

INTRODUCED: January 26, 2015

AN ORDINANCE No. 2015-22-39

To authorize the special use of the property known as 3729 East Broad Rock Road for the purpose of authorizing motor fuel sales, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 23, 2015 AT 6 P.M.

WHEREAS, the owner of the property known as 3729 East Broad Rock Road, which is situated in a B-2 Community Business District, desires to use such property for the purpose of authorizing motor fuel sales, which use, among other things, is not currently allowed by section 114-436.1(21) of the Code of the City of Richmond (2004), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 23 2015 REJECTED: _____ STRICKEN: _____

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 114-1050.1 of the Code of the City of Richmond (2004), 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 3729 East Broad Rock Road and identified as Tax Parcel No. C009-0038/002 in the 2015 records of the City Assessor, being more particularly shown on a survey entitled "Site Plan," prepared by Advanced Engineering, LLC, and dated April 7, 2014, 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 motor fuel sales, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Site Plan," prepared by Advanced Engineering, LLC, and dated April 7, 2014, hereinafter 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 sale of motor fuels shall be permitted substantially as shown on the Plans.

§ 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 (2004), 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 114-1220 of the Code of the City of Richmond (2004), 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 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), 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 114-1080 of the Code of the City of Richmond (2004), 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 Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia

Statewide Building Code, 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.



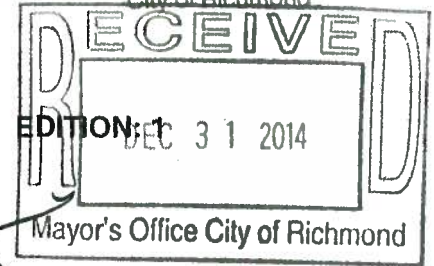
CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

DEC 16 2014

O&R REQUEST Chief Administration Office City of Richmond

O & R Request



DATE: December 11, 2014
TO: The Honorable Members of City Council
THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request) (This in no way reflects a recommendation on behalf of the Mayor)
THROUGH: Christopher L. Beschler, Interim Chief Administrative Officer
THROUGH: Peter L. Downey, Interim Deputy Chief Administrative Officer for Economic Development and Planning
FROM: Mark A. Olinger, Director, Department of Planning and Development Review
SUBJECT: Special Use Permit amendment for the purpose of authorizing motor fuel sales.
ORD. OR RES. No. _____



PURPOSE: To authorize the special use of the property known as 3729 East Broad Rock Road for the purpose of authorizing motor fuel sales, upon certain terms and conditions.

REASON: The B-2 Community Business District permits motor fuel sales. However, the B-2 District requires no fuel sales be located on a property designated as a transitional site, which is defined as a lot or portion thereof located in a B district and situated within 50 feet and fronting on the same block as property in an R district. The adjacent property is zoned R-48 Multi-family Residential District, and therefore, a special use permit is 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 February 2, 2015 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is located on the southwest side of the intersection of East Broad Rock and Prince Hall Drive in the City's Broad Rock Planning District. The parcel contains approximately 1.76 acres of land area and is improved with the McGuire Park Shopping Center.

The proposed use would consist of 24'x72' fueling canopy and fuel pumps and tank to add fuel sales to a convenience store.

Temp - 795

The Master Plan recommends Neighborhood Commercial uses for the subject property. "Neighborhood commercial uses as shown on the Land Use Plan map should be limited to those uses that provide goods and services generally used by the immediate surrounding neighborhood and are not intended to draw from a broader market" (page 150-151).

FISCAL IMPACT: The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: January 12, 2015

CITY COUNCIL PUBLIC HEARING DATE: February 9, 2015

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, February 2, 2015

AFFECTED AGENCIES: Office of Chief Administrative Officer; Law Department (for review of draft ordinance); and City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Survey, Plans

STAFF: Willy Thompson, Senior Planner; Land Use Administration (Room 511); 646-5734



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/>

OCT 03 2014

LAND USE ADMINISTRATION

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

Project Name: McGuire Park Convenience Store Date: 9-30-14

Property Address: 3729 E BROAD ROCK RD Tax Map #: C0090036002

Fee: _____ Total area of affected site in acres: 1.76
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: B-2

Proposed Use

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

Existing Use: Shopping Center
Is this property subject to any previous land use cases?

Yes No

If Yes, please list the Ordinance Number: _____

FUEL SALES

Applicant/Contact Person: JEFF KEITH

Company: ADVANCED ENGINEERING

Mailing Address: P.O. Box 72692

City: Richmond VA State: VA Zip Code: 23235

Telephone: (804) 909 3633 Fax: (804) 993 3554

Email: ADVENGINEERING@GOL.COM

Property Owner: ATLANTIS HALL LLC

If Business Entity, name and title of authorized signee: _____

Mailing Address: 9825 TARTUFFE DR

City: HENRICO State: VA Zip Code: 23238

Telephone: () Fax: ()

Email: _____

Property Owner Signature: ARON ALSAIDI

(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)



ADVANCED ENGINEERING, LLC.

