

INTRODUCED: November 12, 2024

AN ORDINANCE No. 2024-311

To authorize the special use of property known as 5790 Hull Street Road for the purpose of (i) an automotive repair and automotive parts sales facility and (ii) a grocery, convenience, and specialty food store, upon certain terms and conditions, and to repeal Ord. No. 89-246-231, adopted Sept. 11, 1989, and all amendatory ordinances thereto. (9th District)

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 9 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 5790 Hull Street Road, which is situated in a RO-1 Residential-Office District, desires to use the property for the purposes of (i) an automotive repair and automotive parts sales facility and (ii) a grocery, convenience, and specialty food store, which uses, among other things, are not currently allowed by section 30-424.1, concerning permitted principal uses, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), 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

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

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 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 (2020), 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 5790 Hull Street Road and identified as Tax Parcel No. C007-0444/018 in the 2024 records of the City Assessor, being more particularly described in Exhibit A, 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 (i) an automotive repair and automotive parts sales facility and (ii) a grocery, convenience, and specialty food store, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Convenient Store Equipment Placement, 5790 Hull Street Road, Richmond, VA,” prepared by Architecturally Yours, and dated April 14, 2024, hereinafter referred to as “the Plans,” a copy of which is 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 as (i) an automotive repair and automotive parts sales facility and (ii) a grocery, convenience, and specialty food store.

(b) The grocery, convenience, and specialty food store shall be located within the existing structure, substantially as shown on the Plans.

(c) The grocery, convenience, and specialty food store shall not operate between the hours of 11:00 p.m. and 7:00 a.m.

(d) 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 (2020), 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 (2020), 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 (2020), 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 (2020), 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. **Repeal of Prior Ordinances.** That Ordinance No. 89-246-231, adopted September 11, 1989, and all amendatory ordinances thereto, be and are hereby repealed.

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

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE



City of Richmond

RECEIVED
By City Attorney at 4:43 pm, Nov 07, 2024

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

Master

File Number: Admin-2024-1041

File ID: Admin-2024-1041 **Type:** Request for Ordinance or Resolution **Status:** Regular Agenda

Version: 2 **Reference:** **In Control:** City Clerk Waiting Room

Department: **Cost:** **File Created:** 08/22/2024

Subject: **Final Action:**

Title:

Internal Notes:

Code Sections: **Agenda Date:** 11/12/2024

Indexes: **Agenda Number:**

Patron(s): **Enactment Date:**

Attachments: Admin-2024-1041_Supporting Documents,
Admin-2024-1041 Scanned SUP - 5790 Hull St. Road
AATF **Enactment Number:**

Contact: **Introduction Date:**

Drafter: David.Watson@rva.gov **Effective Date:**

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	10/21/2024	Matthew Ebinger	Approve	10/23/2024
2	2	10/21/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	10/21/2024	Kevin Vonck	Approve	10/28/2024
2	4	10/21/2024	Alecia Blackwell - FYI	Notified - FYI	
2	5	10/24/2024	Sharon Ebert	Approve	10/23/2024
2	6	10/24/2024	Caitlin Sedano - FYI	Notified - FYI	
2	7	10/29/2024	Jeff Gray	Approve	10/28/2024
2	8	10/30/2024	Lincoln Saunders	Approve	10/31/2024
2	9	11/7/2024	Mayor Stoney	Approve	11/1/2024

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2024-1041

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: October 21, 2024

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request)
(This is no way reflects a recommendation on behalf of the Mayor)

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

THROUGH: Sharon L. Ebert, DCAO for Planning & Economic Development

FROM: Kevin J. Vonck, Director of Planning & Development Review

RE: To authorize the special use of property known as 5790 Hull Street Road for the purpose of (i) an automotive repair and automotive parts sales facility and (ii) a grocery, convenience, and specialty food store, upon certain terms and conditions, and to repeal Ord. No. 89-246-231, adopted Sept. 11, 1989, and all amendatory ordinances thereto.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Special Use Permit to repeal Ord. No. 89-246-23 authorizing an automotive repair and automotive parts sales facility and reauthorize this use and include a convenience store within the same structure. Neither the existing automotive use nor the convenience store is a permitted use within the RO-1 Residential Office. A Special Use Permit amendment is therefore requested to add a convenience store as a permitted use.

