

INTRODUCED: May 23, 2022

AN ORDINANCE No. 2022-163

As Amended

To authorize the special use of the [property] properties known as 2301 Commerce Road and 3001 Commerce Road for the purpose of parking areas and drive aisles illuminated by lighting structures in excess of 35 feet in height, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUN 27 2022 AT 6 P.M.

WHEREAS, the owner of the [property] properties known as 2301 Commerce Road and 3001 Commerce Road, which [~~is~~] are situated in a M-1 Light Industrial District, desires to use such [property] properties for the purpose of parking areas and drive aisles illuminated by lighting structures in excess of 35 feet in height, which use, among other things, is not currently allowed by section 30-710.12(5), concerning improvement of parking areas and parking lots, 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: 8 NOES: 0 ABSTAIN: _____

ADOPTED: JUL 25 2022 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]~~ properties known as 2301 Commerce Road and 3001 Commerce Road and identified as Tax Parcel ~~[No.]~~ Nos. S008-0601/053 and S008-0601/054, respectively, in the 2022 records of the City Assessor, being more particularly as shown on a survey entitled “A Consolidation & Lot Split Survey of Two Parcels of Land Bounded by Commerce Road, Ruffin Road, Gunn Street, and CSX Transportation Incorporated Right-of-Way in the City of Richmond, VA,” prepared by Timmons Group, and dated June 8, 2021, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” ~~[is]~~ are hereby permitted to be used for the purpose of parking areas and parking aisles illuminated by lighting structures in excess of 35 feet in height, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Deepwater - Building C Deepwater Industrial Park Richmond, VA,” prepared by Timmons Group, dated October 1, 2021, and last revised on January 26, 2022, and entitled “Deepwater - Building A, Deepwater Industrial Park, Richmond, VA,” prepared by Timmons Group, dated October 1, 2021, and last revised on March 3, 2022, hereinafter referred to, collectively, 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 parking areas and parking aisles illuminated by lighting structures in excess of 35 feet in height, substantially as shown on the Plans.

(b) Wireless communications equipment may be co-located on the lighting structures at or below the height authorized in this ordinance, subject to the applicable provisions of the Code of the City of Richmond (2020), as amended.

§ 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 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.

A TRUE COPY:
TESTE:
Amelia D. Reed
City Clerk



City of Richmond

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

Item Request File Number: PRE.2022.0172

O & R Request

DATE: April 25, 2022

EDITION: 1

TO: The Honorable Members of City Council

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

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

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

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

RE: To authorize the special use of the property known as 3001 Commerce Road for the purposes of parking areas and drive aisles illuminated by lighting structures in excess of 35 feet in height, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 3001 Commerce Road for the purposes of parking areas and drive aisles illuminated by lighting structures in excess of 35 feet in height, upon certain terms and conditions.

REASON: The subject property is located in the M-1 Light Industrial District and lighting for parking areas and drive aisles is a permitted use. However, Section 30-710.12 of the zoning ordinance limits the height of lighting fixtures serving parking areas to thirty-five feet (35'). The proposed lighting plans call for lighting structures that exceed 35 feet in height. Therefore a special use permit is necessary for this request.

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 June 21, 2022 meeting.

BACKGROUND: The approximately 18 acre property is currently being developed as an industrial park, with multiple large warehouse buildings. The property is surrounded by other industrial properties to the north and west. Commerce Road and Interstate 95 are located to the east, and the residential neighborhood of Castle Heights is located to the south, across Ruffin Road.

An industrial park with large warehouse buildings is currently under construction on the subject property. The lighting installations will provide illumination to the parking areas and drive aisles serving Buildings 'A' and 'C.'

The Richmond 300 Master Plan recommends Industrial Uses for the Property. Primary uses include retail/office/personal service, multi-family residential, cultural, and open space. Secondary uses include institutional and government.

The property is surrounded by other industrial properties to the north and west. Commerce Road and Interstate 95 are located to the east, and the residential neighborhood of Castle Heights is located to the south, across Ruffin Road.

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: No

REVENUE TO CITY: None

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 23, 2022

CITY COUNCIL PUBLIC HEARING DATE: June 27, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
June 21, 2022

AFFECTED AGENCIES: Office of Chief Administration 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, Survey, Map

STAFF: Richard Saunders, Senior Planner, Land Use Administration, 804-646-5648



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

Property Address: _____ Date: _____

Tax Map #: _____ Fee: _____

Total area of affected site in acres: _____

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

Zoning

Current Zoning: _____

Existing Use: _____

Proposed Use

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

Existing Use: _____

Is this property subject to any previous land use cases?

