INTRODUCED: September 17, 2015

AN ORDINANCE No. 2015-195-195

To authorize the special use of the property known as 4300 West Broad Street for the purpose of a warehouse use with an excess of 20,000 square feet in area dedicated to storage of goods, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: OCT 12 2015 AT 6 P.M.

WHEREAS, the owner of the property known as 4300 West Broad Street, which is situated in a B-3 General Business District, desires to use such property for the purpose of a warehouse with an excess of 20,000 square feet in area dedicated to storage of goods, which use, among other things, is not currently allowed by section 114-438.1 of the Code of the City of Richmond (2004), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), 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

AYES:	9	NOES:	0	ABSTAIN:	
		_			
ADOPTED:	OCT 12 2015	REJECTED:		STRICKEN:	

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 114-1050.1 of the Code of the City of Richmond (2004), 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.

Subject to the terms and conditions set forth in this ordinance, the property known (a) as 4300 West Broad Street and identified as Tax Parcel No. N000-2002/007 in the 2015 records of the City Assessor, being more particularly shown on the plat entitled "A Portion of 4300 W Broad Street, City of Richmond, VA, and County of Henrico, VA," prepared by Nyfeler Associates, and dated June 18, 2015, 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 warehouse with an excess of 20,000 square feet in area dedicated to storage of goods, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Site and Utility Plans for Mini Price Warehouse II, West End District #1 - Richmond, VA, Brookland District - Henrico County, VA," prepared by Silvercore Land Development Consultants, dated June 5, 2015, the plans entitled "Building 2 for Mini-Price Warehouse, West Broad Street, Richmond, Virginia," prepared by Covington Hendrix Anderson, and dated May 28, 2015, the plan entitled "West Broad Street Mini Price Storage Expansion," prepared by Finley Design, and dated May 28, 2015, the plans entitled "Mini Price Storage: 4300 West Broad Street Expansion, View 1," "Mini Price Storage: 4300 West Broad Street Expansion, View 2," and "Mini Price Storage: 4300 West Broad Street Expansion, View 3," prepared by Finley Design, and dated May 28, 2015, the plans entitled "West Broad Street Mini Price Storage Expansion," prepared by Finley Design, and dated May 28, 2015, and the plan entitled "Mini Price Storage," prepared by Cardinal Sign Corporation, and dated June 3, 2015, all of which are 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 use of the Property shall be a warehouse use with an excess of 20,000 square feet in area dedicated to storage of goods served by eleven on-site parking spaces, substantially as shown on the Plans.
- (b) Signage on the Property shall be limited to (i) those signs exempt from the signage regulations of the zoning ordinance by section 114-503 of the Code of the City of Richmond (2004), as amended, (ii) those signs permitted in all zoning districts by section 114-505 of the Code of the City of Richmond (2004), as amended, and (iii) one freestanding sign and wall signage, substantially as shown on the Plans, not to exceed an aggregate of 400 square feet in area.
- (c) All building materials, material colors, and site improvements, including landscaping, shall be substantially as shown on the Plans.
- (d) Evidence shall be provided to the City's Zoning Administrator of the City of Richmond that the County of Henrico has approved the portion of this development that lies within the boundaries of the County of Henrico.
- (e) All mechanical equipment serving the Property shall be located 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 (2004), as amended, and all future amendments to such laws.
- (e) All improvements and work within the public right-of-way, including the installation of street trees, shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the

City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

- (f) 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 114-1220 of the Code of the City of Richmond (2004), 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 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.
- (f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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.



City of Richmond

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

Intracity Correspondence

Ordinance: a2015 - 983

RECEIV

AUG 2 0 2015

File Number:

a2015 - 983

OFFICE OF CITY ATTORNEY

To authorize the special use of the property known as 4300 West Broad Street for the purpose of a warehouse use with an excess of 20,000 square feet in area dedicated to storage of goods, upon certain terms and conditions.

O & R Request

DATE:

August 19, 2015

EDITION: 1

O & R REQUEST

TO:

The Honorable Members of City Council

AUG 1 9 2015

THROUGH: Dwight C. Jones, Mayor

Chief Administration Office City of Richmond

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Jr., Interim Deputy Chief Administrative Officer for Economic

Development and Planning

FROM:

Mark A. Olinger, Director, Dept. of Planning and Development Revie

RE:

To authorize the special use of the property known as 4300 West Broad Street for the purpose of a warehouse use with an excess of 20,000 square feet in area dedicated to

storage of goods, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 4300 West Broad Street for the purpose of a warehouse use with an excess of 20,000 square feet in area dedicated to storage of goods, upon certain terms and conditions.