BACKGROUND: The property is in the Swanson neighborhood on the northern side of Hull Street Road. The property contains 2.67 acres and is improved with a 9,763 square foot commercial structure that houses an automotive service business. The City's Richmond 300 Master Plan designates a future land use for the subject property as Corridor Mixed-Use, which is "found along major commercial

corridors and envisioned to provide for medium to medium high density pedestrian and transit oriented development. The building size, density, and zoning districts for these areas may vary significantly depending on historical densities and neighborhood characteristics. (RVA 300, p. 60).

The current zoning for the subject property is RO-1 Residential Office. The surrounding properties on Hull Street Road contain commercial uses. The rear of the property abuts a single-family detached dwelling.

COMMUNITY ENGAGEMENT: The property is not located within an area represented by a civic association. Sign posting and community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan;

FISCAL IMPACT: \$300 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 12, 2024

CITY COUNCIL PUBLIC HEARING DATE: December 9, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission December 3, 2024

AFFECTED AGENCIES: Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: Repeal Ord. No. 89-246-231

ATTACHMENTS: Application document package

STAFF: Matthew Ebinger, Planning Supervisor, Land Use Administration 804-646-6308

David Watson, Planner, Land Use Administration 804-646-1036



CITY OF RICHMOND, VA
Department of Planning and Development Review
Land Use Administration Division
900 East Broad Street, City Hall - Room 511, Richmond, Virginia 23219

AUTHORIZATION FROM PROPERTY OWNER

TO BE COMPLETED BY THE APPLICANT

Applicant must complete ALL items

HOME/SITE ADDRESS: 5790 Hull Street Road APARTMENT NO/SUITE _____
APPLICANT'S NAME: Tony Johnson EMAIL ADDRESS: Tjhullstreet@gmail.com
BUSINESS NAME (IF APPLICABLE): MCA VENTURES LLC
SUBJECT PROPERTY OR PROPERTIES: 5790 Hull Street Road

APPLICATION REQUESTED

- ☐ Plan of Development (New or Amendment)
- ☐ Wireless Plan of Development (New or Amendment)
- ☒ Special Use Permit (New or Amendment)
- ☐ Rezoning or Conditional Rezoning
- ☐ Certificate of Appropriateness (Conceptual, Administrative Approval, Final)
- ☐ Community Unit Plan (Final, Preliminary, and/or Amendment)
- ☐ Subdivision (Preliminary or Final Plat Correction or Extension)

TO BE COMPLETED BY THE AUTHORIZED OWNER

Owner must complete ALL items

Signing this affidavit acknowledges that you, as the owner or lessee of the property, authorize the above applicant to submit the above selected application/s on your behalf.

PROPERTY OWNER: Tony Johnson
PROPERTY OWNER ADDRESS: 8225 Chamberlayne Rd., Richmond Va 23227
PROPERTY OWNER EMAIL ADDRESS: Tjhullstreet@gmail.com
PROPERTY OWNER PHONE NUMBER: 804-833-3407
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.

Letter of Intent for Special Use Permit Amendment

June 28, 2024

Land and Use Administration
City of Richmond, Virginia

RE: Special Use Permit to amend Ordinance No. 89-246-231

To Whom It May Concern,

As the owner of the property located at 5790 Hull Street Road, I am submitting this letter of intent to amend the Special Use Permit to allow for the front office space of my building (approximately 2600sf) to be converted into a gourmet super market. There would be no construction nor structural changes needed. The property is currently governed by a Special Use Permit (**Ord 89-246-231 amended**), which authorizes the use of the property as an automotive repair and automotive parts sales facility. I plan to continue using the rear portion (7200sf) for my automotive operations. The automotive department has its own points of entry and exit, separate from the proposed market space. We have adequate parking with accessible parking already in place.

I believe that our community here in District 9 would greatly benefit from this gourmet super market. The market will include freshly cut delicatessen meats, gourmet cheeses & desserts, fresh fruits, fresh vegetables, and a collage of multicultural delectables. I have been a business entrepreneur and restaurant owner for over forty-five years. It is my goal to bring to our neighborhood a diverse variety of tastes and flavors from around the world. There are several convenient stores and small markets close by, so this business would be very compatible with the neighboring businesses. I also plan to employ eighteen to twenty-two people, which will help create much needed job opportunities in our area. The hours of operation will be 6:00am to 12:00am.

