

INTRODUCED: March 24, 2014

AN ORDINANCE No. 2014- 76-76

To authorize the special use of the property known as 933 German School Road for the purpose of permitting a greenhouse, a plant nursery and the sale of yard and garden materials, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Jones (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: APR 28 2014 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the property known as 933 German School Road and identified as Tax Parcel No. C005-0681/018 in the 2014 records of the City Assessor, being more particularly shown on the survey entitled “Plat Showing the 0.43 acre parcel lying south of German School Road 933 German School Road Bobby Lloyd,” prepared by C.E. Duncan & Associates, Inc., and dated January 29, 2013, a copy of which is attached to and made a part of this ordinance, is hereby permitted to be used for the purposes of a greenhouse, a plant nursery and the sale of yard and garden materials, substantially as shown on a plan entitled “933 German-School-Road

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:    MAY 27 2014    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

Bobby-Lloyd,” prepared by Turner Designs LLC, and dated November 12, 2013, a copy of which is attached to and made a part of this ordinance.

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

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of the property a building permit substantially in accordance with the plan referred to above for the aforementioned purpose, subject to the following terms and conditions:

(a) The owner of the property shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the property, except as otherwise provided in this ordinance.

(b) An application for a certificate of zoning compliance for the use described in subsection (j) of this section shall be made within twenty-four (24) months from the effective date of this ordinance. Should application for the certificate of zoning compliance not be made within twenty-four (24) months after the effective date of this ordinance, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

(c) 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 subject property have been paid.

(d) All required final grading and drainage plans, together with all easements made necessary by such plans, shall be approved by the Director of Public Utilities prior to the issuance of building permits.

(e) 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 adjacent property or public streets and the use thereof.

(f) 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.

(g) A greenhouse, plant nursery and the sale of yard and garden materials shall be permitted on the site substantially as shown on the plan attached to this ordinance.

(h) The hours of operation shall be limited to 10:00 a.m. to 6:00 p.m., Sunday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.

(i) A total of four (4) on-site parking spaces shall be provided for the use of the property substantially as shown on the plan attached to this ordinance.

(j) Landscaping shall be provided within the ten-foot buffer along German School Road and shall meet the landscaping criteria for “buffer A” set forth in the provisions of section 114-710.13(2)(b)(1) of the Code of the City of Richmond (2004), as amended.

(k) Any additional signage shall comply with the zoning regulations applicable to the B-1 Neighborhood Business District.

§ 4. That the privileges granted by this ordinance may under certain circumstances be revoked. Upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit pursuant to the provisions of sections 114-1050.7

through 114-1050.11 of the Code of the City of Richmond (2004), as amended, if (a) the property owner does not abate the violation within thirty (30) days of the issuance of the notice or (b) three (3) notices of violation are issued to the property owner within any twelve (12) month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner. 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, 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 is abandoned for a period of twenty-four (24) consecutive months, use of the property shall be governed thereafter by the zoning regulations prescribed for the district in which the property is then situated.

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



**CITY OF RICHMOND**  
INTRACITY CORRESPONDENCE

O & R REQUEST

FEB 26 2014

Chief Administration Office  
City of Richmond

O&R REQUEST

**RECEIVED**  
MAR 07 2014

**DATE:** February 20, 2014

**EDITION:** 1

**TO:** The Honorable Members of City Council

**OFFICE OF CITY ATTORNEY**

**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

**SUBJECT:** Special use permit for 933 German School Road for the purpose of permitting a  
greenhouse and plant nursery and the sale of yard and garden materials.

**ORD. OR RES. No.** \_\_\_\_\_

**PURPOSE:** To authorize the special use of the property known 933 German School Road for the purpose of permitting a greenhouse and plant nursery and the sale of yard and garden materials, upon certain terms and conditions.

**REASON:** The applicant is proposing to use the subject property as a greenhouse and plant nursery for the sale of yard and garden materials. The subject property is located in the B-1 Neighborhood Business zoning district which does not permit the greenhouse and plant nursery use or the sale of yard and garden materials. Therefore, the applicant is requesting a special use permit.

**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 April 7, 2014 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property is located on the north side of German School Road between Glenway Drive and a parcel with a single-family dwelling. The parcel is vacant and consists of approximately 23,740 square feet of land.

201402016

The applicant is proposing to use the property as a greenhouse and plant nursery for the sale of yard and garden materials. The subject property is located in the B-1 Neighborhood Business zoning district which does not permit the greenhouse and plant nursery use or the sale of yard and garden materials.