REASON: The subject property is zoned in the B-3 General Business District, which does not allow warehouse use with an excess of 20,000 square feet in area dedicated to storage of goods (Zoning Ord. Sec. 114-438.1(58)). The applicant has requested a special use permit to authorize the expansion of an existing warehouse use (i.e., mini-storage facility) which would exceed the 20,000 square feet threshold.

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 5, 2015. meeting. A letter outlining the Commission's recommendation will be forwarded to City

Council following that meeting.

BACKGROUND: The subject property is located at 4300 West Broad Street within the Sauer's Gardens neighborhood and Far West planning district of the City of Richmond. Portion of the property is also located within the County of Henrico. The City portion of the property consists of 0.847 acres (36,895 sq. ft.) and the County portion consists of 1.836 acres (79,976 sq. ft.) for a total of 2.683 acres (116,871 sq. ft.) of land.

The property is improved with a mini-storage building built, per tax assessment records, in 2013, and containing 23,670 sq. ft. of storage space (3,670 sq. ft. of which will not be used until the special use permit is approved) and 1,500 sq. ft. of accessory office space within City limits; an additional 105,720 sq. ft. of storage space is located within Henrico County. The property is also improved with a vacant automobile sales/rental facility that would be replaced by a second mini-storage building containing 20,463 sq. ft. of storage area within City limits and 21,612 sq. ft. of storage area within Henrico County. In total, 44,133 sq. ft. of area dedicated to storage of goods is proposed for the subject property within City limits and 127,332 sq. ft. within Henrico County.

The subject property is zoned in the B-3 General Business District, which does not allow warehouse use with an excess of 20,000 square feet in area dedicated to storage of goods (Zoning Ord. Sec. 114-438.1(58)). Commercial land use predominates the Broad Street corridor in the vicinity of the subject property, with some office and industrial uses being present as well. Residential use predominates the area south and west of the corridor.

The Land Use Plan of the City of Richmond's Master Plan designates the subject property for General Commercial land use. Primary uses in this category include a broad range of office, retail, general commercial, wholesale and service uses, typically located along major transportation corridors and serving large portions of the City, the region or the traveling public. Land uses in this category are typically of larger scale and intensity then Community Commercial uses, and may not always be highly compatible with residential areas. The typical zoning classification that may accommodate this land use category is B-3 (p. 135).

In regards to the Broad Street corridor within the Far West planning district, the Mater Plan states "commercial development and activities on Broad Street...have a tendency to negatively impact adjacent residential neighborhoods with encroaching traffic, parking demand, and noise" (p. 179). "The Broad Street commercial corridor should not be allowed to encroach into adjacent neighborhoods" and "should not include those [uses] inappropriate to the area or in direct conflict with existing uses". However, "Broad Street, from I-95 to the City limits should remain a commercial (primarily retail) corridor" (p. 180). In addition, the property is located along the proposed Broad Street bus rapid transit line.

FISCAL IMPACT / COST: The Department 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.

File Number: a2015 - 983

REVENUE TO CITY: \$2,400.00

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: September 14, 2015

CITY COUNCIL PUBLIC HEARING DATE: October 12, 2015

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, October 5, 2015

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

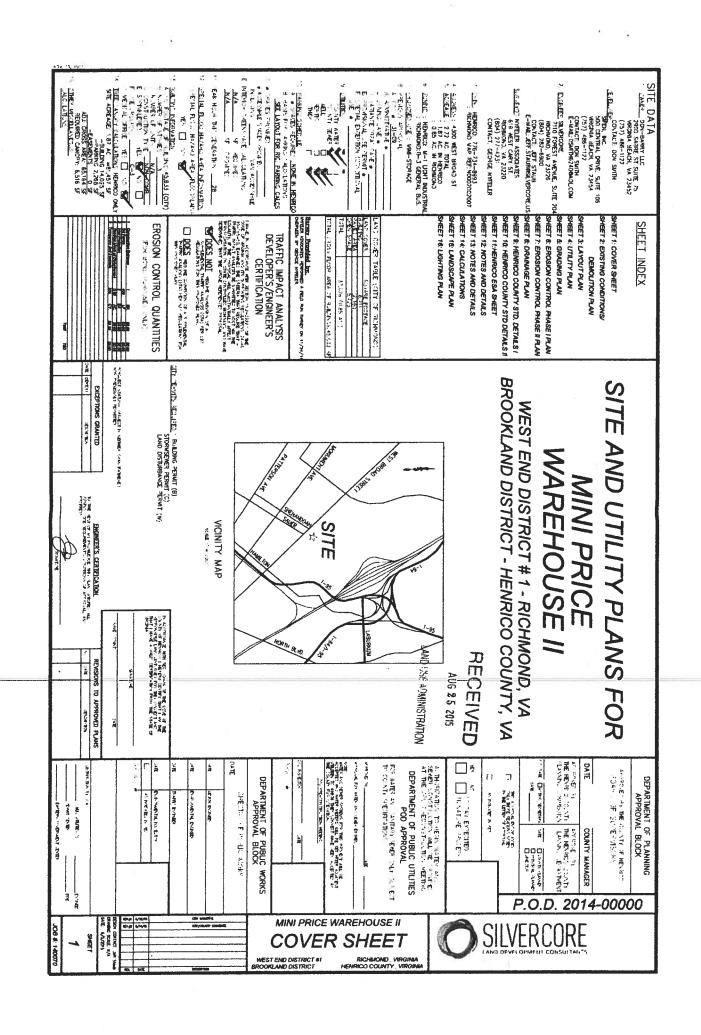
RELATIONSHIP TO EXISTING ORD. OR RES.: None.