Thank you for your time and consideration,

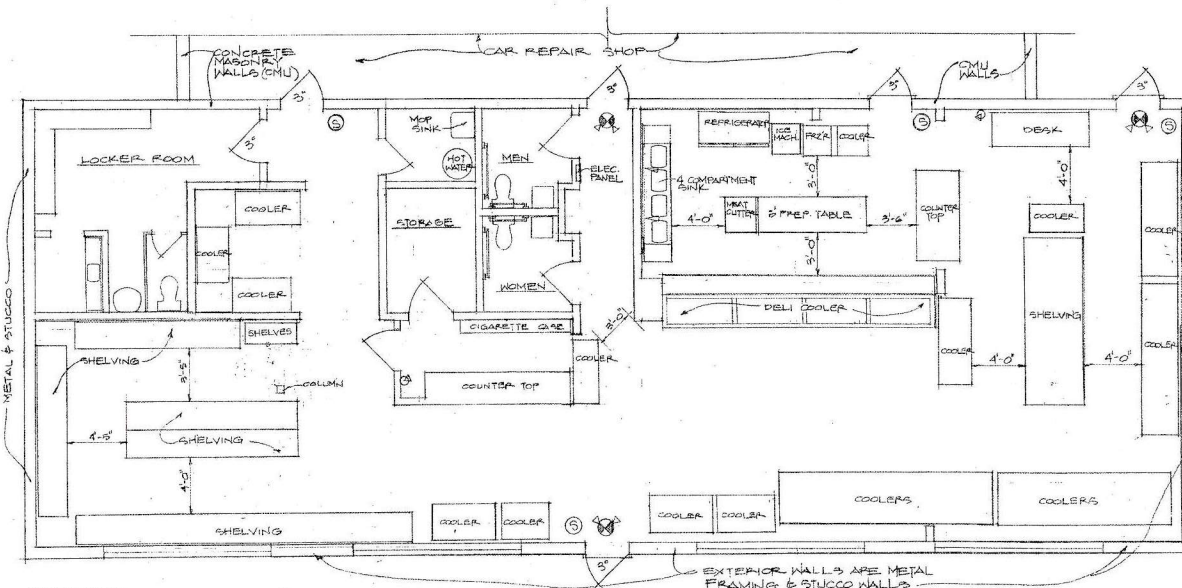
Tony F. Johnson, Owner
MCA Ventures, LLC
5790 Hull Street Road
Richmond, Va. 23224
804-833-3407
Tjhullstreet@gmail.com

Exhibit A

PARCEL I: (5790 Hull Street Road)

ALL that certain lot or parcel of land, lying and being in the City of Richmond, Virginia, with improvements thereon designated as 5790 Hull Street Road.

BEGINNING at the point on the north right of way line of Hull Street Road, said point being 274 feet east of the east right of way line of Roberson Lane; thence extending N 33° 59' 15" W 550.83 feet to a point; thence extending N 79° 06' 30" E 267.46 feet to a point: thence extending S 29° 44' E 458.80 feet to a point; thence extending S 59° 09' W 212.31 feet to the point of beginning.



- BUILDING LEGEND**
- NEW EXIT SIGN/EGRESS LIGHTING
 - SMOKE DETECTOR
 - FIRE EXTINGUISHER

EQUIPMENT LAYOUT 1/4"=1'-0"

- NOTES AND SPECIFICATIONS**
- CONTRACTOR SHALL BUILD IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE 2018 EDITION AND THE VIRGINIA LIMITED CODE.
 - OWNER SHALL SELECT AND APPROVE ALL FINISHES, TEXTURES, AND EQUIPMENT PRIOR TO PURCHASE.
 - ALL BUILDING MATERIALS SHALL MEET THE MEDIUM QUALITY FOR COMMERCIAL BUILDING MATERIALS. OWNER SHALL DISCUSS AND APPROVE ALL UPGRADES WITH CONTRACTOR.
 - INSTALLER SHALL FIELD VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO DESIGNER.
 - ALL PAINTED SURFACES SHALL BE PRIME-ONE (1) COAT AND PAINTED TWO (2) COATS. CONTRACTOR SHALL USE HIGH-QUALITY INTERIOR AND EXTERIOR PAINT.
 - ELECTRICAL ENGINEER SHALL PROVIDE WIRING DIAGRAMS FOR CIRCUITRY CONNECTIONS. ELECTRICAL LIGHTING LOCATIONS MAY VARY DUE TO ELECTRICAL ENGINEERING DESIGN.
 - ALL CEILING LIGHT FIXTURES SHALL BE 4'x4'.
 - MECHANICAL ENGINEER SHALL PROVIDE HEATING, VENTILATING, AND AIR CONDITIONING SERVICE DESIGN AND DUCTWORK LAYOUTS AS NEEDED. ALL DUCTWORK SHALL BE CONCEALED AND INSULATED WITHIN THE CEILING.
 - PLUMBING ENGINEER SHALL PROVIDE NECESSARY RISER DIAGRAMS. ALL PLUMBING SHALL BE CONCEALED WITHIN WALLS OR CEILING.
 - CLEAN FRONT STORE FRONT WINDOWS AND DOORS.

