

INTRODUCED: July 26, 2021

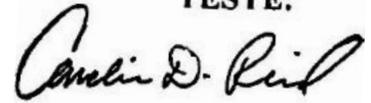
AN ORDINANCE No. 2021-210

To rezone the property known as 1003 Commerce Road from the M-2 Heavy Industrial District to the TOD-1 Transit-Oriented Nodal District.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

**A TRUE COPY:  
TESTE:**

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney



**City Clerk**

PUBLIC HEARING: SEP 13 2021 AT 6 P.M

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the plat entitled “ALTA/ACSM Survey of 1003 Commerce Road, City of Richmond, Virginia,” prepared by Long Surveying, LLC, dated October 19, 2014, and last revised November 12, 2014, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property known as 1003 Commerce Road with Tax Parcel No. S000-0388/004 as shown in the 2021 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 (2020), as amended, and that the same is included in the TOD-1 Transit-Oriented Nodal District and shall be subject to the provisions of sections 30-457.1 through 30-457.10 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2020), as amended.

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

AYES: 8 NOES: 0 AB0STAIN: \_\_\_\_\_

ADOPTED: SEPT 13 2021 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

# City of Richmond

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

## Item Request File Number: PRE.2021.735

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### O & R Request

**DATE:** June 25, 2021

**EDITION:** 1

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

**THROUGH:** The Honorable Levar M. Stoney, Mayor (By Request)  
(This in no way reflects a recommendation on behalf of the Mayor.)



**THROUGH:** J.E. Lincoln Saunders, Acting Chief Administrative Officer



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



**FROM:** Kevin J. Vonck, Acting Director, Department of Planning and  
Development Review



**RE:** To rezone the property known as 1003 Commerce Road from the M-2 Heavy Industrial  
District to the TOD-1 Transit Oriented Nodal District.

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

**PURPOSE:** To rezone the property known as 1003 Commerce Road from the M-2 Heavy Industrial District  
to the TOD-1 Transit Oriented Nodal District.

**REASON:** The applicant is requesting to rezone the property to the TOD-1 Transit Oriented Nodal  
District, which allows a greater range of uses and densities than the current M-2 Heavy 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 August 16, 2021 meeting.

**BACKGROUND:** The property consists of approximately 151,153 SF, or 3.47 acres, of land and is  
improved with five buildings constructed between 1952 and 1970, totaling 67,492 sq. ft. The properties are  
located in the Oak Grove Neighborhood between Gordon and Dinwiddie Avenues.

The City's Richmond 300 Master Plan designates these parcels as Industrial Mixed Use. Such areas are defined as "formerly traditional industrial areas that are transitioning to mixed-use because of their proximity to growing neighborhoods and changes in market conditions. These areas may still retain some light industrial uses."

Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space.  
Secondary Uses: Institutional and government. (p. 62)

Currently, all adjacent properties are zoned the same M-2 Heavy Industrial, as well as some M-1, Light Industrial to the south of the property.

**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:** July 26, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** September 13, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission,  
August 16, 2021

**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, Application Form, Applicant's Report, 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.richmondgov.com/>

**Project Name/Location**

Property Address: 1003 Commerce Rd Date: March 9, 2021  
Tax Map #: S0000388004 Fee: \$1,800.00  
Total area of affected site in acres: 3.47 AC

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

**Zoning**

Current Zoning: M-2 Heavy Industrial

Existing Use: Warehouse

**Proposed Zoning/Conditional Zoning**

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

TOD-1 Transit Oriented District for mixed use  
Existing Use: Warehouse

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: n/a

**Applicant/Contact Person:** Lory Markham

Company: Markham Planning

Mailing Address: 23 W Broad St

City: Richmond State: VA Zip Code: 23220

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

Email: lory@markhamplanning.com

**Property Owner:** 1003 COMMERCE ROAD LLC

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

(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 ST #110

City: RICHMOND State: VA Zip Code: 23220

Telephone: ( 405 ) 417-6104 Fax: ( )

Email: M\_larson@larson-development.com

**Property Owner Signature:** Mark Larson

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.



