

INTRODUCED: December 9, 2019

AN ORDINANCE No. 2019-347

To authorize the special use of the property known as 1817 Floyd Avenue for the purpose of limited special events, upon certain terms and conditions.

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

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

PUBLIC HEARING: JAN 13 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 1817 Floyd Avenue, which is situated in an R-6 Single-Family Attached Residential District, desires to use such property for the purpose of limited special events, which use, among other things, is not currently allowed by section 30-412.1 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2019), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:    JAN 13 2020    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 1817 Floyd Avenue and identified as Tax Parcel No. W000-0812/007 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “Hand Workshop, City of Richmond, Virginia, Alta Survey,” prepared by Hulcher & Associates, Inc., dated August 21, 2002, and last revised December 4, 2002, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of special events as described in this ordinance, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Site Plan: Visual Arts Center of Richmond, Collector’s Night: March 7<sup>th</sup>, 2020,” prepared by Daniel F. Carney and Elizabeth Oliver, and dated May 17, 2019, and on the plans entitled “Collectors Night 2019,” prepared by an unknown preparer, and undated, hereinafter collectively referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be not more than five special events, including fundraising events, within a 365-day period, substantially as shown on the applicant’s report attached to and made a part of this ordinance and on the Plans. The special events shall be for the benefit of the operations or functions of the principal uses of the property known as 1812 West

Main Street and identified as Tax Parcel No. W000-0812/029 in the 2019 records of the City Assessor, and may include music.

(b) The special events may include the use of one or more tents, substantially as shown on the Plans.

(c) No special event shall involve more than 350 attendees.

(d) No special event shall extend beyond 11:00 p.m. No personnel associated with the special event shall work on the Property beyond 12:00 a.m..

(e) For each special event, the Owner shall provide valet parking service to one or more off-site parking areas.

(f) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as

amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

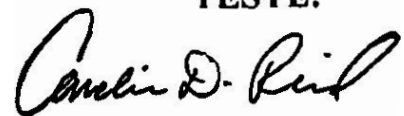
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:**

**TESTE:**

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

**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.2019.237

O & R REQUEST

4-9394  
NOV 12 2019

Office of the  
Chief Administrative Officer

RECEIVED

DEC 02 2019

### O & R Request

OFFICE OF THE CITY ATTORNEY

DATE: November 8, 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)

*JS* 12/12/19

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

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

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

RE: To authorize the special use of the property known as 1817 Floyd Avenue for the purpose of utilizing an existing parking lot for special events, upon certain terms and conditions.

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

**PURPOSE:** To authorize the special use of the property known as 1817 Floyd Avenue for the purpose of utilizing an existing parking lot for special events, upon certain terms and conditions.

**REASON:** The applicant, Visual Arts Center of Richmond, is requesting a Special Use Permit which would authorize the use of an existing parking area for tented special events. The property is currently zoned in the R-6 Single-Family Attached Residential District, which does not allow for the proposed use. A Special Use Permit is therefore required.

**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 January 6, 2020, meeting.

**BACKGROUND:** The property consists of a .297 acre parcel of land improved with a parking area. The property fronts on Floyd Avenue, between North Allen Avenue and North Granby Street, in The Fan neighborhood of the Near West planning district. The property is owned by the Visual Arts Center of Richmond, which is located at 1812 West Main Street, across the alley from the subject property. The proposed special events are primarily fundraising events for the Center.

The City of Richmond's current Master Plan designates a future land use category for the subject property as Single-Family Residential at Medium Densities. Primary uses for this category "...are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-5A, R-6 and R-7. (City of Richmond Master Plan, 133)

The current zoning for this property is R-6 Single-Family Attached Residential. Adjacent properties are to the east, north and west of the subject property are located within the same R-6 District. Property to the south is zoned UB Urban Business. A mix of commercial, mixed-use, institutional, office, and residential land uses are present in the vicinity.

**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:** \$2,400 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** December 9, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** January 13, 2020

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
January 6, 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, Application Form, Applicant's Report, Plans, Survey, Map