Yes No
 If Yes, please list the Ordinance Number: _____

Applicant/Contact Person:

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _() Fax: _()

Email: _____

Property Owner:

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

(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: _____

City: _____ State: _____ Zip Code: _____

Telephone: _() Fax: _()

Email: _____

Property Owner Signature:

[Handwritten signature]

T. Preston Lloyd, Jr., Acting Under Special Land Use Power of Attorney

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)

WILLIAMS MULLEN

Direct Dial: 804.420.6615
plloyd@williamsmullen.com

April 25, 2022

City of Richmond
Department of Planning and Development Review
900 E. Broad Street, 5th Floor
Richmond, VA 23219
Attn. Richard L. Saunders III, Secretary, Planning Commission

Re. Special Use Permit Application | Deepwater Industrial Park
City Tax Parcel Id Nos. S0080601053 & S0080601054

Ladies and Gentlemen:

This firm is counsel to Deepwater I, LLC (the “Applicant”), the owner of property located in the City (i) comprised of 16.92 acres known as 2301 Commerce Road (Parcel ID no. S0080601053) and (ii) comprised of 17.67 acres known as 3001 Commerce Road (Parcel ID no. S0080601054) (collectively, the “Property”).

We write to file an Application for Special Use Permit and related enclosures as summarized on Exhibit A attached hereto. This letter will serve as the Applicant’s Report.

REQUEST

The Applicant proposes the special use of the Property as follows: to permit the installation of site lighting poles in excess of 35 feet but not to exceed 45 in height, all as generally shown on the Lighting Plans (enclosed).

BACKGROUND

The subject Property, known as “Deepwater Industrial Park”, is located along the frontage of E. Commerce Rd and Interstate 95. Interstate access is located approximately 1.90 miles south of the site at the intersection of E. Commerce Road and Walmsley Boulevard. Port access is also viable with the Port of Richmond located on Deepwater Terminal Road approximately 2.25 miles south of the site. A CSX railway line bounds the western property boundary.

Formerly owned by the Alleghany Warehouse Company, the Applicant caused the demolition and removal of the cluster of abandoned warehouses and is currently engaged in the redevelopment of the site to allow larger, modern distribution, manufacturing and warehouse operations. Deepwater Industrial Park has been master-planned to provide 1.5+ million square feet of industrial space to market to economic development prospects of the City.

A 75.48 acre portion of the Deepwater Industrial Park has been transferred for development and occupancy by a national retailer for logistics, warehousing and distribution uses. Such portion of Deepwater Industrial Park is not included in this Application for Special Use Permit.

ZONING & MASTER PLAN DESIGNATION

The subject Property is designated M-1 District on the zoning maps of the City.

The subject Property is designated as Industrial on the Future Land Use Map of the Richmond 300 Master Plan.

The proposed special use permit is consistent with Objective 11.4(a), which recommended that the City “[e]xamine ... height limits for industrial zones to be accommodating to current needs, given that the needs of industrial users are shifting.”

JUSTIFICATION

Given current advances in directional lighting and the needs of modern industrial users, the current height limit of 35 feet results in greater proliferation of poles without any corresponding benefit. Lighting structures of approximately 38-42 feet, as proposed, provides sufficient directional coverage to minimize spillage to surrounding uses, and allows for fewer poles, improving navigation throughout the site and mitigating visual clutter.

CHARTER FINDINGS

The requested special use of the subject Property 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 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.

Thank you for your consideration of this request. Please forward an invoice and notify the undersigned when it has been deemed complete and scheduled for public hearing.

