

INTRODUCED: January 27, 2020

AN ORDINANCE No. 2020-034

To rezone the property known as 2408 Ownby Lane from the M-2 Heavy Industrial 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: FEB 24 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the survey entitled “ALTA / NSPS Land Title Survey Showing Existing Improvements, Tax Parcel N000-1294/034, Being #2406–#2408 Ownby Lane, City of Richmond, Virginia,” prepared by Shadrach & Associates LLC, and dated October 25, 2019, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property known as 2408 Ownby Lane with Tax Parcel No. N000-1294/034 as shown in the 2020 records of the City Assessor, is 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 (2015), as amended, and that the same is included in the B-5 Central Business

AYES: 9 NOES: 0 ABSTAIN: _____

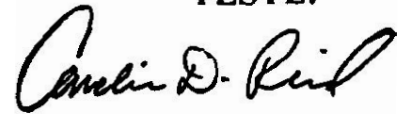
ADOPTED: FEB 24 2020 REJECTED: _____ STRICKEN: _____

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

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Carole D. Reed". The signature is written in a cursive style with a large initial 'C'.

City Clerk

City of Richmond

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

RECEIVED

Item Request

O & R REQUEST

JAN 15 2020

File Number: PRE.2019.616

4-9555
DEC 31 2019

OFFICE OF THE CITY ATTORNEY

O & R Request

Office of the
Chief Administrative Officer

DATE: December 20, 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)

[Handwritten signature] 1/14/2020

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer *[Handwritten signature]*

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning *[Handwritten signature]*

FROM: Mark A. Olinger, Director, Department of Planning and Development Review *[Handwritten signature]*

[Handwritten signature] for MAO
12/27/19

RE: To rezone the property known as 2408 Ownby Lane from the M-2 Heavy Industrial District to the B-5 Central Business District.

ORD. OR RES. No. _____

PURPOSE: To rezone the property known as 2408 Ownby Lane from the M-2 Heavy Industrial District to the B-5 Central Business District.

REASON: The applicant is requesting to rezone .937 acres parcel from the M-2 Heavy Industrial District to the B-5 Central Business District in order to redevelop the property with mixed uses.

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 18, 2020, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is a .937 acre parcel located in the Diamond neighborhood of the Near West Planning District. The improvements on the properties consist of one-story brick and metal industrial building that houses the Hardywood Brewery. The building contains 12,091 square feet of floor area as well as paved parking.

The area is surrounding the subject property contains a variety of uses on land zoned M-1 Light Industrial and M-2 Heavy Industrial. On November 10, 2014 Ordinance No.2014-121-201 was adopted to authorize a

special use for a nearby property known as 1650 Overbrook Road for the purpose of authorizing multifamily dwellings with up to 205 dwelling units as part of the adaptive reuse of industrial warehouses. This property is located approximately 240 feet from the subject property. Since approval of this SUP, the property has been fully redeveloped thus demonstrating the potential for more redevelopment in the area. A request has also been made to rezone the adjacent properties located at 1601 and 1611 Overbrook Road from M-2 Heavy Industrial to B-5 Central Business District.

The Master Plan calls for industrial 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.* The new Richmond 300 Master Plan currently under review will revisit these recommendations.

The property is surrounded by a mix of industrial and multi-family uses that will be compatible with the new zoning designation.

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: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: January 27, 2020

CITY COUNCIL PUBLIC HEARING DATE: February 24, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
February 18, 2020

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: Draft Ordinance, The Property, Application and Narrative, Map

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036



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: 2406 Ownby Lane aka 2408 Ownby Lane Date: 10/22/2019
Tax Map #: N0001294034 Fee: \$1,500
Total area of affected site in acres: 0.898

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

Zoning

Current Zoning: M-2 Heavy Industrial

Existing Use: 511-B Light Industrial

Proposed Zoning/Conditional Zoning

(Please include a detailed description of the proposed use and proffers in the required applicant's report)
B-5 Central Business District. See applicant's report enclosed.