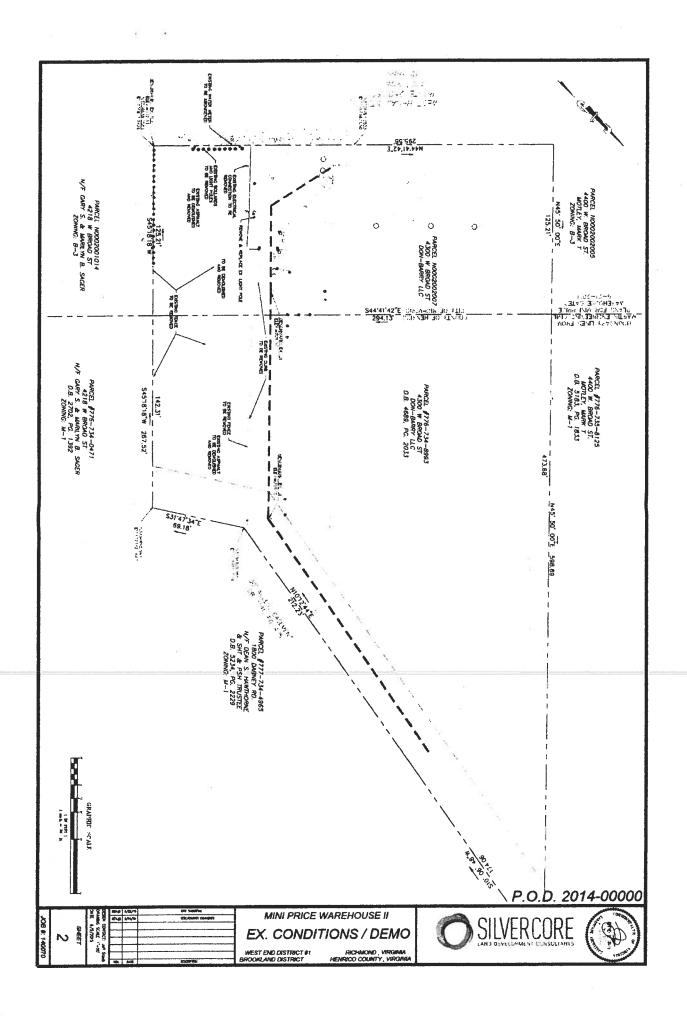
REQUIRED CHANGES TO WORK PROGRAM(S): None.

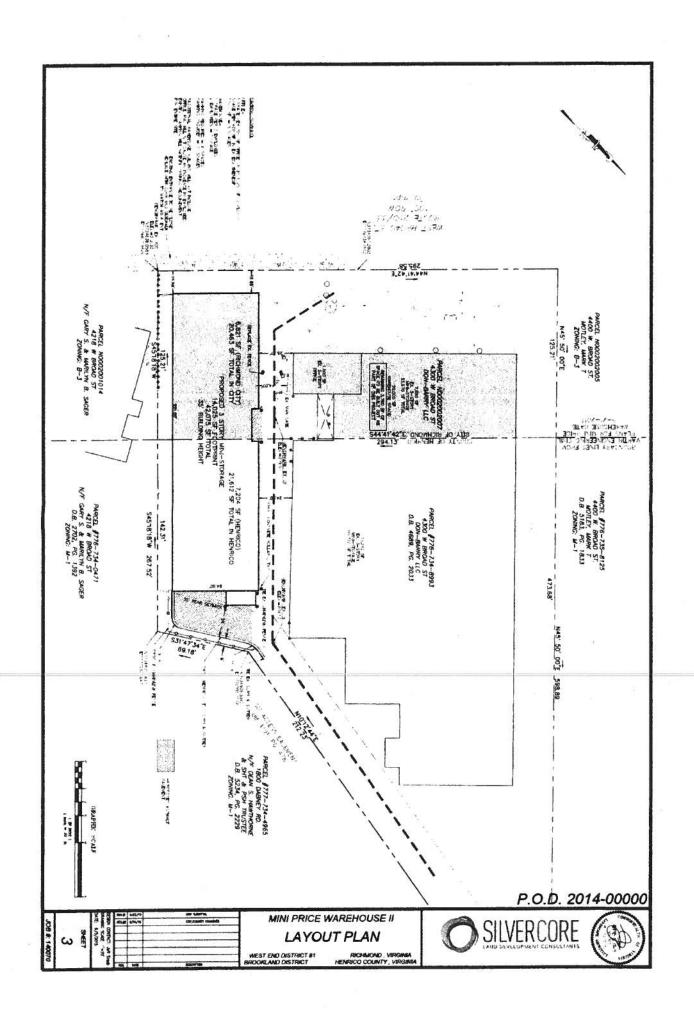
ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Plans & Survey