P.O. BOX 72692
RICHMOND, VA 23235

PH# (804) 784-3633
Fax# (804) 893-3554
EMAIL: AdvEngineering@aol.com

Applicant Report for SUP

September 30, 2014

RE : Proposed Fueling Station and Canopy
3729 E Broad Rock Road
Richmond, VA 23224

RECEIVED

OCT 03 2014

LAND USE ADMINISTRATION

To Whom it may concern,

This project consists of the installation of a 24'x 72' fueling canopy with fuel pumps and tank to add fuel sales to the existing convenience store.

The existing shopping center has had fuel sales in the past with no negative impact on the surrounding community. The intended use has shown to not be detrimental to the safety, health, morals, and general welfare of the surrounding community.

The location of the existing commercial site is on a corner of two roads of adequate width with adequate entrances and sight distances and sufficient drive lanes and parking for the proposed use. No congestion to public streets, alleys, or other public ways and places will be caused by the intended use on this site.

The fueling systems will be in compliance with current building, fire, and health codes. This project will not create dangers from fire, panic, or other dangers.

The set occupancy load of the building with the more than adequate drive lanes, parking, sidewalk and grassed areas around the site will ensure that there will be no overcrowding of land and an undue congestion of population.

The use of the site will be the same as it has been over the life of the shopping center. The proposed use will not adversely affect or interfere with public or private schools, parks, playgrounds, transportation or other public requirements, conveniences and improvements.

Applicant Report for SUP (cont)

September 30, 2014

RE : Proposed Fueling Station and Canopy
3729 E Broad Rock Road
Richmond, VA 23224

The site is properly connected to the City Water, Sewer, and Gas Utilities with fuel systems utilizing an approved double walled tank and delivery systems. This project will have no adverse effect on water supplies or sewage disposal systems.

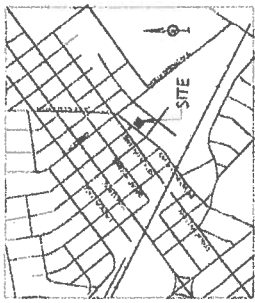
All exterior features of the building (lighting, etc.) are to be in compliance with current City of Richmond Planning standards and there will be no interference with adequate air or light due to this project.

Thank you for your consideration of this project

Respectfully submitted,

Jeff Keith, PE
Advanced Engineering, LLC





VICINITY MAP
1" = 1000'

GENERAL NOTES:

1. PROPERTY OWNER: ATLANTIC REALTY, LLC
2500 W. WATTS
ADVANCED ENGINEERING, LLC
1000 SOUTH MAIN
DUPLICATE 1000 SOUTH MAIN | FLOOR 2
BROAD ROCK INDUSTRIAL
CITY WATER
SEWER
2. ENGINEER: ADVANCED ENGINEERING, LLC
1000 SOUTH MAIN
DUPLICATE 1000 SOUTH MAIN | FLOOR 2
BROAD ROCK INDUSTRIAL
CITY WATER
SEWER
3. PARCEL #
4. DISTRICT
5. MAP
6. CITY WATER
7. SEWER
8. BUILDING AREA: 11,403 SF (NO NET BUILDING FOOTPRINT)
9. TOTAL LOT AREA: 11.1 ACRES

NOTE:

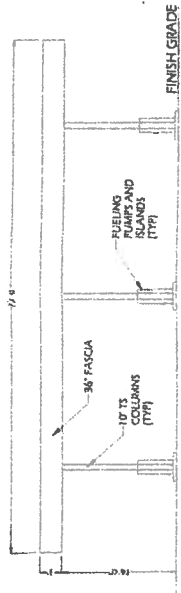
- ENTIRE SITE IS NOT WITHIN THE CHEESAPEAKE RIVA LIMITS.
- THERE IS NO 100 YR. FLOOD PLAIN NEAR SITE.
- NO PORTIONS OF THIS SITE LIE WITHIN THE 100 YR FLOOD PLAIN.
- THERE ARE NO SLOPES EXCEEDING 20% ON THIS SITE.
- THERE ARE NO TPA LIMITS ON SITE.
- PROPERTY DESCRIPTION FROM DEED RECORDED IN THE CITY OF RICHMOND, DB 5607, PG 895.