Existing Use: Hardywood Park Craft Brewery

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: 23 West Broad Street #304

City: Richmond State: VA Zip Code: 23220

Telephone: (804) 248-2561 Fax: ()

Email: lory@markhamplanning.com

Property Owner: 2408 Ownby Lane LLC c/o Steiner Business Solutions (This property is currently under contract with the developer)

If Business Entity, name and title of authorized signee: Darren J. Nolt - member

(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: 8814 Fargo Road, Suite 225

City: Richmond State: VA Zip Code: 23229

Telephone: () Fax: ()

Email: _____

Property Owner Signature:

Darren J. Nolt

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.



November 4, 2019

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

Re: 2406 (Alternate 2408) Ownby Lane Rezoning Applicant's Report from M-2 to B-5

Dear Mr. Olinger,

On behalf of the developers of 2406 Ownby Lane, please accept this letter as the Applicant's Report for the rezoning from M-2 Heavy Industrial to B-5 Central Business District. With this application, Spy Rock Real Estate Group is petitioning City Council to rezone the property from the existing outdated industrial district to the Central Business District zoning intended to promote storefront characters along principal street frontages, a sense of compatibility with adjacent residential neighborhoods, and a safe, convenient and economically viable pedestrian environment. This application is related to the similar rezoning applications RZON-061488-2019 for 1601 & 1611 Overbrook Road submitted on September 25, 2019 and RZON for 2413 Ownby Lane submitted on October 22, 2019.

Site

The proposed rezoning is for parcel N0001294034 located on the west side of Ownby Lane which is a collector street to the minor arterial Hermitage Road. The property is located in the Hermitage Business Park subdivision of The Diamond neighborhood in the Near West Planning District. The site is about one block west of the residential portion of Overbrook Road in the Virginia Union neighborhood.



The parcel is approximately 0.898 acres of land area and is currently improved with a one-story building fronting on Ownby Lane. The building sits behind an asphalt parking surface and an unimproved path in lieu of a hardscaped sidewalk. The structure serves as one of the buildings supporting the Scott's Addition Hardywood Brewery location and per the City Assessor's Office was built in 1900. The tenant has been made aware by the owner the intent to rezone this parcel. A survey is enclosed.

Existing Zoning Regulations

The property is located in M-2 Heavy Industrial District, which permits a wide variety of commercial, industrial and service uses, many of which could be considered noxious or undesirable so close to the mix of uses now found in the area and so proximate to residential uses on the opposing side of Overbrook Road.

M-2 allows for a base building height of forty-five feet with additional height based on an incline plane from the centerline of the abutting street. No portion of a building can penetrate the inclination of one foot horizontal for each three feet vertical. This would allow a building height up to approximately 90 feet along the principal street frontage of Overbrook, a 60-foot-wide right of way. Setbacks are only required on the side and rear lot lines.

Proposal

The owner wishes to construct a new mixed-use development involving this property and those in the surrounding area for which rezoning applications have already been submitted, again all that would comply with the B-5 Central Business District zoning regulations. It permits a wide variety of retail shops and businesses as principal uses which would promote a more pedestrian atmosphere. Dwelling units, including single-family, are also allowed.

B-5 allows for a base building height of no more than 5 stories, no greater than 15 feet with the ground floor as an exception, and a minimum of 2 stories. This would allow for a building up to at least 75 feet.

In addition, to the normal zoning requirements, any development of the site as a mixed-use residential project with more than 10 units or greater than 50,000 square feet will require a plan of development to be approved by the Director of Planning and Development Review to ensure compatibility with the district and the city's plans.

It should be noted that B-5 is more suitable than the B-7 district. B-7 should not be considered as it permits uses allowed in M-1 and M-2 district which are deemed undesirable so close to residential uses on the opposing side of the street and in the area. Also, B-7 does not allow single-family detached, single-family attached or two-family dwellings. The applicant would like to incorporate a variety of housing types and styles at different price points and market these to different demographics. B-7 only permits what would be large monolithic multi-family buildings.

Master Plan / Pulse Corridor Plan

The City of Richmond's Master Plan, adopted in 2001, designates the subject properties for "industrial" development. However, for the Near West Planning District, the plan states that "it is meant

to accommodate new and diverse development opportunities where appropriate,” and “recommends the ultimate conversion or phasing out of several isolated pockets of uses that are inconsistent with surrounding uses.” (pages 229-230).