The conditions of the proposed ordinance would limit uses for the commercial space on the property to a greenhouse and plant nursery use for the sale of yard and garden materials and those uses permitted in the B-1 Neighborhood Business zoning district. As per normal parking requirements, four spaces would be required for the business and therefore the applicant is proposing to provide four spaces on site. The ordinance would require that parking be provided in accordance with the normal zoning requirements, and these requirements will still be in place should the commercial use be converted to a use permitted in the B-1 zoning district in the future.

In order to reduce possible land use conflicts between the proposed greenhouse and plant nursery use, the proposed ordinance would limit hours of operation to 10am to 6pm Sunday through Friday and 8am to 6pm on Saturday. In addition, the ordinance would provide a 10 foot buffer around the perimeter of the property. In addition, the ordinance would limit any new signage to that permitted in the B-1 zoning district.

Properties to the north, west, and south of the proposed development are located in the R-3 Single Family Residential zoning district. The property to the east is located in the R-4 Single Family Residential zoning district. Situated on these properties to the west is a vacant and heavily vegetated parcel and to the north, east, and south are single-family dwellings.

The City of Richmond's Master Plan characterizes the subject property as being in the Single Family (low density) zoning district. This area is distinguished by single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. The Plan also states that single family areas should have supportive uses such as schools, places of worship, neighborhood parks and recreation facilities.

**FISCAL IMPACT:** The Department of Planning Development 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:** \$1,800 application fee.

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** March 24, 2014

**CITY COUNCIL PUBLIC HEARING DATE:** April 28, 2014

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission,  
April 21, 2012

**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

**ATTACHMENTS:** Application Form, Applicant's Letter, Draft Ordinance, Plans, Survey

**STAFF:** Leigh V. Kelley, Planner I  
Land Use Administration (Room 511)  
646-6384

*DPDR O&R No.14-07*

1. EXISTING CHAIN LINK FENCE

2. PREFAB 12'x16' OFFICE BUILDING (RED VINYL SIDING FIBERGLASS SHINGLES)

3. EXISTING TREE

4. GATE TO RESIDENCE

5. PICNIC TABLE

6. PARKING FOR LOADER

7. MULCH BIN 20'W x 30'L x 8'H (RAILROAD TIES)

8. FUTURE GREENHOUSE

9. PARKING FOR FOUR VEHICLES 10'W x 20'L (MATERIAL MULCH)

10. DRIVE PATH (MATERIAL MULCH)

11. WOODEN BENCH

12. PROPOSED DECIDUOUS TREE MYRTLE

13. PROPOSED PLANTING KNOCKOUT ROSES

14. WHITE SAGEBRUSH LAVENDER ROSEMARY

15. PROPOSED DECIDUOUS TREE CREPE MYRTLE

16. FUTURE HERB GARDEN

17. EXISTING POWER POLE

18. PORTAJON

19. BOAT USED AS SIGNAGE 14'x9'x5'

GLENWAY DRIVE

SITE PLAN

GERMAN SCHOOL ROAD

NORTH

DRAWN BY: MICHAEL LARSEN  
OCCUPATION: DESIGNER  
REVISIONS: 1

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.  
2. ALL DISTANCES ARE MEASURED FROM THE CORNER OF THE LOT.  
3. ALL DISTANCES ARE MEASURED FROM THE CORNER OF THE LOT.  
4. ALL DISTANCES ARE MEASURED FROM THE CORNER OF THE LOT.

DATE: 1-2-15  
SCALE: N/A  
SHEET NO. 1 OF 1

PLAN NO.  
13  
154

833 GERMAN SCHOOL ROAD  
BOBBY LLOYD  
TURNER DESIGNS LLC  
1000 1000 1000 1000  
(800) 277-1000



Glenway Drive

German School Road

$R=1688.98'$   
 $L=60.85'$

$N06^{\circ}50'37''W$   
27.10'

$N03^{\circ}34'46''E$   
43.89'

$N32^{\circ}14'17''E$   
110.72'

$N45^{\circ}30'27''W$   
149.29'

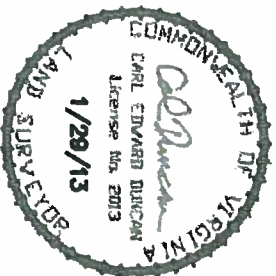
$N50^{\circ}00'00''E$   
157.04'

GPIN C0050881016  
Bobby Lloyd  
Db 56 Pg 237

GPIN C0050881020  
Alan Lumpkin  
Inst 2010-20157

Plot Showing the  
0.43 acre parcel lying  
south of German School Road  
833 German School Road  
Bobby Lloyd

