT DATE: MARCH 19, 2018 AT 8:00 AM

SEE BELOW IN BOLD FOR EXCEPTIONS EXPLANATIONS ON SURVEY RELATED ITEMS:

- Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
- Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law, and not shown by the public records.
- Easements or claims of easements not shown by the public records.
- Rights or claims of parties in possession not shown by the public records.
- Taxes, storm water, utility, recycling and special assessments which become due and payable subsequent to the effective date hereof, liens, but not yet due and payable, and supplemental taxes which may come due and all taxes for subsequent fiscal years.
- Such state of facts as would be disclosed by an accurate survey and inspection of the premises.

Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.

Upon receipt of satisfactory plat of survey and inspection report, this exception will be eliminated or amended in accordance with the facts disclosed thereby.

Plat of subdivision recorded in Chesterfield County Deed Book 83, page 11 shows:

a) A 15 foot wide alley abuts the eastern lot lines of Lots 10 through 18, Square 3, and the western lot lines of Lots 1 through 9, Square 3;

b) A 10 foot wide alley abuts the northern lot lines of Lots 1 and 2, Square 5, and the southern lot lines of Lots 3 and 4, Square 5. SHOWN ON SURVEY

City of Richmond Ordinance approved October 20, 1943 closes Taylor Street, running between the south line of current Brinser Street and the north line of Elton Street, and closes that portion of Elton Street running along the southern line of Lots 1 and 2, Square S. No closure was found for Rail Road Street nor alleyways. SHOWN ON SURVEY

## SURVEYOR'S CERTIFICATION

TO: ROBERT W. SPEIGHT, JR. AND CHICAGO TITLE INSURANCE COMPANY:

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 IN 2016, AND **INCLUDES ITEMS:** 

- 1 MONUMENTS SET AS SHOWN
- 2- ADDRESSES SHOWN ON SHEET 2
- 3 FLOOD ZONE SHOWN IN NOTES 4 - GROSS LAND AREA AS SHOWN
- 6(A)- SHOWN IN NOTES (PER PROPERTY IDENTIFICATION CARD)
- 8 IMPROVEMENTS SHOWN
- 11 NO UNDERGROUND UTILITIES ON SITE PER MISS UTILITY DESIGN TICKET A809501365 (TIMMONS
- GROUP DOES NOT GUARANTEE THE ACCURACIES) 13 - NAMES OF ADJOINING OWNERS AS SHOWN
- 14 DISTANCE TO THE NEAREST INTERSECTING STREET AS SHOWN
- 16 NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK FOUND
- 17 NO PROPOSED CHANGES TO RIGHT OF WAYS FOUND OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON 4-25-18.

MARC SNIDER, LS (LIC. NO. 3298)

*4-25-18* DATE

# SURVEYED PARCEL DESCRIPTION

PARCEL ID. S0070924002, S0070924003, S0070924004, S0070924005 AND S0070924006:

BEGINNING AT A ROD FOUND ON THE WESTERN LINE OF THURMAN STREET AND THE SOUTHERN LINE OF BRINSER STREET BEING LABELED P.O.B. 'A' HEREON. THENCE ALONG THE WESTERN LINE THURMAN STREET, S 06°00'44" E, 283.39 FEET TO A

ROD SET ON THE NORTHERN LINE OF ELTON STREET; THENCE ALONG THE NORTHERN LINE OF ELTON STREET, S 83°59'45" W, 130.20 FEET TO A ROD SET ON THE EASTERN LINE OF AN ALLEY;

THENCE ALONG THE EASTERN LINE OF AN ALLEY, N 06°00'44" W, 283.51 FEET TO A ROD FOUND ON THE SOUTHERN LINE OF BRINSER STREET:

THENCE ALONG SOUTHERN LINE OF BRINSER STREET, N 84°02'56" E, 130.20 FEET TO THE TRUE AND ACTUAL POINT OF BEGINNING CONTAINING 0.847 ACRE OR 36.905 SQUARE FEET OF LAND

## PARCEL ID. S0070924001, S0070924007 AND S0070924008:

BEGINNING AT A ROD FOUND ON THE WESTERN LINE OF THURMAN STREET AND THE SOUTHERN LINE OF BRINSER STREET BEING LABED P.O.B. 'A' HEREON. THENCE ALONG SOUTHERN LINE O FBRINSER STREET, S 84°02'56" W, 130.20 FEET TO A ROD FOUND ON THE EASTERN LINE OF AN ALLEY;