Best regards,

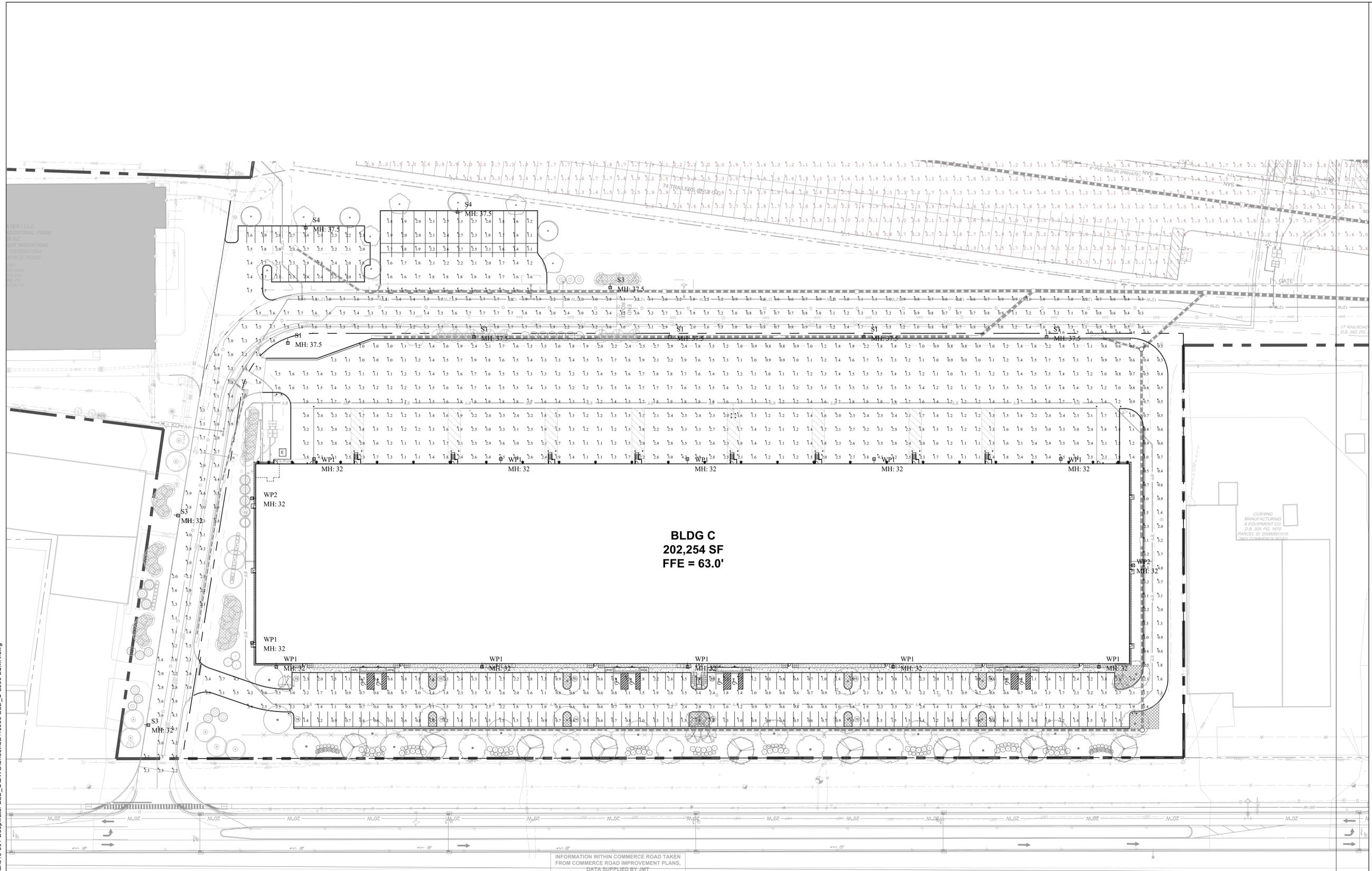
/s/

T. Preston Lloyd, Jr.
Counsel to Deepwater I, LLC

EXHIBIT A

Enclosures

1. Special Use Permit Application;
2. Lighting Plan, comprised of plats labeled “Deepwater – Building A, Deepwater Industrial Park, Richmond Virginia, Minimum Lighting Plan, Sheet A-L300” and “Deepwater – Building A, Deepwater Industrial Park, Richmond Virginia, Minimum Lighting Plan, Sheet C-L300”;
3. Survey; and
4. Special Land Use Power of Attorney.



DEEPWATER - BUILDING C
 DEEPWATER INDUSTRIAL PARK
 RICHMOND, VA

ISSUE LOG

DESCRIPTION	DATE	NO.
REVISED RSPM SUBMITTAL #1	10.01.2021	
REVISED RSPM SUBMITTAL #2	11.17.2021	
REVISED RSPM SUBMITTAL #3	01.13.2022	
PERMIT SUBMITTAL	01.26.2022	



SHEET NAME:
MINIMUM LIGHTING PLAN

SITE C

SHEET NUMBER:

C-L300

PROJECT NUMBER: 20.0017

POLE FIXTURES MOUNTED ON 35' POLE & 2.5' BASE
 LIGHT LEVEL CALCULATED ON THE GROUND

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
DRIVE LANE	Illuminance	Fc	1.79	6.0	0.3	5.97	20.00
SITE	Illuminance	Fc	1.67	4.5	0.3	5.57	15.00

Luminaire Schedule							
Symbol	Qty	Label	Arrangement	LLF	Lum. Watts	Total Watts	Description
□	5	S1	SINGLE	0.900	303	1515	PRV-XL-PA4B-740-U-5WQ
□	3	S3	SINGLE	0.900	303	909	PRV-XL-PA4B-740-U-T3
□	2	S4	SINGLE	0.900	303	606	PRV-XL-PA4B-740-U-T4W
□	11	WP1	SINGLE	0.900	303	3333	PRV-XL-PA4B-740-U-T4W - WALL MOUNT
□	2	WP2	SINGLE	0.900	303	606	PRV-XL-PA4B-740-U-T3 - WALL MOUNT

DESIGN IS BASED ON CURRENT INFORMATION PROVIDED AT THE TIME OF REQUEST.
 ANY CHANGES IN MOUNTING HEIGHT OR LOCATION, LAMP WATTAGE, LAMP TYPE, AND
 EXISTING FIELD CONDITIONS, THAT EFFECT ANY OF THE PREVIOUSLY MENTIONED, WILL
 VOID CURRENT LAYOUT AND REQUIRE A CHANGE REQUEST AND RECALCULATION.