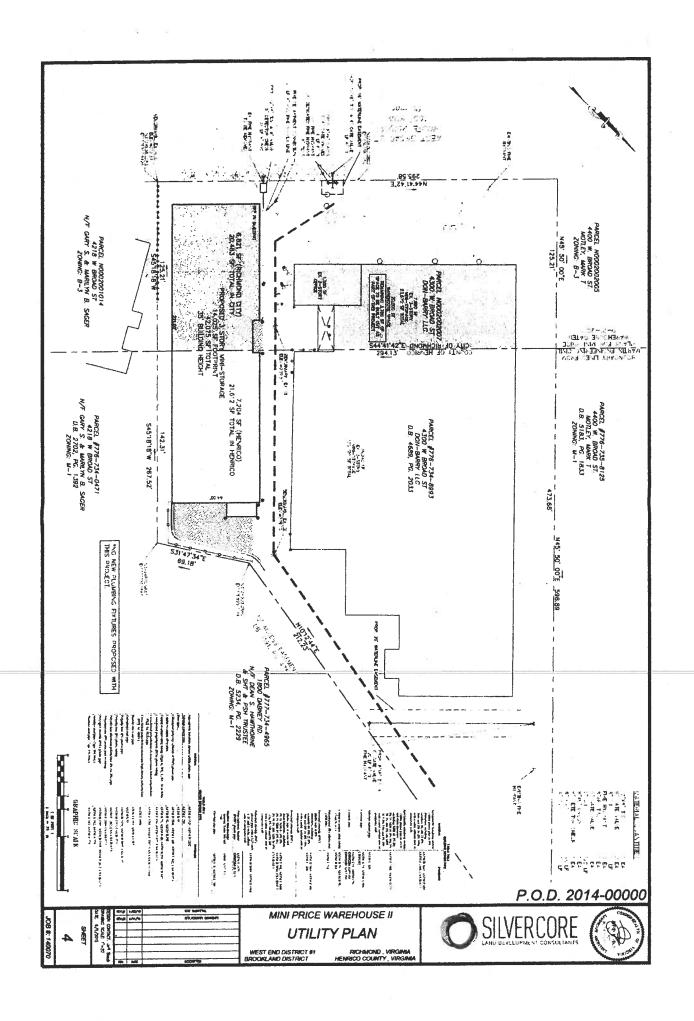
STAFF: Matthew J. Ebinger, AICP, Senior Planner Land Use Administration (Room 511) 646-6308