THENCE LEAVING EASTERN LINE OF AN ALLEY ALONG A TIE LINE, S 84°02'56" W, 14.53 FEET TO A ROD SET ON THE WESTERN LINE OF AN ALLEY BEING LABELED P.O.B. 'B' HEREON; THENCE ALONG WESTERN LINE OF AN ALLEY, S 05°56'52" E, 308.52 FEET TO A ROD SET; THENCE LEAVING WESTERN LINE OF AN ALLEY THROUGH A ROD FOUND ON LINE AT 184.38 FEET, S 83°59'45" W, 236.36 FEET TO A POINT BEING ON THE EASTERN LINE OF RAILROAD STREET AND BEING SOUTH 0.92 FEET FROM A ROD FOUND;

THENCE ALONG EASTERN LINE OF RAILROAD STREET, N 08°26'40" W, 162.76 FEET TO A ROD FOUND ON THE SOUTHERN LINE OF AN ALLEY;

THENCE ALONG SOUTHERN LINE OF AN ALLEY, N 84°00'11" E, 57.93 FEET TO A ROD FOUND;

THENCE LEAVING SOUTHERN LINE OF AN ALLEY, N 05°27'32" W, 9.96 FEET TO A ROD FOUND ON THE NORTHERN LINE OF AN ALLEY;

THENCE ALONG THE NORTHERN LINE OF AN ALLEY, S 84°01'55" W, 58.45 FEET TO A ROD FOUND ON THE EASTERN LINE OF RAILROAD STREET;

THENCE ALONG EASTERN LINE OF RAILROAD STREET, N 08°26'40" W, 136.28 FEET TO A ROD SET ON THE SOUTHERN LINE OF BRINSER STREET;

THENCE ALONG THE SOUTHERN LINE OF BRINSER STREET, N 84°02'56" E, 249.82 FEET TO THE TRUE AND ACTUAL POINT OF BEGINNING CONTAINING 1.709 ACRES OR 74,446 SQUARE FEET OF LAND.

TOTAL: 2.556 ACRES OR 111,351 SQUARE FEET OF LAND

## TITLE BINDER LEGAL DESCRIPTION

All those certain lots or parcels of land, together with the improvements thereon, lying and being in the City of Richmond, Virginia, designated as

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, in Square 3, on the Plat of Thurman's Addition, of record in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia, in Deed Book 83, page 11, to which plat reference is made for a more particular description of the said land.

## Parcel II:

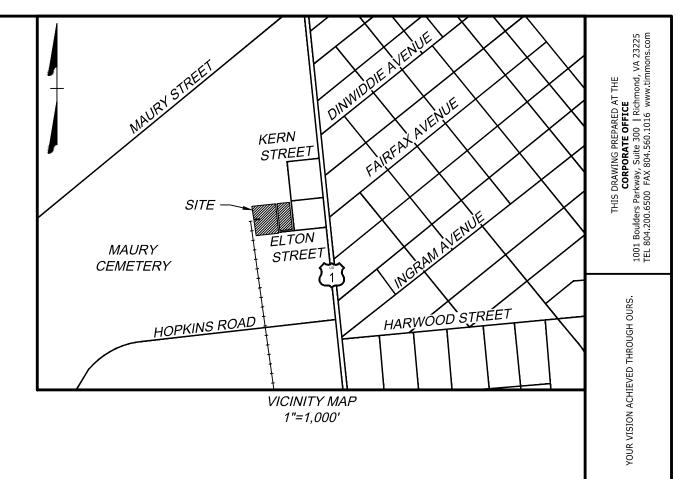
All those certain lots or parcels of land, together with the improvements thereon, lying and being in the City of Richmond, Virginia, designated as Lots 1, 2, 3 and 4 in Square 5, on the Plat of Thurman's Addition, of record in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia, in Deed Book 83, page 11, to which plat reference is made for a more particular description of the said land.

## Parcel III:

Those parts of Taylor Street, Elton Street and R.R. Street in the City of Richmond, Virginia, adjoining other lands now or formerly belonging to Lee F. Rosson and Nancy C. Rosson, his wife, acquired by the said Lee F. Rosson or Nancy

C. Rosson by reason of the vacation of parts of the said streets by any ordinance of the Council of the City of Richmond, Virginia, including but not limited to that certain ordinance dated October 20, 1943, of the said Council in force from its passage.

