

INTRODUCED: January 28, 2019

AN ORDINANCE No. 2019-018

To rezone the property known as 1206 Dinwiddie Avenue from the M-1 Light Industrial District to the B-7 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: FEB 25 2019 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the survey entitled “Survey of 1206 Dinwiddie Avenue, City of Richmond, Virginia,” prepared by Long Surveying, LLC, and dated March 15, 2016, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property known as 1206 Dinwiddie Avenue with Tax Parcel No. S000-0390/005 as shown in the 2019 records of the City Assessor, is 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 is included in the B-7 Mixed-Use Business District and shall be subject to the provisions of sections 30-446.1 through 30-446.8 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.

# City of Richmond

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

## Item Request

File Number: PRE.2018.401

## O & R REQUEST

**RECEIVED**

JAN 16 2019

JAN 03 2019

4-8475

Office of the

Chief Administrative Officer

OFFICE OF CITY ATTORNEY  
O & R Request

**DATE:** January 2, 2019

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable 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:** Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic  
Development and Planning.

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

**RE:** To rezone the property known as 1206 Dinwiddie Avenue from the M-1 Light  
Industrial District to the B-7 Mixed Use Business District.

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

**PURPOSE:** To rezone the property known as 1206 Dinwiddie Avenue from the M-1 Light Industrial District to the B-7 Mixed Use Business District.

**REASON:** The applicant is requesting to rezone the property at the corner of Dinwiddie Avenue and East 15th Street from the existing industrial zoning regulations in the M-1 Light Industrial District to the B-7 Mixed Use Business District to develop with mixed uses, which are not permitted in the existing M-1 Light Industrial 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 February 19, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The property is located at the intersection of Dinwiddie Avenue and East 15th Street. It is comprised of .71 acres (31,286 square feet). The existing building, constructed in 1946, has been historically used for distribution and warehousing. There are three loading docks and no off-street parking on the site.

The B-7 Mixed Use Business district is intended to encourage a broad range of mixed land uses, including residential, commercial and compatible industrial and service uses. The district is intended to promote enhancement of the character of mixed-use areas that are undergoing revitalization and adaptive reuse by providing for alternative economic use of existing structures, while enabling continuation of existing industrial and service uses. The district regulations are intended to encourage appropriate infill development on undeveloped land, promote adaptive reuse of vacant or underutilized building and enable redevelopment of properties where continuation of current uses or adaptive reuse is not feasible. The district regulations are also intended to safeguard the character of adjoining properties, to maintain the predominant existing streetscape character by providing continuity of building scale and setbacks, to enhance public safety, and encourage an active pedestrian environment appropriate to the mixed-use character of the district by providing windows in building facades along street frontages. Finally, the district regulations are intended to assure adequate accessible parking and safe vehicular and pedestrian circulation to facilitate a streetscape with minimum setbacks along principal street frontage and to provide for limited interruption by driveways and vehicular traffic across public sidewalk areas along principal street frontages.

The City's 2001 Master Plan recommends Industrial land uses for the property. "Primary uses include a wide variety of manufacturing, processing, research and development, warehousing, distribution, office warehouse and service uses. Office, retail and other uses that complement industrial areas are often secondary support uses. The mix of industrial uses and character of such areas may vary depending on the location and available highway access. Typical zoning classifications that may accommodate this land use category: OS, M-1, and M-2." (City of Richmond, 2001 Master Plan., p. 135)

**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:** \$1,500 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** January 28, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** February 25, 2019

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, February 19, 2019.

**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



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.richmondva.gov/>

**Project Name/Location**

Property Address: 1206 Dinwiddie Avenue

Date: September 17, 2018

Tax Map #: 5000-0390/005 Fee: \$1,500

Total area of affected site in acres: 0.718 acres

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

**Zoning**

Current Zoning: M-1

Existing Use: Industrial

**Proposed Zoning/Conditional Zoning**

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

Existing Use: Industrial

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** Lory Markham

Company: Markham Planning

Mailing Address: 2314 West Main Street

City: Richmond

State: VA

Zip Code: 23220

Telephone: (804) 248-2561

Fax: ( )

