

INTRODUCED: November 9, 2020

AN ORDINANCE No. 2020-246

To authorize the special use of the property known as 2611 West Cary Street for the purpose of permitting a sign with an aggregate area exceeding that permitted by the underlying zoning regulations, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 14 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 2611 West Cary Street, which is situated in a B-6 Mixed-Use Business District, desires to use such property for the purpose of including a sign with an aggregate area exceeding that permitted by the underlying zoning regulations, which use, among other things, is not currently allowed by section 30-518.2, concerning sign regulations for the B-6 Mixed-Use Business District, 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 (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: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 14 2020 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 (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 2611 West Cary Street and identified as Tax Parcel No. W000-1158/011 in the 2020 records of the City Assessor, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of permitting a sign with an aggregate area exceeding that permitted by the underlying zoning regulations, hereinafter referred to as “the Special Use,” substantially as shown on the untitled plans prepared by an unknown preparer and undated, 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 Special Use of the Property shall be as a sign, substantially as shown on the Plans, of the aggregate area shown on the Plans, in addition to other uses permitted in the underlying zoning district in which the Property is situated. Signs permitted in all districts pursuant to section 30-505 of the Code of the City of Richmond (2015), as amended, shall also be permitted on the Property.

(b) 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

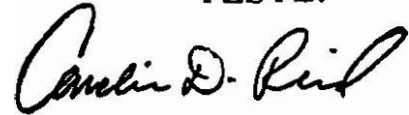
otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 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 with 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 "Carolin D. Reed".

City Clerk

City of Richmond

800 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.richmondgov.com

Item Request

File Number: PRE.2020.364

O & R Request

DATE: October 12, 2020

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request) *[Signature]*
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer *[Signature]*

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

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

RE: To authorize the special use of the property known as 2611 West Cary Street for the purpose of wall signage, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 2611 West Cary Street for the purpose of wall signage, upon certain terms and conditions.

REASON: In the B-6 Mixed Use District, the aggregate area of all signs shall not exceed one square foot per each linear foot of lot, up to a maximum of 32 square feet. The property has 21 linear feet of lot frontage. Therefore, the aggregate area of all signs shall not exceed 21 square feet. The front of the building contains painted signage that exceeds 32 square feet. A special use permit is therefore required in order to authorize the signage that exceeds the aggregate area allowed in Section 30-518(2) of the zoning ordinance.

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 December 7, 2020, meeting.

BACKGROUND: The subject property, known as 2611 West Cary Street, is comprised of .059 acres and is located near mid-block between South Robinson Street and South Mulberry Street, in the Fan Neighborhood.

The subject property is designated for Community Commercial land use by the City of Richmond Master Plan. The Master Plan recommends primary uses that include office, retail, personal service and other commercial and service uses, intended to provide the shopping and service needs of residents of a number of nearby neighborhoods or a section of the City. As compared to Neighborhood Commercial, this category includes a broader range of uses of greater scale and intensity, with greater vehicular access and orientation, but that are also compatible with nearby residential areas.

The subject property contains a structure originally built as a single-family attached dwelling in 1920. In 1942 the property and surrounding area was rezoned for commercial uses. The commercial designations has been maintained since this time and is now located in the B-6 Mixed Use District, as are all adjacent properties. A variety of commercial, office, and residential uses are in the remaining surrounding area.

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: None

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 9, 2020

CITY COUNCIL PUBLIC HEARING DATE: December 14, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
December 7, 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, Map

STAFF: David Watson, Senior Planner, Land Use Administration 804-626-1036



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.richmondva.gov/>

- 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: 2611 W. Cary St. Date: 8/30/20
 Tax Map #: W0001158011 Fee: \$1,300
 Total area of affected site in acres: Signage is about 35 linear sq ft

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

Zoning

Current Zoning: B-1c
 Existing Use: B-1c

Proposed Use

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

Existing Use: Smoke shop turned juice bar (report attached)

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number _____

Applicant/Contact Person:

Company: The Beet Box
 Mailing Address: 2611 W. Cary St.
 City: Richmond State: VA Zip Code: 23220
 Telephone: (978) 548-6011 Fax: ()
 Email: thebeetboxrva@gmail.com

Property Owner: [Signature]
 If Business Entity, name and title of authorized signee: Jennifer Acevedo Owner of 2317 Park Property LLC

(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: 2380 River Rd W. [Signature]
 City: Maidens State: VA Zip Code: 23102
 Telephone: (804) 387-9484 Fax: ()
 Email: jennifer.acevedo1@gmail.com

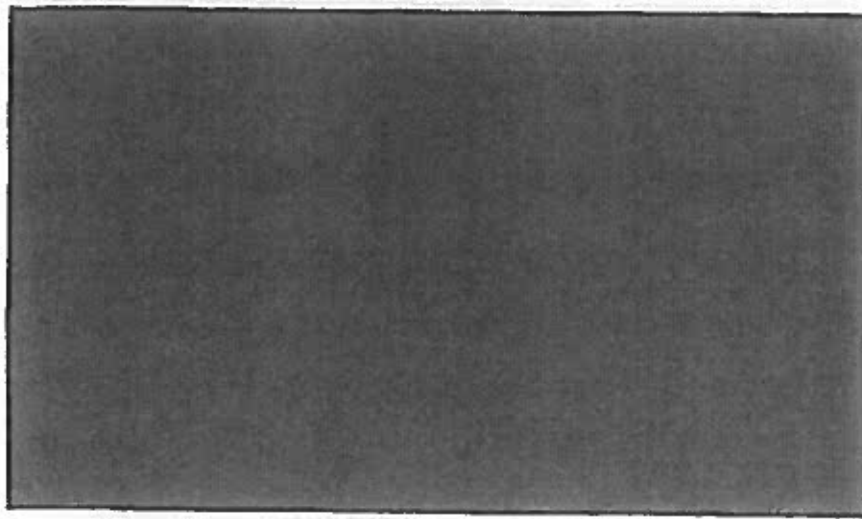
Property Owner Signature: [Signature]

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)

Special Use Permit Report

The Beet Box at 2611 W. Cary was recently made aware that our signage exceeds our allotted amount by a few linear sq. ft. We plan to employ 3-5 employees, out our will be 8am to 6pm. The additional signage we are requesting will in no way affect vehicular traffic. The sign is in no way hazardous. Pictures of the front of building are provided.



Drafted by artist
sign wording is

W 23 1/2 inches
L 164 inches