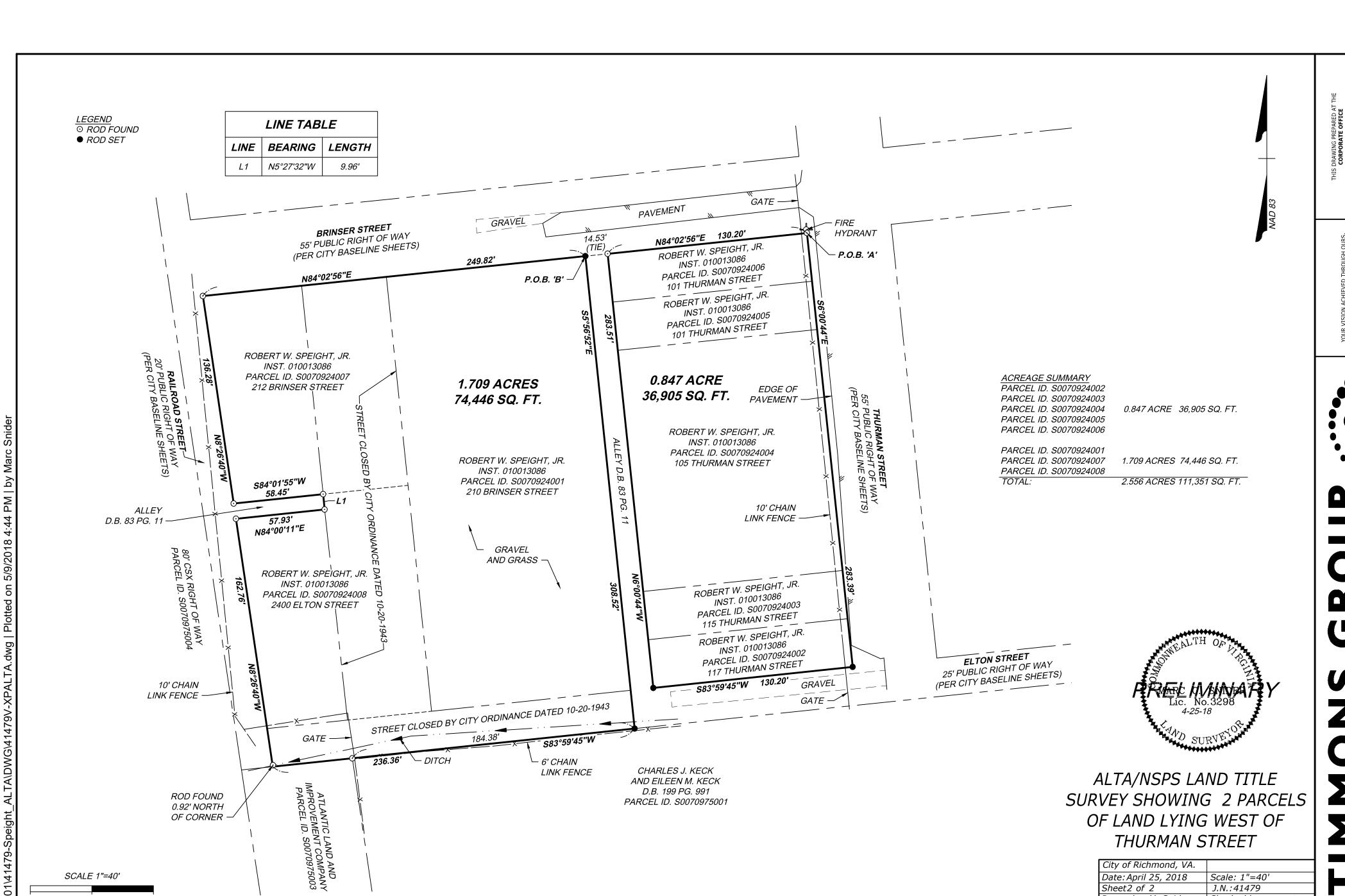
BEING the same real estate conveyed to Robert W. Speight, Jr. by Deed from John M. Timberlake dated May 22, 2001, recorded May 24, 2001 in the Clerk's Office of the Circuit Court of Richmond City, Virginia, recorded as Instrument No. 020013086.





# ALTA/NSPS LAND TITLE SURVEY SHOWING 2 PARCELS OF LAND LYING WEST OF THURMAN STREET

City of Richmond, VA.	
Date: April 25, 2018	Scale: 1"=40'
Sheet1 of 2	J.N.:41479
Drawn by: M. Snider	Checked by: M. Snider
Revised.	



**(**5

Drawn by: M. Snider Checked by: M. Snider Revised: