

INTRODUCED: September 8, 2014

AN ORDINANCE No. 2014-191-2015-24

As Amended

To amend Ord. No. 96-17-34, adopted Mar. 11, 1996, which authorized the special use of the properties known as 510-520 West Broad Street, 517-519 West Marshall Street and 304 North Henry Street as a building for retail purposes with an accessory drive-up window and parking, to permit the sale of alcoholic beverages for off-premises consumption, in accordance with a Virginia Department of Alcoholic Beverage Control Wine and Beer Off-Premises license, at the existing retail drugstore, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 13 2014 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 96-17-34, adopted March 11, 1996, be and is hereby amended and reordained as follows:

§ 1. That the ~~[real estate,]~~ properties known as 510-520 West Broad Street, 517-519 West Marshall Street and ~~[portions of 500 and 508 West Broad Street, located at the northeast corner of the intersection of Broad Street and Belvidere Streets]~~ 304 North Henry Street, containing approximately .97 acres and identified as Parcel Nos. N000-0240/024, N000-0240/001, ~~[002, 019, 022-24 and portions of 018 and 021]~~ and N000-0240/025 in the ~~[1995]~~

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 9 2015 REJECTED: _____ STRICKEN: _____

2014 records of the City Assessor, being more completely described as follows: Parcel 1 (510-520 West Broad Street) - beginning at the point of intersection of the north right of way line of Broad Street and the east right of way line of Smith Street; thence extending in a northerly direction along the east right of way line of Smith Street 144.90 feet to a point; thence extending in an easterly direction along the south right of way line of the alley 237.77' to a point; thence extending in a southerly direction along the west right of way line of a private alley 57.13 feet to a point, thence extending in a westerly direction along the north right of way line of said alley 26.28 feet to a point; thence continuing in a westerly direction along a property line 18.74 feet to a point; thence extending in a southerly direction along a property line 85.42 feet to a point; thence extending in a westerly direction along the north right of way line of West Broad Street 193.26 feet to the point of beginning, Parcel 2 [~~portions of 500 and 508 West Broad Street~~] 304 North Henry Street - beginning at the point of intersection of the south right of way line of the public alley and the west right of way line of Henry Street said point being 144.50 feet north of the intersection of the west right of way line of Henry Street and the north right of way line of West Broad Street; thence extending in a southerly direction along the west right of way of Henry Street 60.38 feet to a point; thence extending along a property line 36.83 feet to a point; thence extending in a northerly direction along the east right of way of a private alley 60.50 feet to a point; thence extending along the south right of way line of a public alley 37.00 feet to the point of beginning, Parcel 3 (517-519 West Marshall Street) - beginning at the point of intersection of the east right of way line of Smith Street and the south right of way line of West Marshall Street; thence extending in a easterly direction 66.00 feet to a point on the south right of way line of West Marshall street; thence extending along a property line 141.00 feet to a point; thence extending in a westerly direction along the alley right of way line 66.00 feet to a point;

thence extending in a northerly direction along the east right of way line of Smith Street 141.36 feet to the point of beginning, is hereby permitted to be used for retail purposes with an accessory drive-up window and parking, substantially as shown on the site plan dated December 18, 1995 entitled "West Broad Rite Aid" and prepared by Balzer and Associates, and on the elevation drawings dated December 18, 1995 entitled "Rite Aid of Virginia, Inc., Broad & Smith Streets" and prepared by Architects Dayton & Thompson P.C. Associates, copies of which are attached ~~[hereto]~~ to and made a part of ~~[this ordinance]~~ to Ordinance No. 96-17-34, adopted March 11, 1996.