June 17, 2021

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

RE: Applicant's Report for Rezoning of 1003 Commerce Road

Dear Mr. Vonck

Please accept this letter as the Applicant's Report for the request to rezone 1003 Commerce Road from the M-2 Heavy Industrial district to the TOD-1 Transit-Oriented district:

Address	Tax Parcel ID	Acreage	Existing Zoning	Ownership
1003 Commerce Rd	S0000388004	3.47	M-2	1003 COMMERCE ROAD LLC

With this application, the property owner is petitioning the City Council for a rezoning to facilitate future development that would be permitted under the regulations of the TOD-1 district. This requested rezoning is consistent with and in support of the development goals for this property as detailed in the Richmond 300 Master Plan.

### ***Property***

The property is located at the southwest intersection of East Commerce Road and Dinwiddie Avenue in the City's Old South neighborhood. Containing 3.47 acres of land area, this parcel is improved with several connected warehouse buildings totaling approximately 67,500 SF in floor area. Uses in the buildings include warehousing, manufacturing, and fabrication. Surrounding properties along Commerce Rd and Dinwiddie Ave are primarily industrial uses located in the M-1 or M-2 districts.

### ***Zoning Regulations & Background***

The property is currently 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 currently found directly north in Manchester and the nearby residential

neighborhoods of Oak Grove and Blackwell. Despite the wide-range of permitted uses, dwellings are not permitted in the M-2 district.

The property owner wishes to construct new mixed-use development on the property that would comply with the TOD-1 zoning district regulations. The proposed TOD-1 district regulations would allow for a mix of uses, including residential and commercial uses fronting on Commerce Road with structured parking to the rear of these active uses. The owner plans to develop the property in accordance with the stated intent of the TOD-1 district which is to promote enhancement of the character of development along principal corridors, at key gateways, and at nodes of high activity located near transit service, bicycle infrastructure, and pedestrian-friendly streetscapes. These regulations promote redevelopment, placemaking, and development of surface parking lots to create high-quality urban spaces.

The TOD-1 district includes form-based requirements that are not found in the existing zoning district which will ensure that any development of the site is urban in character, provide life and activity on the street and promote walking and biking. These requirements include a maximum height of 12 stories, and regulations on the location and screening of parking decks and lots, fenestration and setbacks minimums and maximums.

The maximum potential development density is greater under the M-2 district than the TOD-1 district. In fact, the M-2 district is the least restrictive regulations of any zoning district within the City of Richmond. Under M-2, the maximum height and permitted square footage of a potential development far exceed those permitted under the TOD-1 district. In addition, the intensity of land uses permitted under M-2, including many vehicle-oriented uses such as drive-thru, distribution, bus/ transportation terminal, big-box retail, landfill, and others are permitted under M-2 and not TOD-1. Rezoning this property from M-2 to TOD-1 is a down-zoning from a land use, zoning, or traffic perspective. Because the potential future impact of traffic under the proposed TOD-1 rezoning is significantly less than under the current M-2 zoning by any metric, we believe that traffic is not an issue and that a traffic estimate is unnecessary.

In addition to the normal zoning regulations, any development of the site as a mixed-use residential project will require a plan of development be approved by the Director of Planning and Development Review to ensure compatibility with the district. As part of this review, City agencies, including DPW will have opportunities to assure that infrastructure improvements are made according to City requirements.

Applicant acknowledges the following DPW comments and conditions:

Applicant shall design according to City's Better Streets Manual and Right of Way Design and Construction Standards Manual consisting of general and specific right-of-way design and construction standards that the Director of Public Works shall enforce for all design and construction that occurs in streets, sidewalks, and public ways as defined in Section 24-1 and in public rights-of-way as defined in Section 24-400. Such standards shall be consistent with all applicable Federal, State, and local laws and with sound engineering practices and shall reflect the intent of the City that all transportation improvement projects in the City be planned for, designed and constructed to provide appropriate accommodation for persons of all ages and abilities, including pedestrians, bicyclists, transit passengers, and motorists, while promoting safe operation of all users.

