

INTRODUCED: January 27, 2020

AN ORDINANCE No. 2020-035

To rezone the property known as 2413 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 to #2413 Ownby Lane, City of Richmond, Virginia,” prepared by Shadrach & Associates LLC, and dated September 16, 2019, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property known as 2413 Ownby Lane, with Tax Parcel No. N000-1294/040 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 District and shall be subject to the

AYES: 9 NOES: 0 ABSTAIN: _____

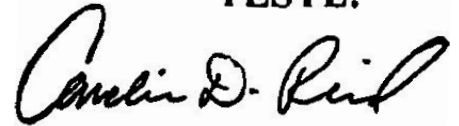
ADOPTED: FEB 24 2020 REJECTED: _____ STRICKEN: _____

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 "Carolin 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

Item Request

File Number: PRE.2019.618

O & R REQUEST

RECEIVED

JAN 15 2020

DEC 31 2019
4-9553
Office of the
Chief Administrative Officer

OFFICE OF THE CITY ATTORNEY

O & R Request

DATE: December 27, 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)

80 1/14/2020

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer *lgr*

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning *SLE*

FROM: Mark A. Olinger, Director, Department of Planning and Development Review *MJO*
FOMAU 12/27/19

RE: To rezone the property known as 2413 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 2413 Ownby Lane from the M-2 Heavy Industrial District to the B-5 Central Business District.

REASON: The applicant is requesting to rezone a 1.201 acre 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 1.201 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 with approximately 4,500 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 nearby properties located at 2406 and 2408 Ownby Lane as well as 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)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Survey, 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
930 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-0304
<http://www.richmond.gov/>

Project Name/Location

Property Address: 2413 Ownby Lane
Tax Map #: N0001294034

Total area of affected site in acres: 1.1455 Fee: \$1,600

Date: 10/22/2019

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

Zoning

Current Zoning: M-2 Heavy Industrial

Existing Use: 441- B General Office

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 attached

Existing Use: Light Industrial Office

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

Telephone: (804) 248-2561

State: VA

Zip Code: 23220

Email: lory@markhamplanning.com

Fax: () _____

Property Owner: Ownby Boxwood LLC

If Business Entity, name and title of authorized signer: Pal Galleher

(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: 2413 Ownby Lane

City: Richmond

Telephone: () 804-343-3441

State: VA

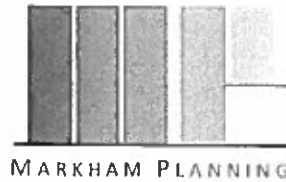
Zip Code: 23220

Email: pgalleher@boxwoodpartnersllc.com

Fax: () _____

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.



October 22, 2019

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

Re: 2413 Ownby Lane Rezoning Applicant's Report from M-2 to B-5

Dear Mr. Olinger,

On behalf of the developers of 2413 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 application RZON-061488-2019 for 1601 & 1611 Overbrook Road submitted on September 25, 2019.

Site

The proposed rezoning is for parcel N0001294040 located on the southeast corner of the Overbrook Road and Ownby Lane intersection. These are both collector streets 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 one block west of the residential portion of Overbrook Road in the Virginia Union neighborhood. A 10-foot-wide sidewalk separates the parcel from the road.



The parcel is approximately 1.15 acres of land area and is currently improved with a one-story 13.5' tall building fronting on Ownby Lane with two minor detached accessory buildings. It surrounded by asphalt parking and unimproved surface. The building serves as a small office and per the City Assessor's Office was built in 1996. It is owner occupied by Boxwood Partners, an investment firm, and they are happy to relocate elsewhere. A survey of the parcel 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 on the property 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.

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 support the safety concept of "eyes on the street" or a pedestrian atmosphere as it stands or could be developed presently.

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 lory@markhamplanning.com or (804) 248-2561 if you have any questions or require additional materials to process the application.

