

RECEIVED



Application for **CONDITIONAL USE PERMIT**

LAND USE ADMINISTRATION

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/>

JUN 20 2014

Application is hereby submitted for: (check one)

- conditional use permit, new
- conditional use permit, amendment

Project Name/Location

Project Name: McDonald's Restaurant Date: 06/18/2014

Property Address: 708 Hull Street Tax Map #: S0000079003

Fee: \$1,320 Total area of affected site in acres: 1.84 acres
(See page 4 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: B-7

Existing Use: Vehicle Sales

Is this property subject to any previous land use cases?

- Yes
- No

If Yes, please list the Ordinance Number:

Proposed Use

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

McDonald's Restaurant with drive-up facility

Applicant/Contact Person: Bill Savage/Gloria L. Freye, Esquire

Company: McDonald's USA LLC/McGuireWoods LLP

Mailing Address: 6903 Rockledge Drive, Suite 1100/901 East Cary Street

City: Bethesda/Richmond State: MD/VA Zip Code: 20817/23219

Telephone: (240) 497-3795 Fax: (804) 698-2055
(804) 775-1152

Email: Bill.Savage@us.mcd.com/gfreye@mcguirewoods.com

Property Owner: Shirley T. and John R. Seibert

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

Mailing Address: 1040 Old Bon Air Road

City: Richmond State: VA Zip Code: 23235

Telephone: (804) 276-3728 x 4115 Fax: ()

Email: _____

Property Owner Signature: Gloria L. Freye, Attorney in Fact

(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.)



Review & Approval Process: CONDITIONAL USE PERMIT

Conditional use permits are intended as a means for the City Council, after review and recommendation by the Planning Commission, to authorize certain uses which, although generally appropriate in the district in which they are permitted, have potentially greater impacts on neighboring properties than uses which are permitted as a matter of right. Such uses may or may not be appropriate at a particular location in the district depending on surrounding land uses, other site-specific factors, and determination in each case of potential local impacts from the use and the measures proposed by the applicant to mitigate any adverse impacts. The conditional use permit procedure provides the opportunity for the city council to review each proposed conditional use and to approve or disapprove the use or impose such conditions as reasonably necessary to ensure the use will be compatible with the surrounding area.

Conditional use permits can only be applied for those uses enumerated in the zoning ordinance as being eligible to be authorized by a conditional use permit. These listed uses vary according to the zoning district in which a property is located. The listing of a use as being permitted in a particular zoning district by conditional use permit does not constitute assurance or presumption that a conditional use permit for such use will be approved. Approval of a conditional use permit for a particular use at a specific location within a district is subject to evaluation by the City Council and a determination in each case based on the standards and conditions set forth in the City's Zoning Ordinance.

*Applicants **must** schedule a pre-application conference with the Division of Land Use Administration staff to review the standards for approval of conditional use permits, the specific conditions applicable to particular uses, the City's Master Plan, and other issues that may be involved prior to making application. Please call (804) 646-6304 to schedule an appointment with the staff. Staff will review submitted applications to ensure all required materials and information are provided. If the application is not acceptable, the required information must be provided prior to formal staff review.*

Applicants should also discuss the proposed conditional use permit with area civic associations, property owners, residents, and the area Council Representative prior to submitting an application. Letters from the associations and property owners stating their position in regards to the request should be submitted with the application.

The Division of Land Use Administration circulates the application materials to appropriate City agencies as determined necessary. City agencies reviewing the proposal may include: Public Works, Building Permits & Inspections, Public Utilities, Water Resources, Zoning Administration, and Fire and Emergency Services. The Division of Land Use Administration will coordinate responses by City agencies. Written comments will be provided generally within 30 days of the application submittal date.

After review by these agencies and by the Division of Land Use Administration, the staff will confer with the applicant regarding suggested conditions to be included in the ordinance and any suggested changes to the application. If the property is located in a City Old and Historic District and the request involves exterior alterations, additions or new construction, the plans should also be reviewed by the Commission of Architectural Review prior to an ordinance being introduced in City Council. Once the application is in final form, an ordinance is drafted and the plans are attached to and are made a part of the ordinance. The staff will forward a copy of the ordinance to the applicant for review and approval.

The ordinance is then reviewed by the City Attorney's office and the City Administration. Once their review is complete, the ordinance is introduced to City Council and a public hearing is scheduled, usually thirty days after introduction. During this thirty-day period, public notice of the hearing is posted on the site and in a daily newspaper. Notices are also mailed to the owners of all properties within 150 feet of the subject property. One week prior to the City Council public hearing, the Planning Commission, after receiving a report from the Department of Planning and Development Review, considers the proposed special use permit and forwards a

Special Limited Power Of Attorney

City of Richmond, Virginia

Know All Men By These Presents: That I (We)

(Name) Shirley T. and John R. Seibert (Phone) 804-276-3728 204115

(Address) 1040 Old Bon Air Road, Richmond, VA 23235
the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the City of Richmond, Virginia, by