The current singular use of the parcel is becoming increasingly incompatible with the area and in particular due to the conversion of the majority of the properties in surrounding properties to mixed use and multi-family residential uses. Ord. No. 2018-326 authorized nearby 1650 Overbrook Road for the use of up to 205 dwelling units. Though it does currently support an active scene during drinking hours, the mixed-use development potential of this parcel could far exceed that even, especially in conjunction with the nearby parcels we are requesting to rezone to B-5.

The subject properties are a few blocks outside of the walkshed for the Pulse Corridor Plan. Within this plan the stated goals for development along the transit line is for it to be Compact & Mixed, Connected, and Thriving & Equitable. The rezoning of this property would allow for development that would support these objectives. The current use acts only as a singular structure and surrounded by parking surfaces without any visual interest at the human scale. It does not entirely support the safety concept of “eyes on the street” or a pedestrian atmosphere, especially during day-time hours, as it stands or could be developed presently to the extent that of B-5.

City Charter Conditions

We trust that you will agree that the development of the site would be better suited under the regulations in the B-5 Central 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 rezoning. Please feel free to contact me at lorymarkham@markhamplanning.com or (804) 248-2561 if you have any questions or require additional materials to process the application.

Very Truly Yours,



Lory Markham

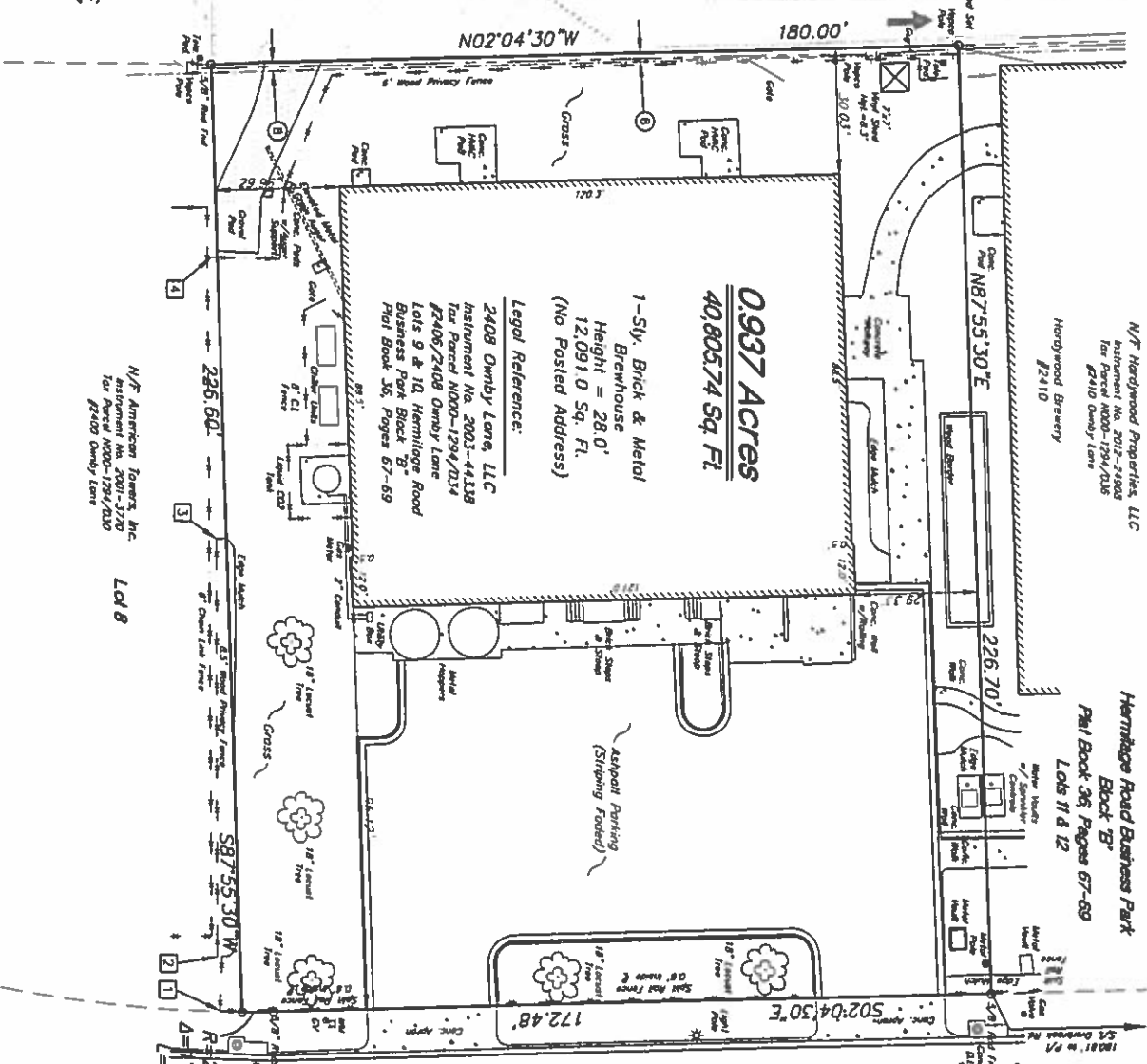
Enclosure: application form, fee payment, survey

