

INTRODUCED: July 24, 2023

AN ORDINANCE No. 2023-221

To authorize the special use of the property known as 324 North 27th Street for the purpose of a wall sign, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 11 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 324 North 27th Street, which is situated in a UB Urban Business District, desires to use such property for the purpose of a wall sign, which use, among other things, is not currently allowed by sections 30-504(6), concerning general provisions to qualify, supplement or modify other provisions, and 30-512(2), concerning permitted sign area in the UB Business and UB-2 districts, 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 safety, health, morals and general welfare of the community involved, will not tend to create

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: SEP 11 2023 REJECTED: _____ STRICKEN: _____

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 known as 324 North 27th Street and identified as Tax Parcel No. E000-0437/007 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “Plat of Property Situated on the Southwest Corner of Marshall Street and 27th Street., Richmond, Va.,” prepared by Chas. H. Fleet & Assocs., and dated May 20, 1966, 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 a wall sign, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Second Bottle Mural Mock-up,” 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 wall sign, substantially as shown on the Plans, subject to the issuance of a Certificate of Appropriateness by the Commission of Architectural Review.

(b) The Special Use shall not exceed the dimensions shown on the Plans.

(c) In addition to the signs permitted in section 3(a) of this ordinance (i) signs permitted in all zoning districts, pursuant to section 30-505 of the Code of the City of Richmond (2020), as amended, and (ii) one sign, not to exceed two square feet in area, and not internally illuminated, pursuant to section 30-512 of the Code of the City of Richmond (2020), as amended, shall be permitted on the Property.

§ 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.

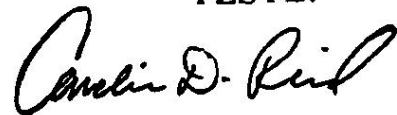
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The 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 within 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. Rind".

City Clerk



City of Richmond

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

Master

File Number: Admin-2023-0444

File ID: Admin-2023-0444

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 1

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 05/30/2023

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 06/26/2023

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2023-0444 - Application Files,
Admin-2023-0444 - Map, Admin-2023-0444 -
Ordinance DRAFT

Enactment Number:

Contact:

Introduction Date:

Drafter: Alyson.Oliver@rva.gov

Effective Date:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	5/30/2023	Matthew Ebinger	Approve	6/1/2023
1	2	5/31/2023	Kevin Vonck	Approve	6/6/2023
1	3	5/31/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
1	4	5/31/2023	Sharon Ebert	Approve	6/7/2023
1	5	5/31/2023	Alecia Blackwell - FYI	Notified - FYI	
1	6	5/31/2023	Caitlin Sedano - FYI	Notified - FYI	
1	7	5/31/2023	Jeff Gray - FYI	Notified - FYI	
1	8	6/1/2023	Lincoln Saunders	Approve	6/2/2023
1	9	6/8/2023	Mayor Stoney (By Request)	Approve	6/5/2023
Notes: Wrong Stoney account -- Kit Hagen					
1	10	6/21/2023	Mayor Stoney	Approve	6/12/2023

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2023-0444

Item Request
City of Richmond

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

File Number: Admin-2023-0444

O & R Request

DATE: May 30, 2023

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, Dept. of Planning and Development Review

RE: To authorize the special use of the property known as 324 North 27th Street for the purpose of a wall sign, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 324 North 27th Street for the purpose of a wall sign, upon certain terms and conditions.

REASON: The applicant is requesting a special use permit to authorize one wall sign, substantially as shown on the plans. The proposed wall sign exceeds the maximum square footage permitted by Sections 30-504(6) and 30-512(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 July 17, 2023, meeting.

BACKGROUND: The subject property contains a lot area of approximately 0.79 acres and is currently occupied by a commercial retail store. The applicant is requesting a Special Use Permit to allow for a painted wall sign exceeding 32 square feet and exceeding 25 percent of the area of such wall. The property is located within the Church Hill neighborhood.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed Use, which is defined as "Existing or new highly walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses."