Instrument No. 98-8201, on Page 0810, and is described as Parcel I.D. S0000079003

Parcels: N/A Lot: N/A Block: N/A Section: N/A Subdivision: N/A

do hereby make, constitute and appoint:

(Name) Gloria L. Freye or Bill Savage (Phone) (804)775-1152/(240)497-3795

(Address) McGuireWoods, 901 E. Cary St., Richmond, VA 23219/6903 Rockledge Dr., Suite 1100, Bethesda, MD 20817

To act as my true and lawful attorney-in-fact for and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- | | |
|--|--|
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Community Unit Plan |
| <input type="checkbox"/> Rezoning (including proffers) | <input type="checkbox"/> Landscape Plan |
| <input type="checkbox"/> Provisional Use Permit | <input type="checkbox"/> Alternative Fence Height |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Conditional Subdivision |
| <input checked="" type="checkbox"/> Plan of Development | <input type="checkbox"/> Final Subdivision |
| <input type="checkbox"/> Administrative Site Plan | <input type="checkbox"/> Subdivision Construction Plan |
| <input type="checkbox"/> Lighting Plan | <input type="checkbox"/> Building Permit(s) |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Transfer of Approval |

My attorney-in-fact shall have the authority to negotiate conditions and to make amendments to previously approved zoning and development permits as follows:

As necessary to permit a fast-food restaurant with drive-through windows.

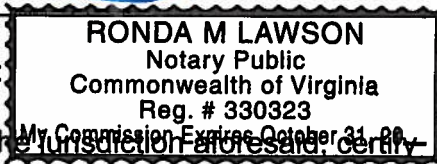
This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 6 day of JUNE 2014.

Signature(s) Shirley T. Seibert

State Of Virginia, City/County of Chesterfield, To-wit:

I, Ronda M. Lawson, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed the foregoing instrument and who is (are) known to me, personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 6th day of June 2014



Ronda M. Lawson My commission expires: 10/31/2016
Notary Public

REVISED Applicant's Report
Conditional Use Permit
708 Hull Street, Richmond, Virginia
Parcel I.D. S0000079003

October 24, 2014

INTRODUCTION

McDonald's USA LLC ("McDonald's") plans to close the restaurant and sell the property at 821 Hull Street, near the northwest corner of Hull Street and West Commerce Road, because the building no longer serves the needs of McDonald's customers. McDonald's proposes to construct a new restaurant of approximately 4,300 square feet including drive-up windows at 708 Hull Street, near the intersection of Hull Street and East Commerce Road, also known as Parcel I.D. S0000079003 (the "Property").

REQUEST

The Property is zoned B-7 which permits restaurants by-right, but a Conditional Use Permit ("CUP") is required for a drive-up facility. This application requests a CUP to permit the drive-up facility at the new restaurant. The proposed development complies with all the other B-7 development requirements of the City of Richmond Zoning Ordinance (the "Ordinance").

ORDINANCE COMPLIANCE

McDonald's proposes to develop and locate the new restaurant along the northwestern portion of the Property (the "Site"). The building will be set back no farther than ten feet from the lot line on Hull Street. Planning staff has determined that, for purposes of zoning compliance, Hull Street is the principal street. Both the front elevation (facing Commerce Road) and the non-drive through elevation (facing Hull Street) have façades of more than sixty percent fenestration allowing passers-by to see into the restaurant, in compliance with Ordinance Section 114-446.8.

McDonald's proposes to locate two vehicular drive-up lanes with two menu boards along the south side of the restaurant. The two vehicular drive-up lanes will converge into one lane prior to the payment and food pick-up windows. The drive-up windows are proposed to be located on the southern façade of the building and will not be visible from Hull Street. The parking and vehicle circulation areas are located no closer to the street than the building, in compliance with Ordinance Section 114-446.6.

There are currently three existing vehicular entrances to the Property. Two entrances are located on Hull Street and one entrance is located on Decatur Street. Several other curb cuts have been abandoned. McDonald's proposes two vehicular entrances to the Property: one each on Commerce Road and East 7th Street. In compliance with Ordinance Section 114-446.6, there will not be an entrance from Hull Street, the principal street. A minimum of 25 parking spaces are required; McDonald's proposes 32 paved and delineated on-site parking spaces in compliance with Ordinance Section 114-710.2:3(c). Parking lot lighting fixtures will be less than 35' in height and, pursuant to Ordinance Section 114-710.12, designed to concentrate illumination within the parking area and prevent glare on adjoining properties.

McDonald's intends to remove the existing chain link fence surrounding the Property and install landscaping material around the perimeter of the Site, on islands, on areas of the Site that are not used for parking, and at the restaurant's foundation. The Conceptual Landscape Plan dated August 7, 2014 submitted with this application complies with Ordinance Sections 114-710.13, 114-710.14, and 114-710.15 (the "Conceptual Landscape Plan"). The Conceptual Landscape Plan provides deciduous trees which will yield a tree canopy of 2,275 square feet in ten years which is 195 square feet more than that required by the Ordinance. Site perimeter buffers feature decorative fencing and ground cover. Turf and foundation plantings are also being provided. Ground cover will be provided on the undeveloped portion of the Property.