cc: The Honorable Kimberly B. Gray
Matthew Ebinger, Planning Commission Secretary
Andrew Basham, Spy Rock Real Estate Group

N/F Joyce Holdings, LLC
 Instrument No. 2003-36177
 Tax Parcel N000-1294/028
 Plot 022 Overlay Lense

Lot 7

N/F Hermitage Investment Group, LLC
 Instrument No. 2000-15842
 Tax Parcel N000-1294/008
 Plot 001 Overlay Road



N/F American Forests, Inc.
 Instrument No. 2001-13720
 Tax Parcel N000-1294/030
 Plot 0400 Overlay Lense

Lot 8

Legal Reference:
 2408 Overlay Lane, LLC
 Instrument No. 2003-44138
 Tax Parcel N000-1294/034
 Plot 008/2408 Overlay Lane
 Lots 9 & 10, Hermitage Road
 Business Park Block "B"
 Plot Book 36, Pages 67-69

1-Story Brick & Metal
 Brewhouse
 Height = 28.0'
 12,091.0 Sq. Ft.
 (No Posted Address)

0.937 Acres
 40,805.74 Sq. Ft.

N/F Hermitage Properties, LLC
 Instrument No. 2012-24908
 Tax Parcel N000-1294/036
 Plot 010 Overlay Lense

Hermitage Road Business Park
 Block "B"
 Plot Book 36, Pages 67-69
 Lots 11 & 12

Ownby Lane
 (60' ± Public R/W)

Sheet 2 of 2

- Legend**
- Water Pole
 - ⊠ Water Transformer
 - ▽ Meter Frame Sign
 - ⊕ Handicap Parking Sign
 - ⊙ Roll-off
 - ⊞ Yard Sign (Designs)
 - ⊠ Sanitary Churnout
 - ⊠ Concrete Surface
 - ⊠ RCP Reinforced Concrete Pole
 - ⊠ CMP Corrugated Metal Pipe
 - D.L. Drainage Inlet
 - F.F.E. Finish Floor Elevation
 - P.O.B. Point of Beginning
 - ⊕ Fire Hydrant
 - Handicap Parking Spaces
 - Painted Parking Space Number
 - Water Meter
 - Meter Valve
 - Lamp Post (Metal Post w/Sign)
 - Drainage Manhole
 - Sanitary Manhole
 - Cable T.V. Pedestal
 - Telephone Pedestal
 - Gas Meter (GV)
 - Gas Valve (GV)

- Statement of Encroachments**
- 1 Corner Split Rail Fence 5.40' Outside Subject E
 - 2 Corner Wood Privacy Fence 5.62' Outside Subject E
 - 3 Corner Wood Privacy Fence 2.45' Outside Subject E
 - 4 Corner Wood Privacy Fence 1.49' Outside Subject E

ALTA/MSPS LAND TITLE SURVEY
 SHOWING EXISTING IMPROVEMENTS
 TAX PARCEL N000-1294/034
 BEING #2406-#2408 OWNBY LANE
 CITY OF RICHMOND VIRGINIA
 DATE: OCTOBER 25, 2019

Scale: 1" = 20'

Shadrach & Associates LLC
 LAND SURVEYING
 420 S. Boulevard, Suite 100, Richmond, Virginia 23220
 Phone: (813) 398-8100 Fax: (813) 398-8101