### ***Richmond 300 Master Plan***

The property is designated for future land use by Richmond 300 as Industrial Mixed-Use. These areas are formerly traditional industrial areas that are transitioning to mixed-use because of their proximity to growing neighborhoods and changes in market conditions. These areas may still retain some light industrial uses. Primary uses recommended by the Plan include retail/office/personal service, multi-family residential, cultural, and open space. Development style is recommended as a mix of building types with low-scale, post-industrial buildings that are adapted for a new use are adjacent, to new taller residential and/or office buildings. Additionally, the property is adjacent to the Manchester Priority Growth Node that have been transformed by a mix of development in recent years. For this Node, the Plan specifically recommends rezoning areas to allow for residential development.

While the recommended development height in Industrial Mixed-Use areas is between three to eight stories, Commerce Road is exceptionally wide at the location of the property. This width, comparable to that of Broad Street, can easily accommodate development heights up to 12 stories as permitted by TOD-1 regulations. In addition, the properties directly across Commerce Road at this location are designated for Destination Mixed Use with no maximum height recommendation by the Richmond 300 Plan. Given that typical development patterns on both sides of one street should be comparable, we believe that the proposed rezoning to allow for an urban-form, mixed use development under TOD-1 is fully consistent with and in support with the recommendations of Richmond 300 for the property and the area.

### ***City Charter Conditions***

Given the recommendations in the City's Richmond 300 Master Plan, we trust that you will agree with us that the potential development of the site under TOD-1 regulations would support the efforts to develop the property in a manner consistent with the Plan; 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.