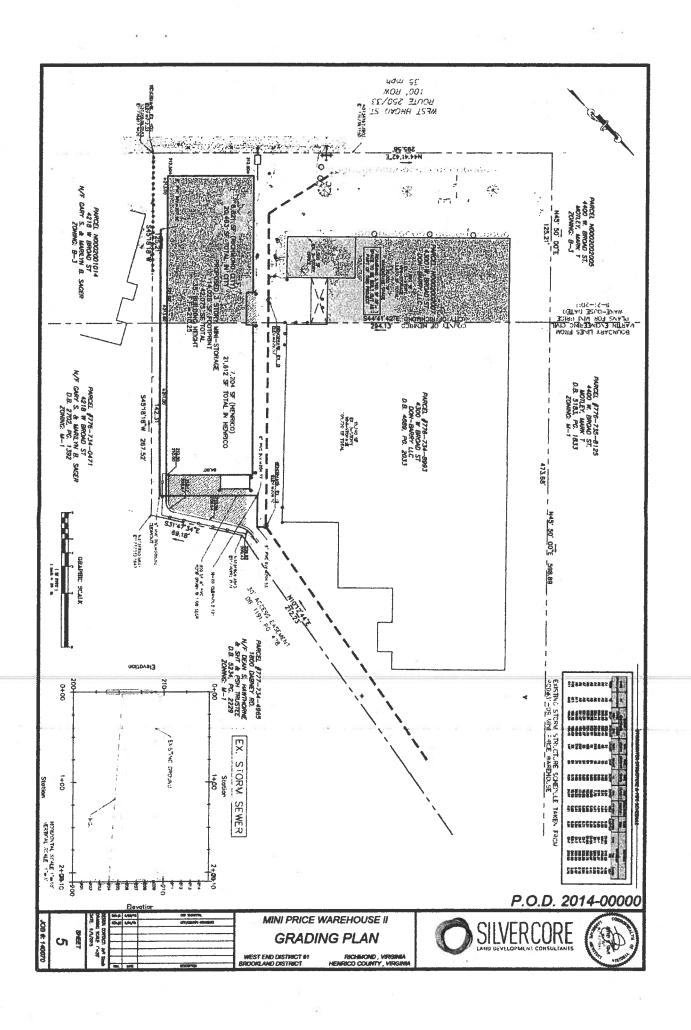
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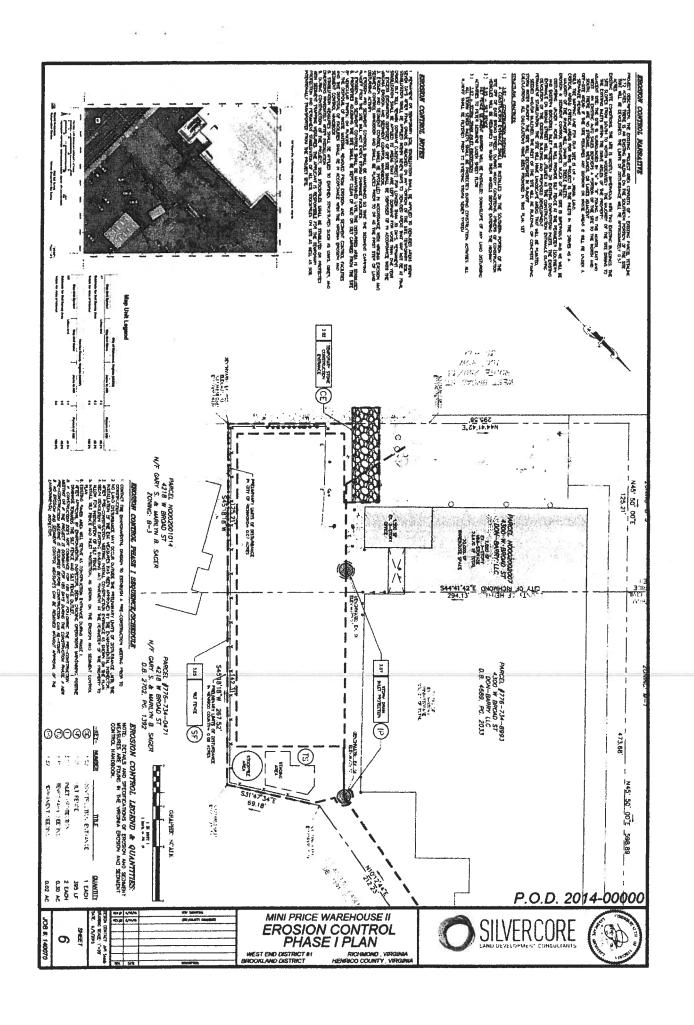