**STAFF:** Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734

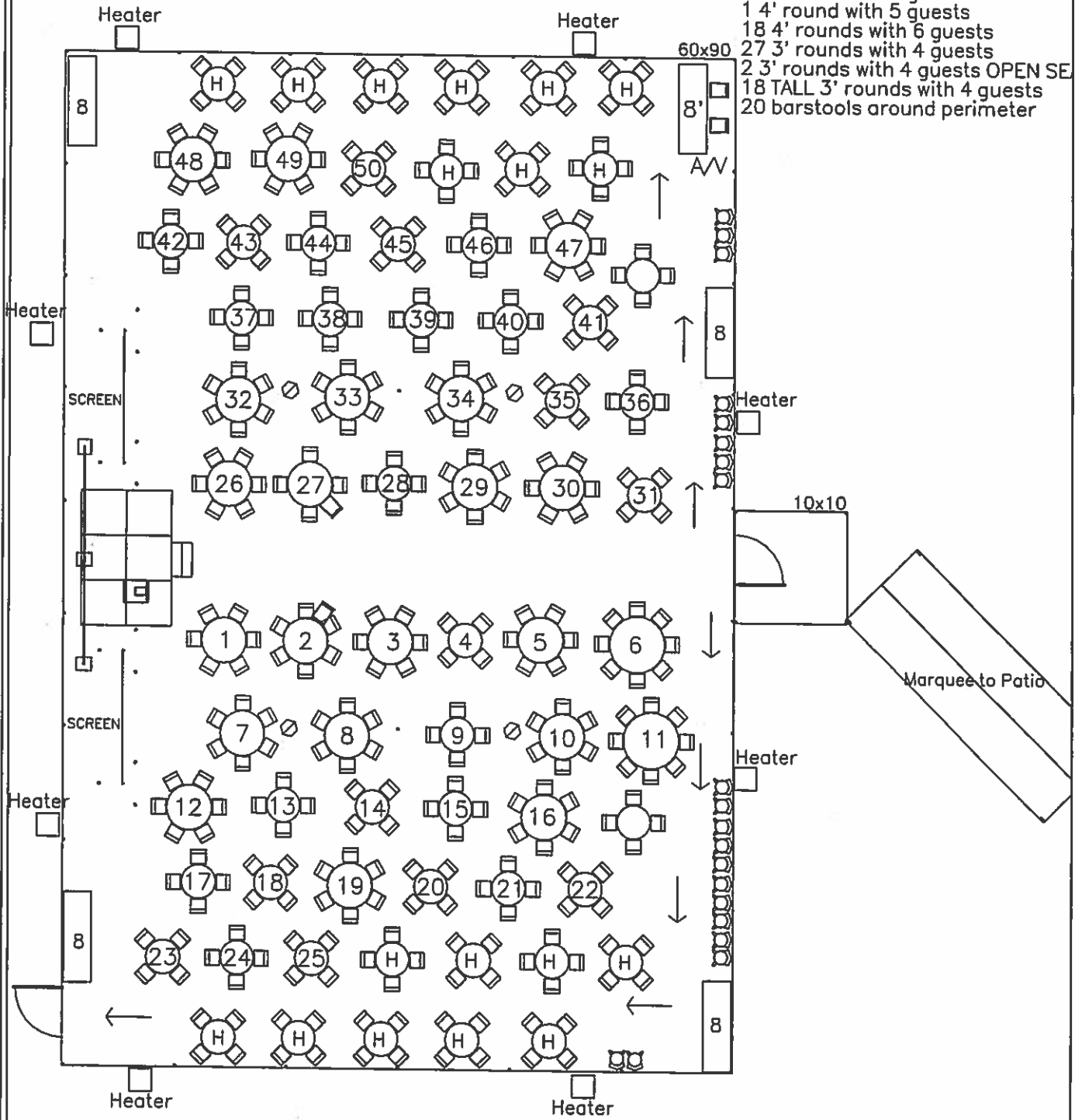




Generator

# COLLECTORS NIGHT 2019

- 350 Total Seating
- 2 5' rounds with 8 guests
- 1 4' round with 7 guests
- 1 4' round with 5 guests
- 18 4' rounds with 6 guests
- 27 3' rounds with 4 guests
- 2 3' rounds with 4 guests OPEN SE
- 18 TALL 3' rounds with 4 guests
- 20 barstools around perimeter







Application for **SPECIAL USE PERMIT**

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/>

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

**Project Name/Location**

Property Address 1812 W. Main, 1817 Floyd Date 03/18/2019

Tax Map #: \_\_\_\_\_ Fee \_\_\_\_\_

Total area of affected site in acres \_\_\_\_\_

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

LAND USE ADMINISTRATION

**Zoning**

Current Zoning R-7

Existing Use parking lot

MAR 19 2019

RECEIVED

**Proposed Use**

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

Existing Use accessory parking + special events  
parking lot

Is this property subject to any previous land use cases?

Yes  No  If Yes please list the Ordinance Number \_\_\_\_\_

**Applicant/Contact Person:** Elizabeth Oliver  
Company: Visual Arts Center of Richmond  
Mailing Address: 1812 West Main Street  
City: Richmond State: VA Zip Code: 23220  
Telephone: (804) 353-0094 ext 221 Fax: \_\_\_\_\_  
Email: lizzieoliver@visarts.org

**Property Owner:** Visual Arts Center of Richmond  
If Business Entity, name and title of authorized signee: Stefanie Fedor

(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: 1812 West Main Street  
City: Richmond State: VA Zip Code: 23220  
Telephone: (804) 353-0094 Fax: \_\_\_\_\_  
Email: sfedor@visarts.org

**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.**

**NOTE:** Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

## **Proposed Use**

The Visual Arts Center of Richmond (VisArts) proposes to use its parking lot, located on its 1817 Floyd property, for up to five fundraising events per year. These events are usually tented but may not be in some circumstances. Our Collectors' Night gala, typically held in March, is always tented and has been held on the 1817 Floyd Avenue lot for the past decade.

Any event held on the property will end no later than 11 p.m. and all residential neighbors with property bordering the lot will be notified about the event, in writing, at least one week (7 days) prior. In the past, we have always abided by both practices.

VisArts' fundraising events collectively contribute more than \$600,000 to the organization's \$2.3 million budget. As a non-profit organization, being able to use our parking lot as a venue for our special events is vital to the success of our organization. The money we raise at these events goes directly back into our community and makes the City of Richmond a better place to live.

The Visual Arts Center of Richmond has helped Richmonders make art since 1963. We offer more than 1,000 art classes each year in clay, wood, fiber, painting, photography, printmaking, glass, metal, drawing, writing, decorative arts and other visual media.

In addition to our tuition-based programs, we partner with Richmond Public Schools and community organizations such as the Peter Paul Development Center, Anna Julia Cooper Episcopal School, the Faison School for Autism and Northstar Academy for Autism to offer special art-making workshops free of charge to youth, senior citizens and people with special needs. One of our favorite programs is an afterschool art program that brings hundreds of Binford Middle School students to the center for classes and tours of our exhibitions. Each year, we host the Scholastic Art & Writing Awards, which recognizes the work of young artists in all of the public and private middle and high schools in the Greater Richmond area.

All told, VisArts touches the lives of more than 40,000 people through its classes, exhibitions, community outreach programs, camps, workshops and special events. We appreciate your consideration of our application for a special use permit.