Email: lory@markhamplanning.com

**Property Owner:** 1200 Dinwiddie Ave, LLC and 1206 Dinwiddie Ave, LLC

If Business Entity, name and title of authorized signee: Mark Larson - President

(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: 410 Hancock Street, Suite 110

City: Richmond

State: VA

Zip Code: 23220

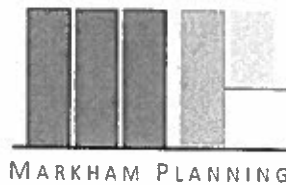
Telephone: (918) 616-2097

Fax: ( )

Email: b\_skaggs@larson-development.com

**Property Owner 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.



September 17, 2018

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

RE: Applicant's Report for Rezoning of 1206 Dinwiddie Avenue

Dear Mr. Olinger,

Please accept this letter as the Applicant's Report for the Rezoning application for 1206 Dinwiddie Avenue from the M-1 Light Industrial District to the B-7 Mixed-Use Business District.

With this application, the owners of the subject properties are petitioning the City Council for a rezoning to permit industrial uses along with mixed-uses on the properties. The proposed rezoning is an opportunity to allow for mixed-use developments on the properties while maintaining options for industrial uses in a manner that is compatible with other uses in the area as well as consistent with Master Plan recommendations.

#### *Properties*

The proposed rezoning would include one property at the corner of Dinwiddie Avenue and East 15<sup>th</sup> Street. 1206 Dinwiddie contains 0.72 acres of land area and is improved with a one-story warehouse with 29,039 square feet of floor area. This building was constructed in 1946.

#### *Zoning Regulations & Background*

The property is currently located in the M-1 Heavy Industrial District, which permits a wide variety of commercial and industrial land uses but prohibits any residential uses. A rezoning of the properties to the B-7 Mixed-use Business District would allow continued industrial uses while also permitting the potential for a mix of commercial and residential uses. Like many other properties in former industrial areas of the City that have been revitalized through a rezoning to allow mixed-uses, this application requests a rezoning to the B-7 Mixed Use Business District to allow for the flexibility to develop a variety of uses on the properties.

### *Master Plan*

The properties are recommended by the Master Plan for industrial land uses. Primary uses include a wide variety of manufacturing, processing, research and development, warehousing, distribution, office-warehouse and service uses. Office, retail and other uses that complement industrial areas are often secondary support uses (page 135).

There are several other larger goals stated by the 2001 Master Plan that are consistent with the intent of the B-7 zoning district and the redevelopment of the property for residential uses, including: (1) Land use strategies for economic development should stress infill development and parcel consolidation for redevelopment projects; (2) Revitalize of specific areas and neighborhoods in older sections of the City that have experienced population loss, commercial disinvestment and social decline; and (3) In the Old South Planning District, industrial uses should transition to uses that are less noxious and more compatible with residential neighborhoods.

The Master Plan's recommendation for industrial use of the properties exclusive of any residential uses was last updated in 2000. While this recommendation may have been appropriate in the past, under current economic conditions and development trends in the area, the properties' development potential is severely limited under the current zoning. Should the property remain restricted to industrial uses under the M-1 zoning, a high possibility exists for the sites to become underutilized. A key to appropriate future development of the sites is to allow for a mix of compatible land uses. We believe that the regulations of the B-7 district are ideal for this development to occur.

The intent of the B-7 district is to encourage a broad range of mixed land uses, including residential, commercial and compatible industrial and service uses. The district is intended to promote enhancement of the character of mixed use areas that are undergoing revitalization and adaptive reuse by providing for alternative economic use of existing structures, while enabling continuation of existing industrial and service uses. The district regulations are also intended to encourage appropriate infill development on undeveloped land, promote adaptive reuse of vacant or underutilized buildings and enable redevelopment of properties where continuation of current uses or adaptive reuse is not feasible. As a result, the B-7 district regulations not only fulfill the recommendations of the Master Plan by permitting continued industrial uses, they would maximize the development potential of the site by also permitting a variety of compatible uses including commercial and residential.

In many other areas of the City, formerly industrial properties also have or had Master Plan recommendations for industrial use. However, during the past 20 years, many of these properties have flourished under rezonings or special use permits that authorize mixed-use developments. In a similar way, a rezoning of 1206 Dinwiddie Avenue will directly lead to a new and vibrant mix of industrial, commercial, and residential developments on the site that will benefit the entire City of Richmond.