C0050881016  
City of Richmond



G. E. Duncan & Associates, Inc.  
2000 Bobby Oak Road  
Pottsville, Virginia 23120  
(804) 588-0240 Fax (804) 588-0240  
DATE 1/24/13 SCALE 1"=30'  
DRAWN BY: CED LBS NO. 13-0070

Proposed Improvement of  
Parcel ID: C0050681018  
933 German School Road

Cynthia Powell The Corner Garden 11/2/2012

The proposed use of this property is a small, neighborhood, garden center. It is our vision to serve the immediate community with mulch and other gardening/landscaping materials to the small do-it-yourself gardener. We would focus primarily on the mulch by bulk, in the beginning, and work our way to offering annual and perennial plants and vegetables via the proposed greenhouses. It is our vision to aid our neighbors in the beautification of their own property and encourage greener living through gardening; hoping to inspire community think and development through our efforts.

The business will employ two people and the hours of operation are as follows:

WED-FRI 10:00-6:00

SAT 8:00-6:00

SUN CLOSED

The center will primarily be seasonal in nature, operating from March through September; although we may offer other seasonal items as split wood, pumpkins, and Christmas trees.

We cannot foresee any adverse impact on current traffic volumes as the business is geared to the immediate surrounding neighborhood. As proposed in the plans we will have a one way traffic pattern to minimize congestion at the entrance and exit of the property which will be clearly marked.

We feel that this venture in no way undermines the conditions as set forth in the City Charter. It is our opinion that this project will aid in the health, safety, morality, and general welfare of this community; will not congest the roads nor create any detriment to the safety of its residents through fire, water, or air dangers. On the contrary, this property currently lends itself to litter from foot traffic, public nuisance as a drug drop off/meeting place, and an overall eyesore to the neighborhood. Through our improvements therein, it is our goal to eliminate these nuisances while offering a viable service to the community.

Please be advised that this parcel is currently zoned B-1 yet, the current restrictions on this zoning prohibit outdoor merchandise and; the very nature of the business is to offer the outdoors as merchandise. I respectfully ask for the council's cooperation and support in our going forward with this venture.

## Petition to Support Special Use Permit

<b>Petition summary and background</b>	This petition is in support of allowing a Special Use Permit for 933 German School Rd., Richmond, VA 23225 as use for a proposed neighborhood garden center. By signing this document, you agree that you, a neighbor to the proposed site, have seen the proposal to be brought before council and feel that it is an improvement to the community with no foreseeable negative impact.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to approve the request for a Special Use Permit granting the forward progress of this improvement upon our community.

Printed Name	Signature	Address	Comment	Date
Brian Wall	<i>Brian Wall</i>	6225 Glenway DR	Yes	11/10/2012
Robert S. Dunn	<i>[Signature]</i>	926 German School Rd	Much welcomed	12/02/12
Jennifer Pearce	<i>[Signature]</i>	926 German School Rd	Great for Community	12/02/12
Daniel Marks	<i>[Signature]</i>	908 German School Rd	yes!	12-2-12
Samuel Robinson	<i>[Signature]</i>	900 German School Rd	yes!	12-2-12
James L. Mason	<i>James L. Mason</i>	913 German School Rd.	yes!!	
Natalia Parnes	<i>N. Parnes</i>	907 German School Rd	yes!!	12/2/12
Janet Snellings	<i>Janet P. Snellings</i>	901 German School Rd	Great Idea	12/2/12
JACK HENRITZ	<i>[Signature]</i>	819 German School Rd	Another home a bar	12/2/12
Frank Overby	<i>[Signature]</i>	801 German School	yes	12/2/12



# 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

Project Name: The Corner Garden Date: 2/12/2012  
Property Address: 933 German School Rd Tax Map #: C005068108

Fee: 1800.00 Total area of affected site in acres: 0.43  
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

## Zoning

Current Zoning: B-1

## Proposed Use

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

Existing Use: vacant lot

Is this property subject to any previous land use cases?

Yes ☐ No ☒  
If Yes, please list the Ordinance Number:

garden center

Applicant/Contact Person: Cynthia Powell

Company: \_\_\_\_\_

Mailing Address: 919 German School Rd

City: Richmond State: VA Zip Code: 23225

Telephone: (804) 231-4395 Fax: ( )

Email: bobalou32@verizon.net

Property Owner: Bobby G Lloyd

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: 919 German School Rd

City: Richmond State: VA Zip Code: 23225

Telephone: (804) 405-2265 Fax: ( )

Email: \_\_\_\_\_

Property Owner Signature: Bobby G Lloyd

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)