PROJECT DESCRIPTION: OWNER IS SEEKING TO CREATE A CONVENIENCE STORE/DELI IN THE SPACE THAT WAS PREVIOUSLY USED AS BUSINESS FOR OPEN CAR SALES OFFICE. NO CONSTRUCTION IS NEEDED. THIS PLAN IS TO SHOW THE LOCATIONS FOR ALL EQUIPMENT, COOLERS, 4 COMPARTMENT SINK AND SHELVING FOR THE USE OF A CONVENIENCE STORE.

GENERAL NOTES and BUILDING DATA

CODE EDITION: 2018 INTERNATIONAL BUILDING CODE
2018 UNIFORM STATEWIDE BUILDING CODE

BUILDING USE: BUSINESS CONVENIENCE STORE/DELI - CAR REPAIR EXIST

OCCUPANCY LOAD - 26

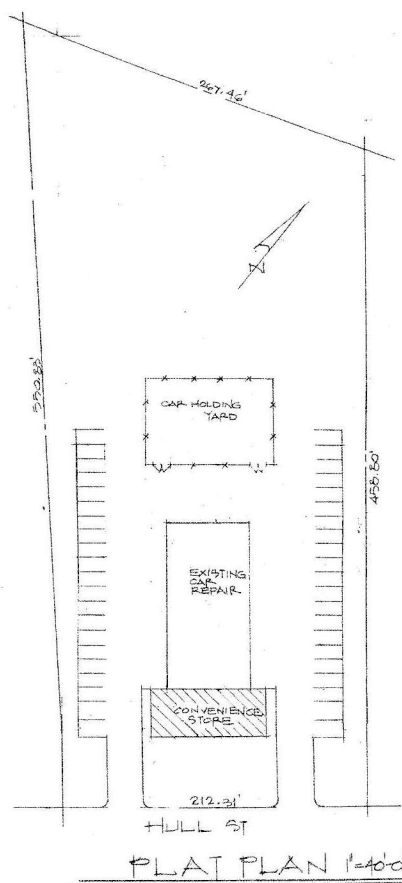
TOTAL BUILDING SIZE - 2656 SQUARE FEET

CONSTRUCTION TYPE - 2C

FIRE SEPARATION FROM CAR REPAIR - 3 HOURS

PARKING SPACES AVAILABLE - 40 PARKING SPACES - 4 ACCESSIBLE

SMOKE DETECTORS AND FIRE EXTINGUISHER TO BE PROVIDED



REVISIONS	BY

ARCHITECTURALLY YOURS
Michelle Bebb
P. 404.666.1172
architecturallyyours@gmail.com

CONVENIENCE STORE EQUIPMENT LAYOUT
5790 HULL STREET ROAD; RICHMOND, VA

Date 4-14-24
Scale VARIES
Drawn mb
Job MONTANA
Sheet 1 of 1



**City of Richmond
Department of Planning
& Development Review**

Special Use Permit

LOCATION: 5790 Hull Street Road

APPLICANT: MCA Ventures, LLC.

COUNCIL DISTRICT: 9

PROPOSAL: To amend and reordain Ordinance No. 89-246-23, adopted September 11, 1989 which authorized the use of the property known as 5790 Hull Street Road, for the purpose of an automotive repair and automotive parts sales facility, together with accessory parking, and authorized the construction of a building to house such automotive repair and automotive parts sales, upon certain terms and conditions, to authorize the addition of a grocery, convenience, and specialty food store within the existing structure.

