



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/>

REZON-080481-2020

Project Name/Location

Property Address: 300, 400, 510 Oliver Hill Way Date: October 2, 2020
Tax Map #: E0000213001, E0000213005, E0000245007 Fee: \$2,000
Total area of affected site in acres: 5.3

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

Zoning

Current Zoning: M-1 and M-2

Existing Use: Industrial/Surface Parking

Proposed Zoning/Conditional Zoning

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

TOD-1

Existing Use: Industrial/Surface Parking

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: Lovings Produce 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: 1601 E Grace Street

City: Richmond State: VA Zip Code: 23219

Telephone: () Fax: ()

Email: _____

Property Owner Signature:

Gary H Loving

10/5/2020 10:47:54 AM EDT

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.



April 30, 2021

Mr. Kevin Vonck, Acting Director
Department of Planning & Development Review
900 East Broad Street, Suite 511
Richmond, VA 23219
kevin.vonck@richmondgov.com

RE: Applicant's Report for Rezoning of 300, 400 and 510 Oliver Hill Way

Dear Mr. Vonck,

Please accept this letter as the Applicant's Report for the Rezoning application for the following properties, totaling 5.3 acres, from the M-1 Light Industrial and M-2 Heavy Industrial zoning districts to the TOD-1 Transit Oriented Development zoning district:

Address	Tax Parcel ID	Acreage	Existing Zoning	Ownership
300 Oliver Hill Way	E0000213001	1.88	M-1	Lovings Produce LLC
400 Oliver Hill Way	E0000213005	2.35	M-1	Lovings Produce LLC
510 Oliver Hill Way	E0000245007	1.07	M-2	Lovings Produce LLC

With this application, the owners of the subject properties are petitioning the City Council to rezone the properties from the existing industrial zoning regulations in order to facilitate the development of a mixed-use residential community consistent with the regulations of the TOD-1 district. The proposed development is fully consistent with City's Master Plan, which was last updated with the adoption of the Pulse Corridor Plan and Plan's recommendations for use of the properties.

Properties

The proposed rezoning would cover three properties at the I-95 off ramp. These properties are at a key gateway into the heart of the City from the interstate and neighborhoods to the east. They primarily have been unimproved surface parking lots for decades and are underutilized for this key location. There is an existing one-story warehouse building located on 510 Oliver Hill Way that is approximately 20,000 square feet. The properties are contiguous except for being bisected by E Marshall Street right-of-way, which is currently unimproved. Together the properties comprise 5.3 acres.

Zoning Regulations & Background

The properties are currently located in the M-1 Light Industrial and the M-2 Heavy Industrial Districts, which permits a wide variety of commercial, industrial, drive-through, gas station and service

uses, many of which could be considered noxious or undesirable so close to the City's downtown and at this gateway to the City. There are no yard setback requirements in either district. A base building maximum height of 45 feet is permitted at the property line. Additional height is allowed and based on an incline plane from the centerline of the abutting streets. No portion of a building can penetrate the inclination of one foot horizontal for each three feet vertical. East Broad Street is 67' and Oliver Way is 65.5', which would allow a height of 100' along East Broad at the property line and 98' along Oliver Hill Way at the property line. If the building were setback

This application requests a rezoning to the TOD-1 Transit Oriented Development District to allow for residential uses and the redevelopment of the currently underutilized properties. This district encourages walkable transit-oriented development to promote enhancement of the character of development along principal corridors (East Broad Street), at key gateways (The I-95 off-ramp) and nodes of high activity located near transit services, bicycle infrastructure, and pedestrian-friendly streetscapes. It permits a wide variety of uses such as art galleries, grocery stores, hotels, offices, restaurants and retail stores. The TOD-1 district would prohibit the noxious commercial and industrial uses currently allowed and would permit the redevelopment of the property with a mix of uses appropriate to the urban context of the site.

The TOD-1 district includes form-based requirements that are not found in the existing industrial zoning districts, which will ensure that any development of the site is more urban in character and will provide activity on the street. These requirements include such things as regulation on the location and screening of parking decks and lots, fenestration and setbacks maximums. There is no setback requirement in the TOD-1 district for uses other than residential and height is limited to twelve stories. This will require new development to be located closer to the street and provide for a more engaging streetscape. Additionally, 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 character of the surrounding area.

The maximum development potential under the existing M-1 and M-2 districts is approximately 175% of the maximum development potential under the proposed TOD-1 district in terms of potential square footage allowed for the permitted uses in each district. The TOD-1 district also substantially limits the number of uses that would be permitted under the existing zoning. Accordingly, no Traffic Impact Analysis would be required under 24VAC30-155-40; however, the applicant is willing to provide a Traffic Impact Analysis to the Department of Public Works during the review of a Plan of Development for a specific proposed development to ensure adequate access to the site is provided.

Master Plan

These properties were included in the 2017 Pulse Corridor Plan and were recommended for Corridor Mixed-Use Future Land Uses and Zoning. This recommendation included reference to a new zoning district that was to be created after the adoption of the Plan.

The proposed TOD-1 Transient Oriented Nodal zoning district was subsequently created and adopted later in 2017. Since then, this district has been applied in many areas of the City that were identified for Corridor Mixed-Use in the Plan, including Scott's Addition. Accordingly, there is precedent

for the application of the TOD-1 district in areas recommended for Corridor Mixed-Use as the subject properties are.

City Charter Conditions

Given the recommendations in the City's Downtown Plan, we trust that you will agree with us that the development of the site would be better suited under the regulations in the TOD-1 Transit Oriented Development 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 lorymarkham@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 Cynthia Newbille
Matthew Ebinger, Secretary to the City Planning Commission