§ 2. That adoption of this ordinance shall constitute the granting of a special use permit for the ~~[real estate]~~ properties, which shall be transferable from the owner of the ~~[real estate]~~ properties to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of ~~[said real estate a building permit]~~ the properties a Certificate of Zoning Compliance in accordance with the above-referenced plans and drawings for such purpose(s), subject to the following terms and conditions:

(a) That the owner of the ~~[property]~~ properties shall be bound by, shall observe, and shall comply with all other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and building, except as otherwise provided in this ordinance;

(b) That application for a ~~[building permit for the construction of]~~ Certificate of Zoning Compliance for the retail building and an accessory drive-up window and parking shall be made within twenty-four (24) months from the effective date of this amendatory ordinance[, ~~which building permit shall expire by limitation and become null and void if construction is not~~

~~commenced within one hundred eighty (180) days from the date of the building permit, or if construction is suspended or abandoned for a period of one hundred eighty (180) days at any time after the work is commenced, as provided in applicable provisions of the Virginia Uniform Statewide Building Code].~~ Should application for the ~~[building permit]~~ Certificate of Zoning Compliance not be made within twenty-four (24) months from the effective date of this amendatory ordinance ~~[or should the building permit expire and become null and void]~~, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void;

(c) That use of Parcel 1 (510-520 West Broad street) shall be as a retail store, together with an accessory drive-up window and parking; Parcel 2 ~~[(portions of 500 and 508 West Broad Street)]~~ (304 North Henry Street) shall be used as accessory parking and may be sold separately from Parcel 1; and Parcel 3 (517-519 West Marshall Street) shall be used as accessory parking and trash facility location, substantially as shown on the ~~[attached]~~ plans attached to Ordinance No. 96-17-34, adopted March 11, 1996;

(d) That there shall be no public telephones located outside of the building;

~~[(d)(1) That there shall be no storage or sales of alcoholic beverages on the premises;]~~

(e) That the sale of alcoholic beverages for off-premises consumption shall be permitted in accordance with a Virginia Department of Alcoholic Beverage Control Wine and Beer Off-Premises license, provided that the sale of fortified wines with sixteen (16) percent or more in alcohol content, the sale of beer or malt beverages in containers of forty-eight (48) ounces or less or in less than six-pack quantities, the sale of wine in less than 750 milliliter bottles or containers, the sale of wine cooler packages in aggregate volumes of less than 750

milliliters, and the sale of alcoholic beverages from midnight to 6:00 a.m. daily shall be prohibited;

(f) That a minimum of 36 parking spaces shall be provided substantially as shown on the ~~[attached]~~ plans attached to Ordinance No. 96-17-34, adopted March 11, 1996. The parking area, access aisles, and alley access to the parking area shall be paved with a dust-free, all weather surface and parking spaces shall be delineated on the pavement surface;

~~[(f)]~~ (g) Final detailed plans for the illumination of the exterior of the building and the parking, loading, and maneuvering areas shall be subject to the approval of the Director of ~~[Community]~~ Planning and Development prior to the issuance of a ~~[building permit for construction]~~ Certificate of Zoning Compliance. Such plans shall demonstrate that all lighting fixtures are located, directed or shielded so as to not shine directly on adjacent properties or to create a traffic hazard on adjacent public streets by means of glare;

~~[(g)]~~ (h) That landscaping shall be substantially as shown on the ~~[attached]~~ plans attached to Ordinance No. 96-17-34, adopted March 11, 1996. ~~[The Broad Street Streetscape, as depicted in the Broad Street Streetscape Design Guidelines, shall be provided along the Broad Street frontage to Belvidere Street. The final landscape plan shall be subject to the approval of the Director of Community Development to confirm compliance with these standards prior to the issuance of a building permit]~~ Final detailed plans of the landscaping and any façade improvements shall be subject to the approval of the Director of Planning and Development Review, and when applicable, the Commission of Architectural Review, prior to the issuance of a Certificate of Zoning Compliance;

~~[(g)-(1)]~~ (i) That a six foot high wooden fence shall be provided along the north alley line for the Marshall Street property owners that grant permission for the installation of such fencing;