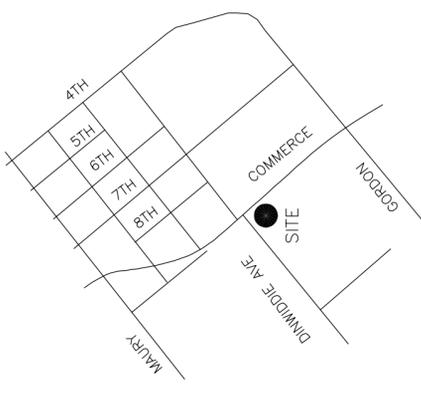
Very Truly Yours,



Lory Markham

Enclosures

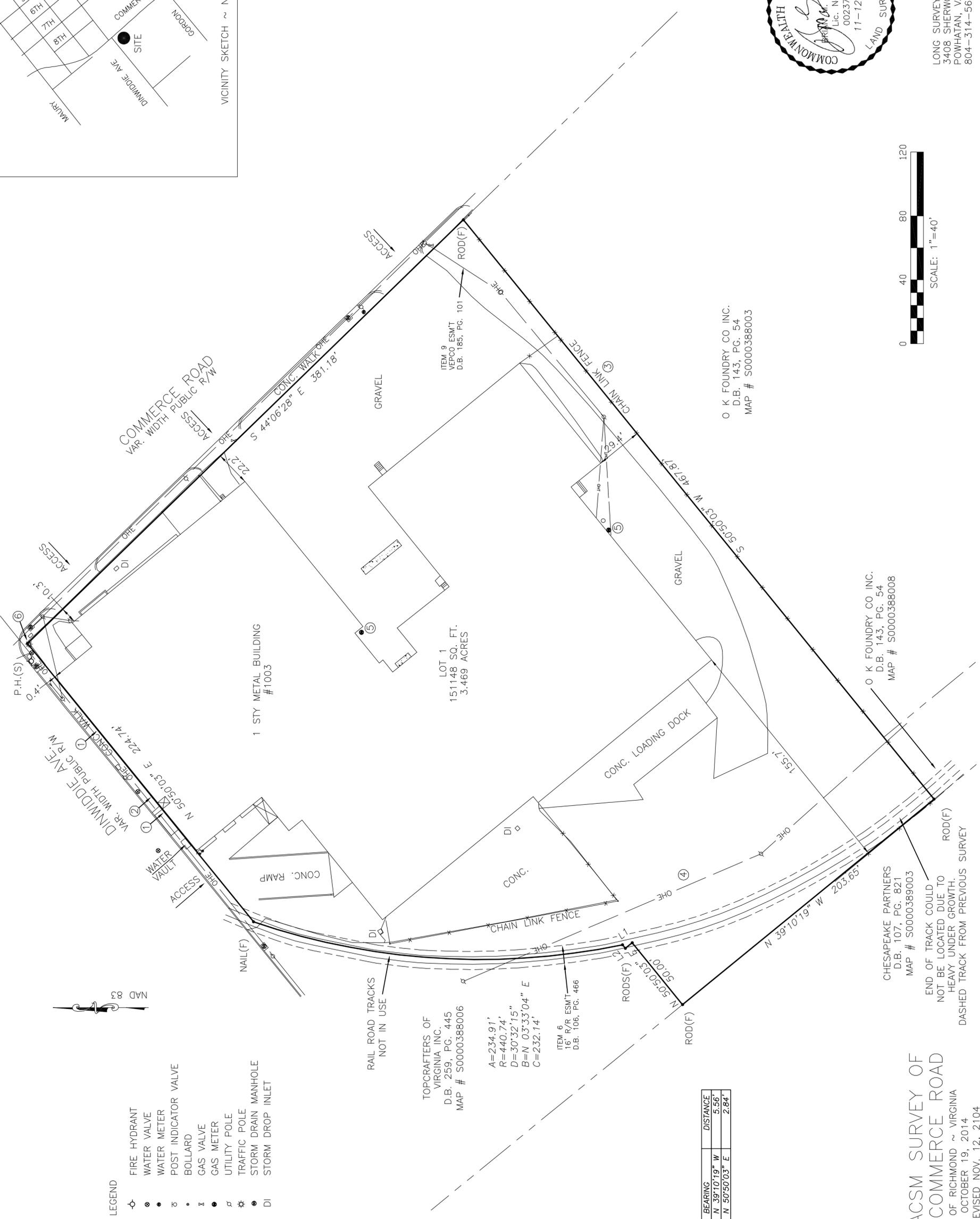
cc: The Honorable Ellen F. Robertson, 6<sup>th</sup> District Council Representative  
Matthew Ebinger, Secretary to the City Planning Commission



VICINITY SKETCH ~ NTS



LONG SURVEYING, LLC  
3408 SHERWOOD BLUFF WAY  
POWHATAN, VA 23139  
804-314-5620



- LEGEND**
- ⊕ FIRE HYDRANT
  - WATER VALVE
  - WATER METER
  - ⊗ POST INDICATOR VALVE
  - BOLLARD
  - ⊕ GAS VALVE
  - ⊕ GAS METER
  - ⊕ UTILITY POLE
  - ⊕ TRAFFIC POLE
  - ⊕ STORM DRAIN MANHOLE
  - ⊕ STORM DROP INLET
  - DI



TOPCRAFTERS OF VIRGINIA INC.  
D.B. 259, PG. 445  
MAP # S0000388006

A=234.91'  
R=440.74'  
D=30°32'15"  
B=N 03°33'04" E  
C=232.14'

ITEM 6  
16" R/R ESMT  
D.B. 106, PG. 466

ITEM 9  
VEPCO ESMT  
D.B. 185, PG. 101

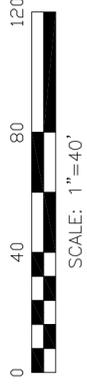
LINE	BEARING	DISTANCE
L1	N 39°10'19" W	5.56'
L2	N 50°50'03" E	2.84'

O K FOUNDRY CO INC.  
D.B. 143, PG. 54  
MAP # S0000388003

O K FOUNDRY CO INC.  
D.B. 143, PG. 54  
MAP # S0000388008

CHESAPEAKE PARTNERS  
D.B. 107, PG. 821  
MAP # S0000389003

**ALTA/ACSM SURVEY OF  
1003 COMMERCE ROAD**  
CITY OF RICHMOND ~ VIRGINIA  
OCTOBER 19, 2014  
REVISED NOV. 12, 2014



END OF TRACK COULD  
NOT BE LOCATED DUE TO  
HEAVY UNDER GROWTH.  
DASHED TRACK FROM PREVIOUS SURVEY