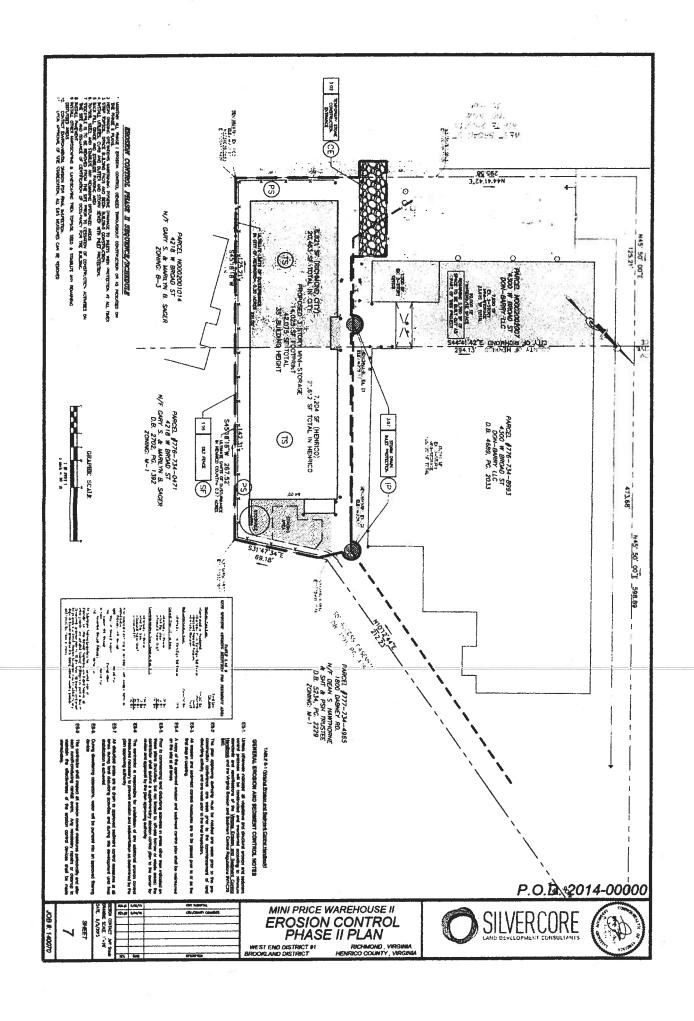


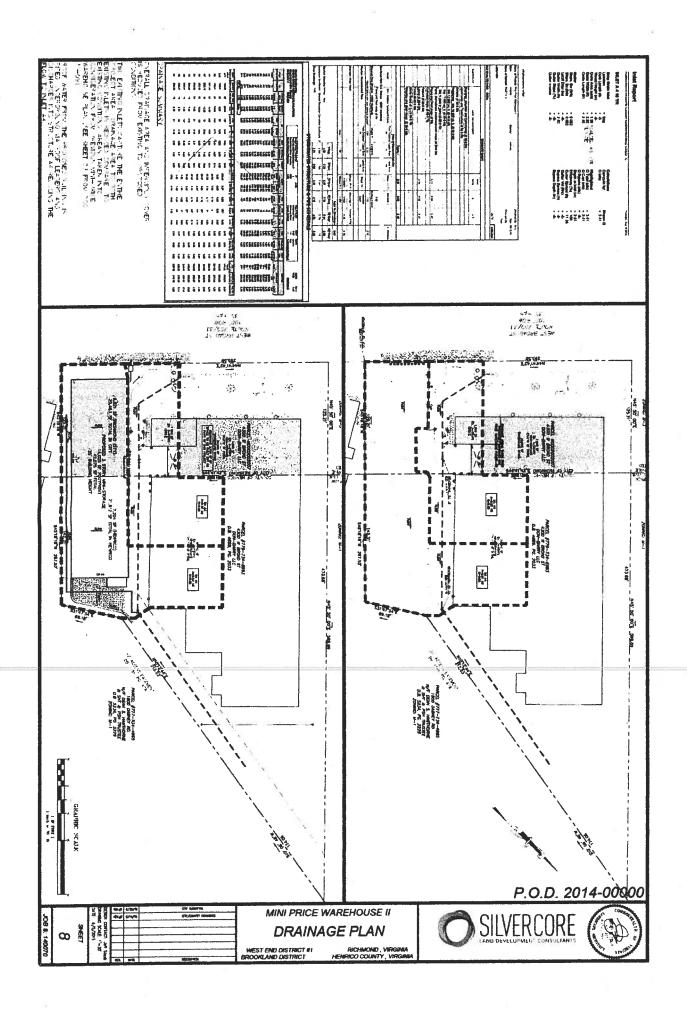


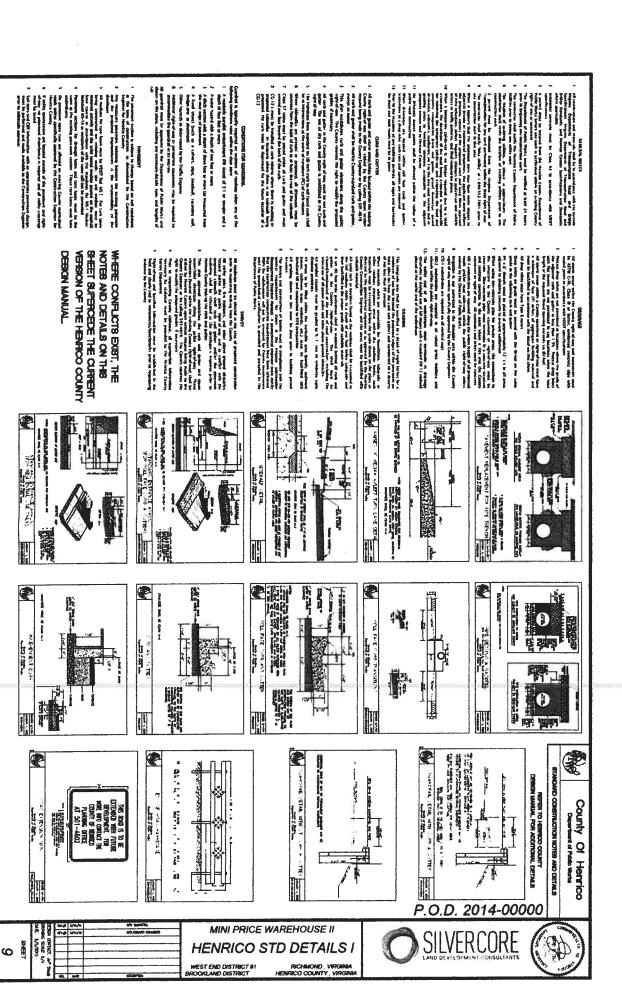


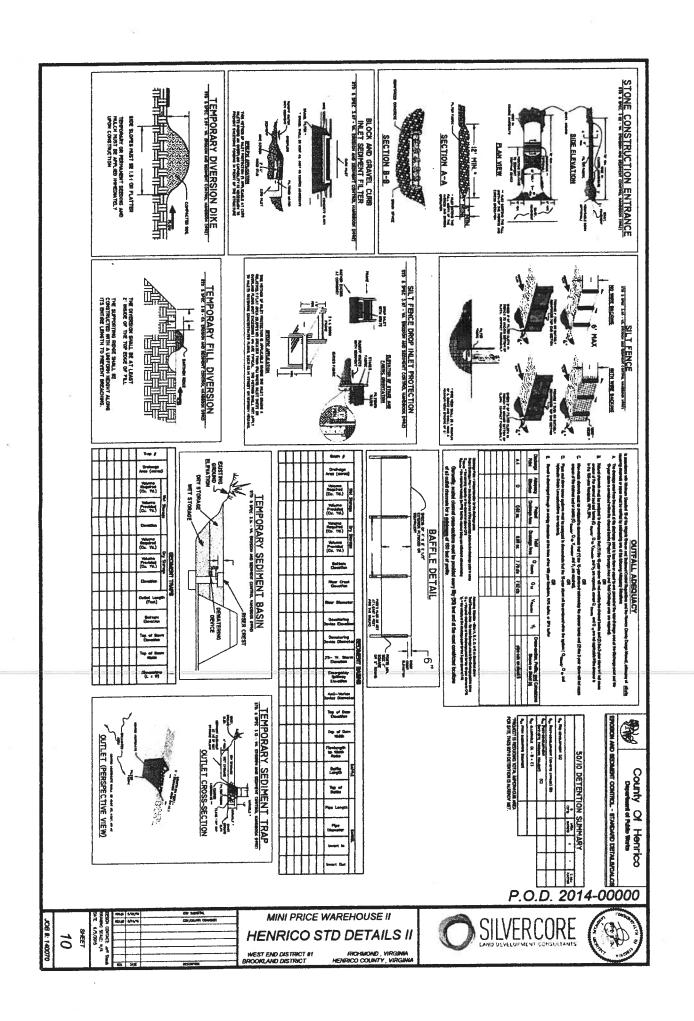