Very Truly Yours,



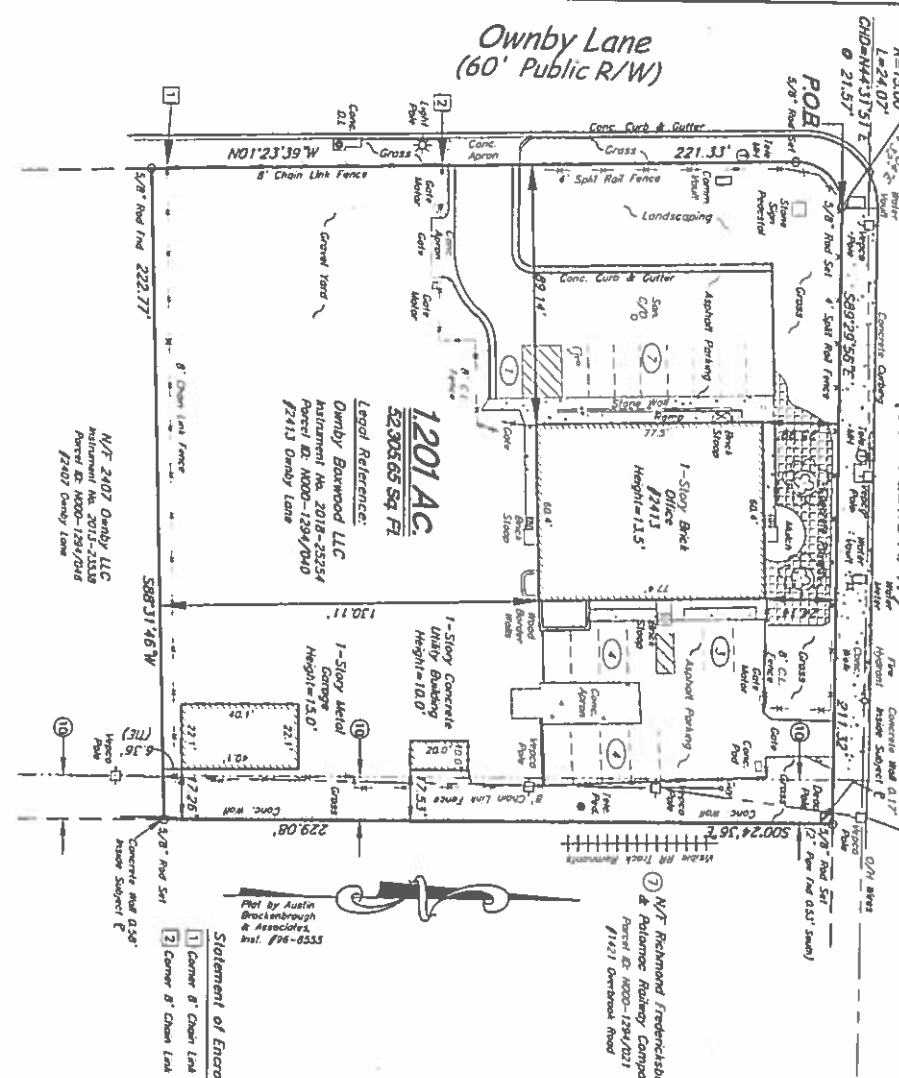
Lory Markham

Enclosure: application form, fee payment, survey

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

Overbrook Road
(60' Public R/W)

Ownby Lane
(60' Public R/W)



Statement of Encroachments
1 Corner of Chain Link Fence 0.65' Outside Subject E
2 Corner of Chain Link Fence 0.51' Outside Subject E

Legend

- (1) To (Right)
- (2) Historic Parking Spaces (Reg)
- (3) Permitting Parking Spaces (Reg)
- (4) Motor Drive
- (5) Temporary Parking (Permit)
- (6) Driveway
- (7) Sanitary Manhole
- (8) Catch Basin
- (9) Catch Tank
- (10) Catch Tank
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Legal Descriptions

ALL that certain lot, piece or parcel of land lying and being in the City of Richmond, Virginia, being Lot 14, containing 1.20 acres, more or less, as depicted on a plat made by Austin Brockthrough & Associates, Certified Surveyors, dated February 28, 1988 and revised February 29, 1994, in Book 4, 1988, entitled Complete Map Shaving Lot 12-13 and a Portion of Lot 11 Block 4, Henricpage Business Park, with a total area of 0.4709/2000, prepared by Sidney Hubbs & Adee, a copy of which plat is recorded in 80-81, and which property is more particularly described as follows:

Commencing at a may not set in the center intersection of Overbrook Road and Ownby Lane, the P.O.B. and running S 37° 49' 04" E 52.121' to the intersection of the southern right-of-way line of Overbrook Road, the TRUE POINT AND PLACE OF BEGINNING, thence with the said right-of-way line of Overbrook Road S 71° 04' 12" E 221.33' to the intersection of the eastern right-of-way line of Overbrook Road and the eastern right-of-way line of Richmond-Fredricksburg & Potomac Railway Company, thence with the said right-of-way line of Richmond-Fredricksburg & Potomac Railway Company, bearing S 88° 31' 46" W 222.77' to a nail found in a concrete curb, thence S 88° 31' 46" W 222.77' to a nail found in the eastern right-of-way line of Ownby Lane, thence with said right-of-way line of Ownby Lane N 01° 23' 39" E 21.157' to a corner nail set and right-of-way line of Ownby Lane, thence on a curve to the right having a radius of 15.00' and a central angle of 89.80712 degrees, thence with the said right-of-way line of Ownby Lane, bearing S 88° 31' 46" W 222.77' to the true Point of Beginning, containing 1.14 acres, more or less, or 49.80712 square feet, more or less.