~~[(h)]~~ (j) That facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be screened so as not to be visible from adjacent properties and public streets;

~~[(i)]~~ That final grading and drainage plans shall be approved by the Director of Community Development prior to the issuance of building permits;

~~[(j)]~~ (k) That storm or surface water shall not be allowed to accumulate on the land and adequate facilities for drainage of storm or surface water from the land or buildings shall be provided by the owner at its costs and expense so as not to adversely affect or damage adjacent properties or public streets and the use thereof;

~~[(k)]~~ (l) That identification of the premises shall be limited to a maximum of seven (7) signs and an aggregate sign area of 250 square feet with no one (1) sign exceeding 37.5 square feet. Of this maximum number of signs and aggregate sign area, one sign, not exceeding six (6) square feet is permitted to be attached to the fence on Parcel 3, substantially as depicted on the ~~[attached]~~ plans attached to Ordinance No. 96-17-34, adopted March 11, 1996. Any signage authorized herein may be illuminated, provided that the source of illumination is not visible from adjacent properties or public streets;

~~[(l)]~~ (m) That mechanical equipment shall be screened from view from public streets and adjacent properties, and noise from any external loudspeakers utilized in the drive-up pharmacy lanes shall not be audible beyond the boundaries of the premises; and

~~[(m)]~~ (n) That all entrances to public streets, including the entrance from the east-west alley out to Belvidere street, shall be designed and constructed in accordance with the standards specified by the Director of Public Works and the City Driveway Policy.

(o) One year after the effective date of this ordinance, the property owner shall request that the City Planning Commission hold a public hearing at which the Commission shall review the special use permit to evaluate whether the special use of the property is detrimental to the safety, health, morals and general welfare of the community. If the Commission finds that the special use of the property is not detrimental to the safety, health, morals and general welfare of the community, no further action shall be required. If the Commission finds the special use of the property is detrimental to the safety, health, morals and general welfare of the community, the Commission may recommend to the City Council that this ordinance be amended or that the privileges granted by this ordinance be revoked.

§ 4. ~~[That should the owner use the premises for any purpose which is not permitted by this ordinance, or fails, refuses or neglects to comply with all applicable terms and conditions, and does not terminate such use or comply with such terms and conditions within sixty (60) days after written notice to do so has been given by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void, unless an application for a special use amendment is filed with the Director of the Department of Community Development, which shall stay the sixty (60) day period. Failure to comply with the terms of this ordinance shall constitute a violation of § 32-1080 of the Code of the City of Richmond, 1993, or other applicable provision]~~ 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.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the [~~premises~~] properties is abandoned for a period of twenty-four (24) consecutive months, use of the [~~real-estate~~] properties shall be governed thereafter by the zoning regulations prescribed for the district in which the [~~real-estate-is~~] properties are then situated.

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

II. This amendatory ordinance shall be in force and effect upon adoption, and Ordinance No. 96-17-34, adopted March 11, 1996, except as modified herein, shall continue in force and effect.



RECEIVED
AUG 20 2014

CITY OF RICHMOND
OFFICE OF CITY ATTORNEY
INTRACITY CORRESPONDENCE

O&R REQUEST

DATE: July 17, 2014

EDITION: 1

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: Byron C. Marshall, Chief Administrative Officer

THROUGH: Peter H. Chapman, Deputy Chief Administrative Officer for Economic Development and Planning

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

RE: Special use permit amendment to authorize sale of beer and wine to take off premises at 520 West Broad Street, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To amend Ordinance NO. 96-17-34, adopted March 11, 1996, which authorized the special use of the properties known as 510-520 West Broad Street, 517-519 West Marshall Street and 304 North Henry Street, to permit the sale of alcoholic beverages for off-premises consumption, in accordance with a Virginia Department of Alcoholic Beverage Control Wine and Beer Off-Premises license, at the existing retail drugstore, upon certain terms and conditions.