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets. Parcels are generally between 1,500 and 5,000 sq. ft. Primary Uses: Single family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space. Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government. (p. 56)

The property is located within an UB Urban Business District. Properties surrounding the subject property are also located within the UB district and the R-8 Urban Residential District. The surrounding properties primarily contain single-family residential uses and neighborhood-scale corner commercial uses.

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: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: June 26, 2023

CITY COUNCIL PUBLIC HEARING DATE: July 24, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:

City Planning Commission
J u l y 1 7 , 2 0 2 3

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, Survey, Map

STAFF: Alyson Oliver, Planner, Land Use Administration (Room 511) 646-3709



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: 324 North 27th Street Unit A Richmond, VA 23223 Date: 03.29.2023
Parcel I.D. #: 60000431007 Fee: \$300
Total area of affected site in acres: 3442.5 Square Feet (total for building)

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

Zoning

Current Zoning: UB-PES

Richmond 300 Land Use Designation: Commercial S2

Proposed Use

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

Existing Use: Painted mural in excess of 32 square feet, depicting wine glasses on a wine store.

Is this property subject to any previous land use cases?

Yes



No



If Yes, please list the Ordinance Number: _____

Applicant/Contact Person:

Erin Keene

Company: Second Bottle Wine and Snack Shop

Mailing Address: 324 North 27th Street, Unit A

City: Richmond

State: VA

Zip Code: 23223

Telephone: (570) 877-0615

Fax: ()

Email: erin@secondbottlewine.com

Property Owner:

Alyson Intihar

If Business Entity, name and title of authorized signee: Intihar Properties 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: 135 S Colonial Ave

City: Richmond

State: VA

Zip Code: 23221

Telephone: (703) 268-1829

Fax: ()

Email: alyson.intihar@gmail.com

Property Owner Signature:

Alyson Intihar

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)

4 April 2023

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219

324 North 27th Street – Special Use Permit

I. INTRODUCTION Erin Keene (“Applicant”), owner of Second Bottle Wine and Snack Shop at 324 North 27th Street (the “Property”) is applying for a special use permit plan to paint a mural in excess of 32 square feet, depicting wine glasses on the exterior wall of the wine store that exists here. The property is located on the north side of 27th Street, on the corner of East Marshall. The property is zoned as Urban Business Parking Exception 5 with a land use designation of Commercial S2.

II. PROPOSED DEVELOPMENT Richmond-based artist Nils Westergard will paint a mural of two wine glasses on the exterior north facing wall of the property over the portion of brick that is already painted. The artist will use Sherwin Williams paint and the work would take approximately three days to complete.

III. FACTORS IN SECTION 17.11 OF THE CHARTER AND SECTION 32.1-1050.1 OF THE ZONING ORDINANCE

A. Effect on Safety, Health, Morals and General Welfare of the Community. The proposed changes will have a positive effect on the neighborhood by vastly improving the aesthetic appeal of the building exterior. The piece can be admired by people of the neighborhood, and attract new customers to this existing corner of commerce in Church Hill. The color palette of the work matches that of the existing building façade, so it will fit in while showcasing the signature style of the artist. The piece will have a positive effect on the neighborhood and property value.

B. Effect on the Streets, Roads, Alleys and Public Ways and Places. Access to the property would be unchanged from the existing conditions.

C. Effects on the Hazards from Fire, Panic and Other Dangers. The access for emergency vehicles will be unchanged, therefore there will be no adverse effects.

D. Effect of Crowding of Land and Concentration of Population. The proposed improvements will not change the density of the underlying zoning.