BEING the same property described in the Commitment issued by Fidelity National Title Insurance Company dated December 11, 2018 (Commitment No. 0230746-2150757518)

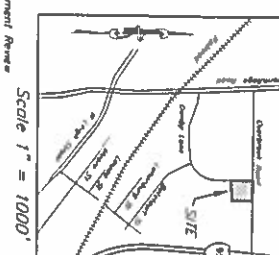
Zoning

Current Zoning: M-2.3 (Heavy Industrial)
Current Zoning District: (New West Planning District)
Setbacks:
Minimum Height: 45.00 Feet

Existing Parking

19 Regular Spaces
19 Handicap Spaces
20 Total Spaces

For further clarification of Zoning Requirements
Contact: Richmond Zoning Division - Planning & Development Review
800 E. Broad St. Room 110
Richmond, VA 23219
804-646-6340



Flood Certification

I have examined the Flood Insurance Rate Map for the City of Richmond, Virginia, Community Panel #310128-0025-0, effective date: April 2, 2009 and hereby certify to the best of my professional knowledge and belief that the subject property is not located in a Special Flood Hazard Area as shown on the Flood Insurance Rate Map, Federal Emergency Management Agency, Department of Housing and Urban Development. [Zone X]

General Notes

1. This survey plat represents a current and accurate field transit survey of the premises shown herein.
2. The survey was made with the benefit of a Title Report issued by Fidelity National Title Insurance Company dated December 11, 2018, Commitment No. 0230746-2150757518, and as the same property as described therein.
3. Observed utilities are plotted and shown herein.
4. Substances utility delineation was not performed.
5. The subject property has direct vehicular access from Ownby Lane and Overbrook Road.
6. No observed encroachments were found by Surveyor.
7. No evidence of encroachments on subject property found by Surveyor.
8. There is no observed evidence of current earth moving work, building construction or building additions.
9. Surveyor is not aware of any proposed changes in the street right of ways and observed no evidence of recent street or sidewalk construction or repair.

Legal Reference:

Ownby Boardwood LLC
Instrument No. 2018-25254
Parcel ID: N000-1204/040
2413 Ownby Lane

Fidelity National Title Insurance Company

Schedule B Part B - Commitment No. 0230746-2150757518
Approved by commissioning Fidelity National Title Insurance Company
7. Revised Plat on 7/8/2023, Page 494 shows the following:
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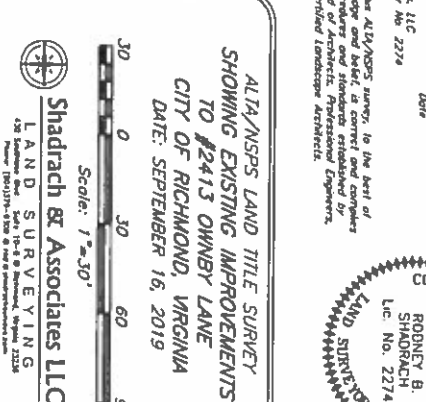
N/E 2407 Ownby LLC
Instrument No. 2018-23338
Parcel ID: N000-1281/248
2407 Ownby Lane

Surveyor's Certificate

This survey is certified to and prepared for the use and reliance thereof by the parties and/or interested third parties on 07/27/2019 and shall not be relied upon by any other entity or individual whatsoever.

The OWNBY BOARDWOOD LLC, a Virginia limited liability company, is the owner of the subject property, and the undersigned hereby certifies that the map of plat and the survey on which it is based were made in accordance with the 2018 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes items 1-4, 6(a), 10(a), 10(b), 10(c), 10(d), 10(e), 10(f), 10(g), 10(h), 10(i), 10(j), 10(k), 10(l), 10(m), 10(n), 10(o), 10(p), 10(q), 10(r), 10(s), 10(t), 10(u), 10(v), 10(w), 10(x), 10(y), 10(z), 11, 12, 17 and 19 of Table A thereof. The Survey was completed on September 16, 2019.

Surveyor: B. Shadrach
Shadrach & Associates, LLC
No. 2274
Richmond, VA 23224
Date: _____



ALTA/NSPS LAND TITLE SURVEY
SHOWING EXISTING IMPROVEMENTS
TO #2413 OWNBY LANE
CITY OF RICHMOND, VIRGINIA
DATE: SEPTEMBER 16, 2019

Shadrach & Associates LLC
LAND SURVEYING
48 West Main Street, Suite 2234
Richmond, VA 23220
Phone: (804)333-1234 Fax: (804)333-1235

Scale: 1" = 30'

30 0 30 60 90