PARKING CALCULATIONS

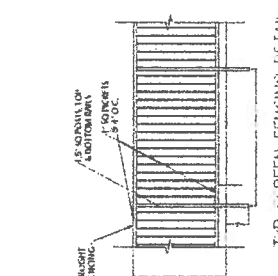
RETAIL/OFFICE / PERSONAL SERVICE 11,475 SF / 300 = 39 SPACES
 PARKING SPACES PROVIDED (INCLUDING 2 HC SPACES) = 56 SPACES
 LOADING SPACES REQUIRED = 1 SPACES
 LOADING SPACES PROVIDED = 1 SPACES

| NO. | DATE | BY | DESCRIPTION |
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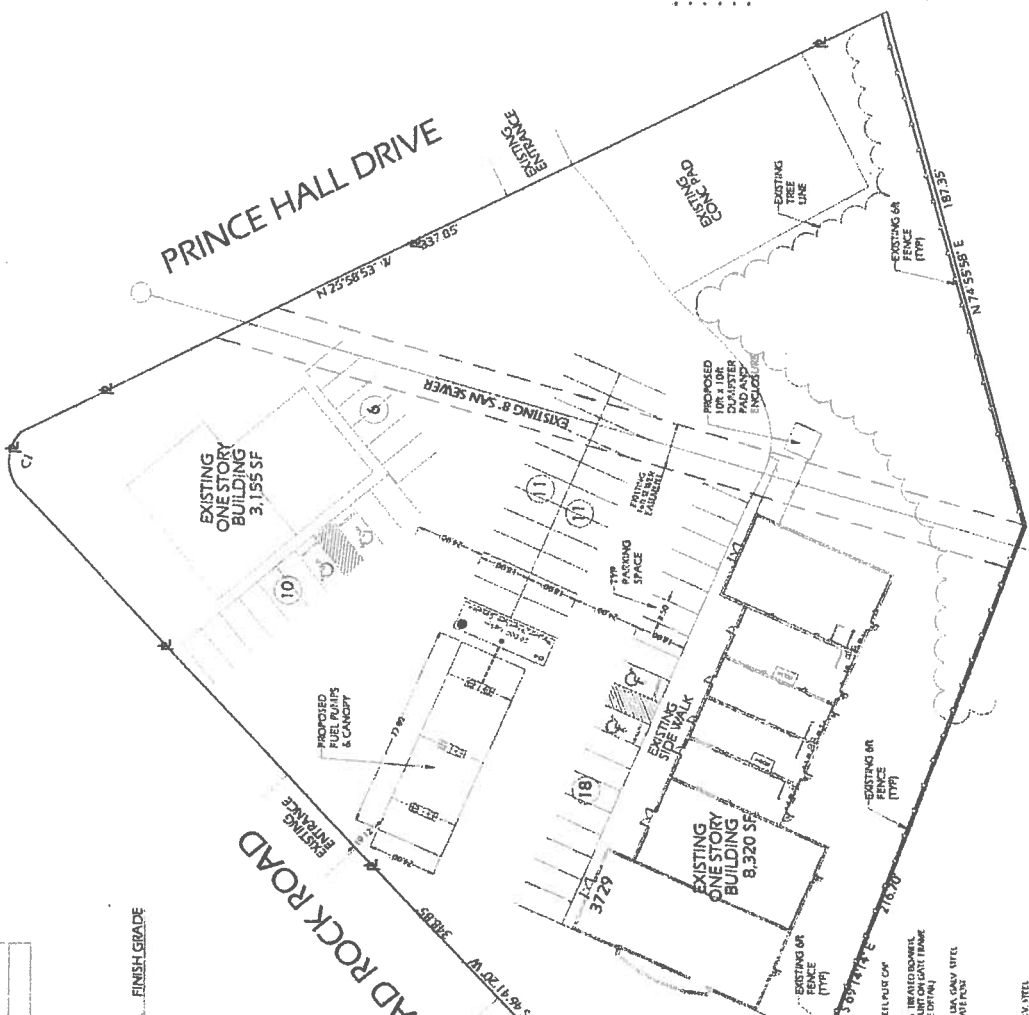
SITE PLAN
 UPFIT PROJECT
 1000 SOUTH MAIN, RICHMOND, VA 23214
 Advanced Engineering, LLC
 P.O. Box 2048
 1000 South Main
 Richmond, VA 23214
 804.647.1234
 www.ae-engineering.com



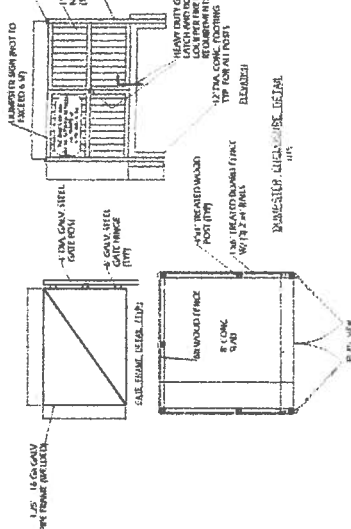
FUEL CANOPY ELEVATION
1/8" = 1'-0"



TOP SCREEN FENCING DETAIL
LANDSCAPE BUFFER TYPE 1



SITE PLAN
1" = 20'-0"



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