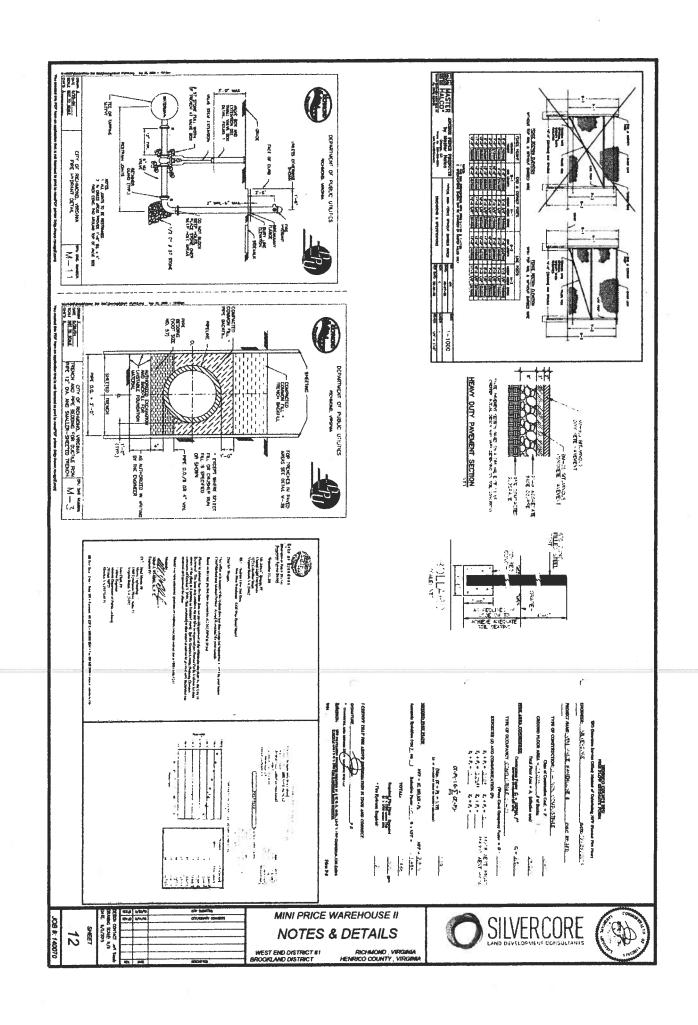
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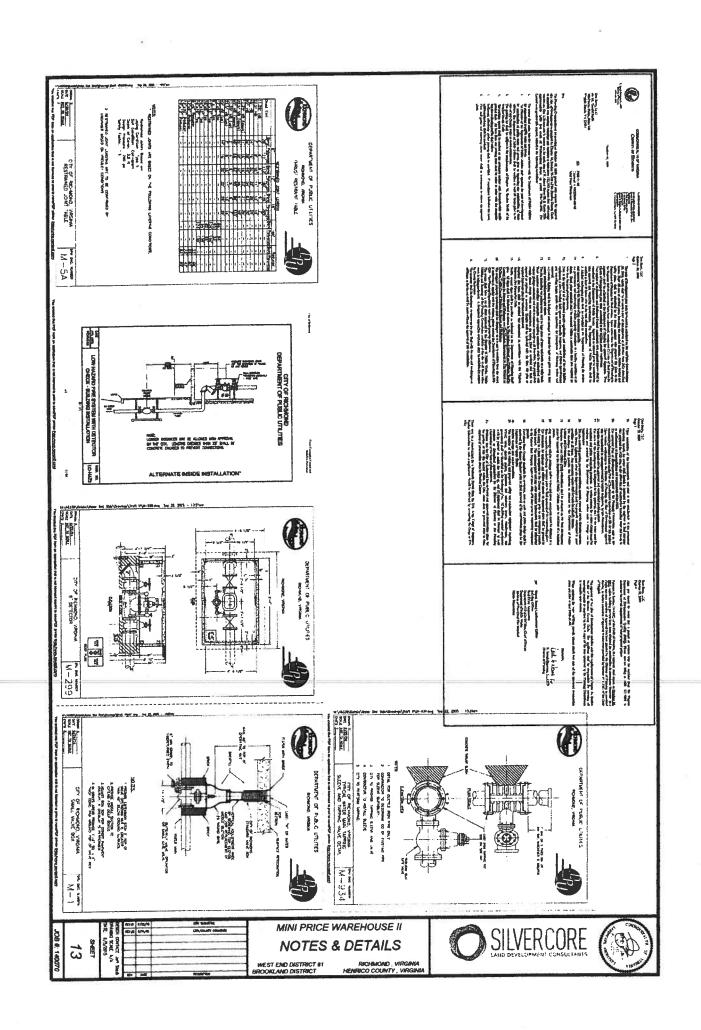