### *City Charter Conditions*

This rezoning request represents an opportunity to bring a vibrant mix of land uses to properties close to downtown Richmond that might otherwise become underutilized. We trust that you will agree with us that the development of the site would be well-suited under the regulations in the B-7 Mixed Use Business District 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](mailto: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', written in a cursive style.

Lory Markham

Enclosures

cc: The Honorable Ellen F. Robertson  
Matthew Ebinger, Secretary to the City Planning Commission

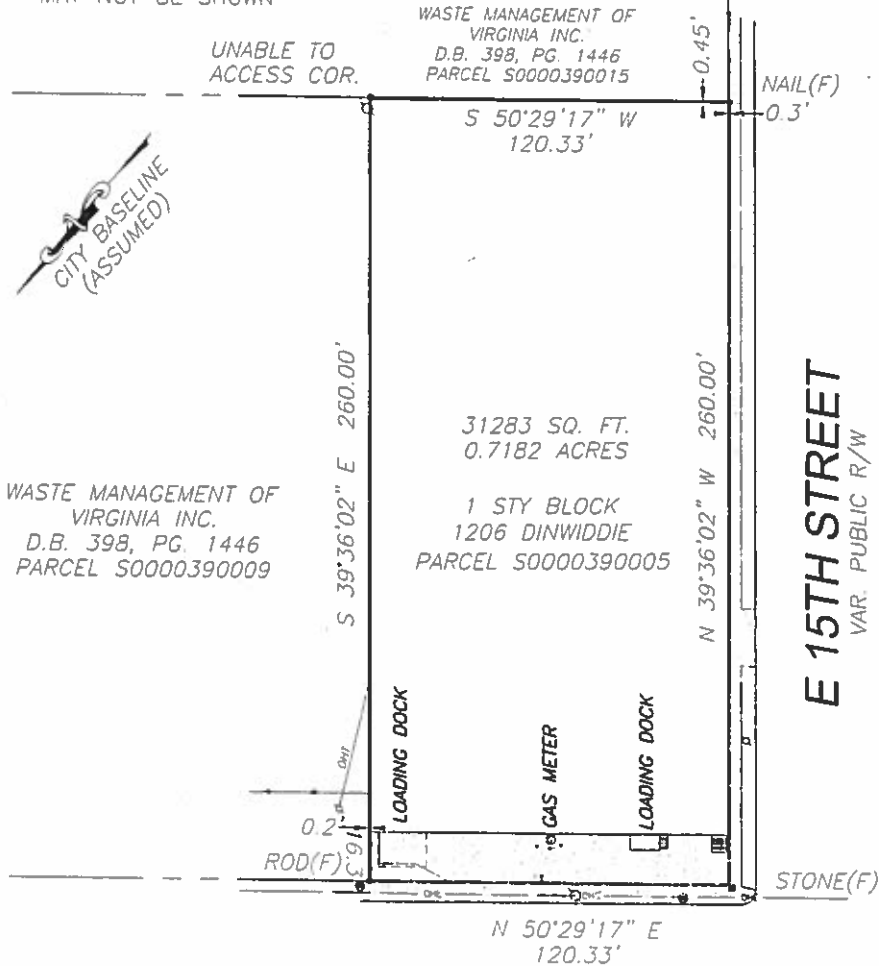


THIS IS TO CERTIFY THAT ON MARCH 15, 2016 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND WALLS OF THE BUILDING ARE AS SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN

  
 BRIAN LONG, L.S.



- 1) THIS PARCEL IS NOT IN A FEMA FLOOD HAZARD ZONE
- 2) THIS SURVEY IS BASED ON CURRENT FIELD WORK
- 3) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE ALL ENCUMBRANCES MAY NOT BE SHOWN



**DINWIDDIE AVENUE**  
 VAR. PUBLIC R/W

**SURVEY OF  
 1206 DINWIDDIE AVENUE**

CITY OF RICHMOND  
 VIRGINIA

LONG SURVEYING, LLC  
 4650 FACTORY MILL ROAD  
 MADENS, VA 23102

MARCH 15, 2016  
 SCALE: 1"=50'

FOR: LARSON