McDonald's plans to construct one free-standing monument-style sign at the northwest corner of the Site, near the intersection of Hull Street and Commerce Road. Building signs, directional signs, and menu boards will also be provided.

Dumpster enclosures will be constructed of masonry materials, except for gates and doors.

SPECIFIC CONDITIONS APPLICABLE TO DRIVE-UP FACILITIES

The proposed drive-up facility complies with all the criteria required in Ordinance Section 114-446.3(1). The Property is adjacent to properties zoned B-6 and B-7 and therefore is not a transitional site as defined by the Ordinance. The lot is over 44,000 square feet in area and all of the property lines fronting on a street are over 100 feet in length.

FINDINGS OF FACT

Ordinance Section 114-1045.5 lists 11 standards of approval for CUP applications. The Ordinance states that the proposed use:

1. Will not be contrary to the general purposes of this chapter as stated in Ordinance Section 114-100;

Redeveloping the Property with a modern McDonald's with a drive-up facility will promote safety, health, and convenience of access while preventing overcrowding, undue concentration of population, and strain on public services or infrastructure, all while encouraging economic development. Public safety and health will not be negatively impacted by a drive-up facility as an accessory to the new restaurant. Convenient access is provided from three of the adjacent streets. The existing infrastructure can adequately serve the new restaurant. The capital investment and the taxes generated by the new restaurant with the requested accessory drive-up facility will have a positive impact on the local economy. The redevelopment of the Property is consistent with and will support other revitalization occurring in the area.

2. Will not be in conflict with the objectives and policies of the master plan for the city;

The City's master plan for the Old South Planning District notes the need to revitalize the Hull Street commercial corridor. The new restaurant with the requested drive-up facility will continue that revitalization thereby promoting the objectives and policies of the master plan for the City.

3. Will conform with all applicable sections of this article and other applicable requirements of the district in which it is proposed to be located;

As set forth above, the proposed restaurant with the requested drive-up facility conforms to the B-7 development criteria and all other applicable sections of the Ordinance.

4. Will not substantially diminish or impair the established property values in the neighborhood in which it is proposed to be located;

Replacing the outdoor vehicle storage lot with a new restaurant and landscaping will greatly improve the appearance of a highly visible corner within the neighborhood. The effect on surrounding property values should be positive.

5. Will not have an undue adverse effect on the public health, safety or general welfare;

As an accessory to a new restaurant on a well-designed Site, the requested drive-up facility will not have an undue adverse effect on public health, safety or welfare. The development of the Site supports and complements the other revitalization occurring in the Old Manchester District.

6. Will not adversely affect the character of the surrounding area or the continued use and development of surrounding property in a manner consistent with applicable zoning regulations or master plan objectives;

The proposed McDonald's restaurant with drive-up facility is in keeping with the commercial development along the Hull Street corridor and will protect the character of the surrounding area far better than the existing vehicle sales building, used cars, and barb-wire topped chain-link fence currently on the Property.

7. Will not cause undue traffic congestion on public streets or significantly increase traffic volumes on minor residential streets;

There are three proposed entrances to the Site on three different public streets which serve to disperse traffic in different directions. Two of the three adjacent streets are four-lane artery roads. There are no residential streets adjacent to the Property. The Site is well-designed for internal traffic circulation, adequate stacking space and parking which alleviates traffic congestion on public streets. Additionally, the Site is well located and designed for pedestrian access.

8. Will be adequately served by essential public services and facilities and will not cause an undue burden on such services and facilities;

The requested drive-up facility will not require any additional public services or facilities.

9. Will not cause the destruction, loss or damage of significant natural, scenic or historic features to any greater degree than development of the property for uses permitted by right in the district;

The McDonald's restaurant is permitted by-right in the B-7 district. The Property does not contain any significant natural, scenic or historic features.

10. Will ensure compatibility with surrounding property through existing and proposed landscaping, screening and buffering and the location, arrangement and character of existing and proposed buildings, structures, open spaces, parking areas, vehicular circulation, driveways, signage and lighting; and

The proposed landscaping, building design, signage, lighting, traffic circulation and on-site parking were designed in compliance with the Ordinance which ensures compatibility with the surrounding properties.

11. Will not cause or result in any significant increase in negative cumulative impact when considered in conjunction with other conditional uses in the neighborhood in which it is proposed to be located.

The requested drive-up facility as an accessory to a by-right permitted restaurant will not cause or result in any negative impact in conjunction with other conditional uses in the surrounding neighborhood.

SUMMARY

Relocating the McDonald's restaurant with the proposed drive-up facility will better serve the needs of its customers and simultaneously serve to repurpose and revitalize a highly-visible corner within the neighborhood. The redevelopment of this underutilized Site will add to the City's real estate tax base, improve the character of the surrounding area and contribute to the overall revitalization of the Old Manchester District.