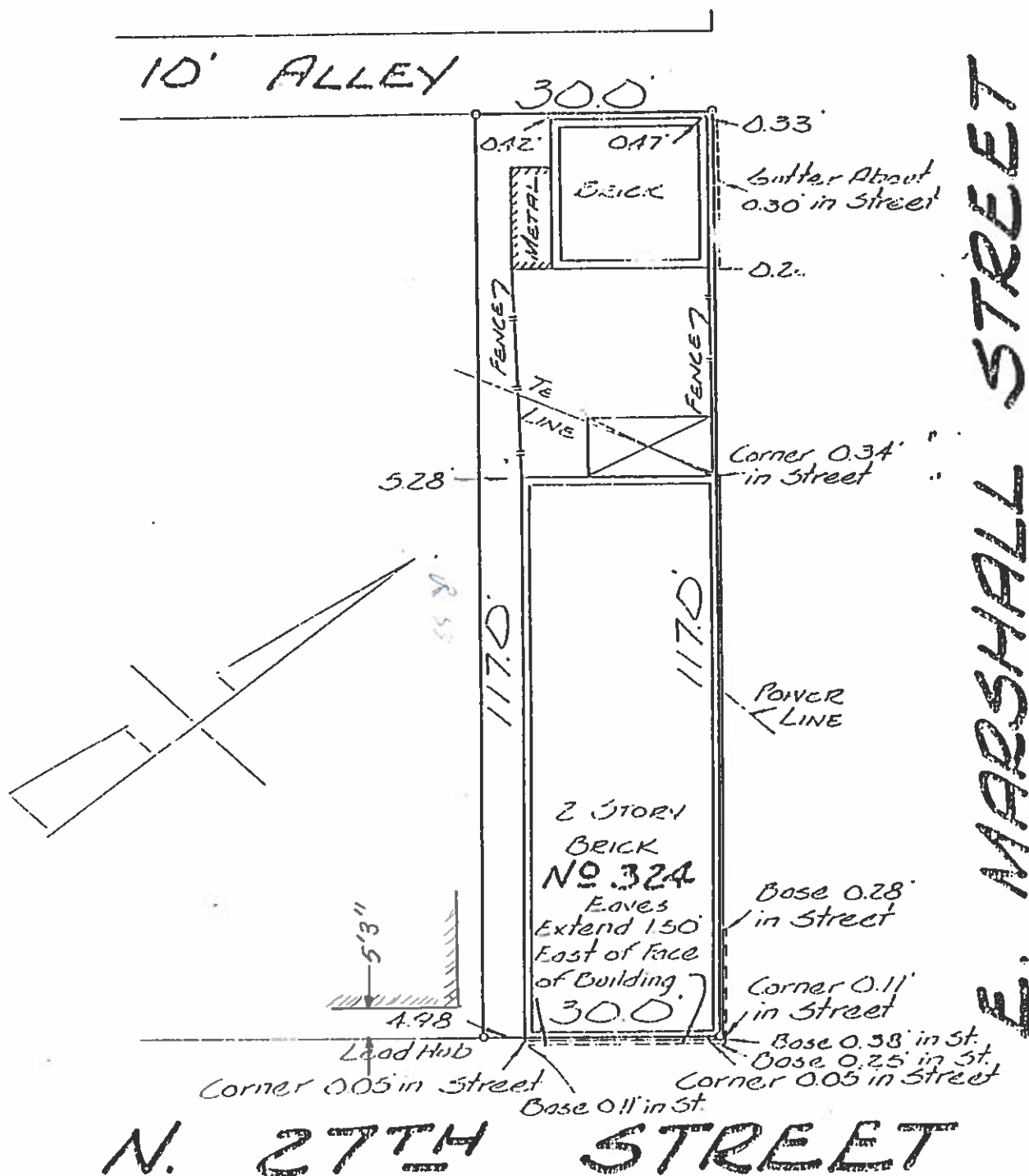
E. Effect on Schools, Parks, Playgrounds, Water Supplies, Sewage Disposal, Transportation and Other Public Improvements. The property is served by public water and sewer. The demands of the City services will not be affected as the property will remain as it is.

F. Effect on Adequate Light and Air. The proposed improvements will not adversely affect the light and air of the adjoining parcels.



Second Bottle Mural Mock-up

324 N 27th



Plat of Property Situated
on the Southwest Corner
of Marshall Street and
27th Street.

Richmond, Va.

May 20, 1940 Scale 1"=20'

CHAS. H. FLEET & ASSOC'S

CERTIFIED SURVEYORS

BK. 243-45