REASON: The applicant is proposing to allow for sale of beer and wine to take off premises. The enabling ordinance, approved by City Council March 11, 1996, authorized the drive through facilities for the existing retail drugstore and specifically prohibits sale of beer and wine. Therefore, the applicant has applied for a special use permit amendment.

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 October 6, 2014 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

201407004

BACKGROUND: The subject property is located at the northeast corner of West Broad Street and Belvidere Street and is located in the Broad Street Old and Historic Overlay District. The property is currently improved with a Rite Aid Retail store, 10,299 square feet in size, a drive up window, and accessory parking.

The petitioner proposes to amend the existing ordinance for the purposes of selling beer and wine to take off-premises.

The properties to the west, south and east are also zoned B-4 Central Business. Properties to the north along West Marshall Street are zoned R-6 Single-Family Attached Residential. To the west, across Belvidere Street are the Broad and Belvidere Student Apartments. To the south and to the east are a mix of commercial uses. Across the alley to the north are single and two-family dwellings.

The Richmond Downtown Master Plan designates this property as an Urban Center Area. The Urban Center Areas are characterized by higher density mixed-use development. These areas can have a dense mix of office space, apartments and retail located in four to six-story brick buildings that front the street.

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: \$1,200 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: September 8, 2014

CITY COUNCIL PUBLIC HEARING DATE: October 13, 2014

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, October 6, 2014

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

RELATIONSHIP TO EXISTING ORDINANCES: None.

O&R Request
July 17, 2014
Page 3 of 3

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

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

DCD O&R No.14-25



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 Rite Aid of Virginia Inc

Project Name DBA Rite Aid # 3715 Date 10/7/13

Property Address 520 W Broad Street Tax Map # N0000240024

Fee: \$1,300.00 Total area of affected site in acres 0.971
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning B4

Existing Use Retail Pharmacy
Is this property subject to any previous land use cases?
 Yes No

If Yes, please list the Ordinance Number.

96-17-34

Proposed Use

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

Addition of Beer & wine retail sales

Applicant/Contact Person:

Company Rite Aid Licensing, Inc Dept

Mailing Address PO Box 31650

City Harrisonburg State: PA Zip Code 17105

Telephone (717) 214-8345 Fax (717) 730 7762

Email: JARFERS@RiteAid.com

Property Owner: Rite Aid Investors - VA1A

If Business Entity, name and title of authorized signee

Mailing Address 521 Monterey Ave - To Cohen & Peletto 488 Madison Ave.

City NEW YORK State NY Zip Code 10022

Telephone (212) 998-2258 Fax () Attn: Marshall Cohen

Email steve.blumenthal@gyparec.com

Property Owner Signature: Steve Blumenthal

(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)

8245B



- **MAILING ADDRESS**
P.O. Box 3165
Harrisburg, PA 17105
- **GENERAL OFFICE**
30 Hunter Lane
Camp Hill, PA 17011
- **Telephone (717) 761-2633**

October 7, 2013

Land Use Administration Division
Richmond Dept of Planning & Development Review
900E Broad Street Room 511
Richmond VA 23219

Re: Rite Aid of Virginia Inc
DBA Rite Aid #3715
520 W Board Street
Richmond VA 23220
Application for Special Use Permit

Dear Sir or Madam:

The above-reference property is subject to a zoning restriction imposed in 1996 that prohibits the sale of beer and wine. After discussions with various customers and local citizen group members, we are confident that removal of the restriction will enhance public convenience and a 'one-stop' shopping experience for members of the local community.

Accordingly, enclosed please find a Special Use Permit Application, and a check in the amount of \$1,300 in satisfaction of the required fee seekign removal of the restriction.

If you require additional information or documentation to approve the application, please contact me at (717) 214-8545, or via email at Jakers@riteaid.com. Thank you for your assistance.

Very truly yours,
RITE AID OF VIRGINIA INC


Jim Akers
Licensing Manager, Licensing

Enclosures