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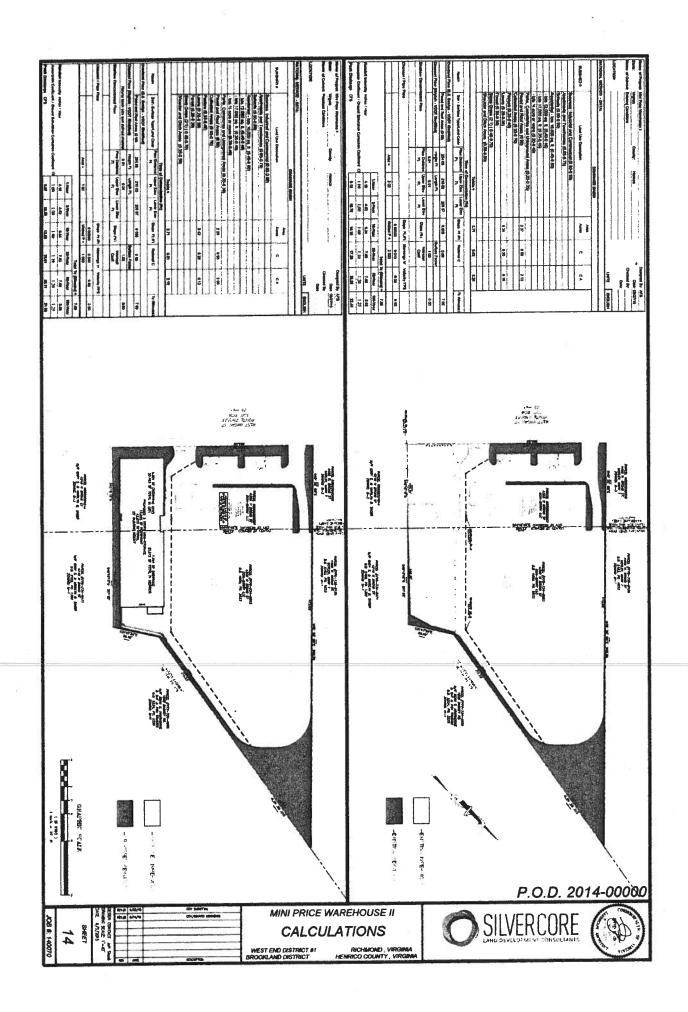
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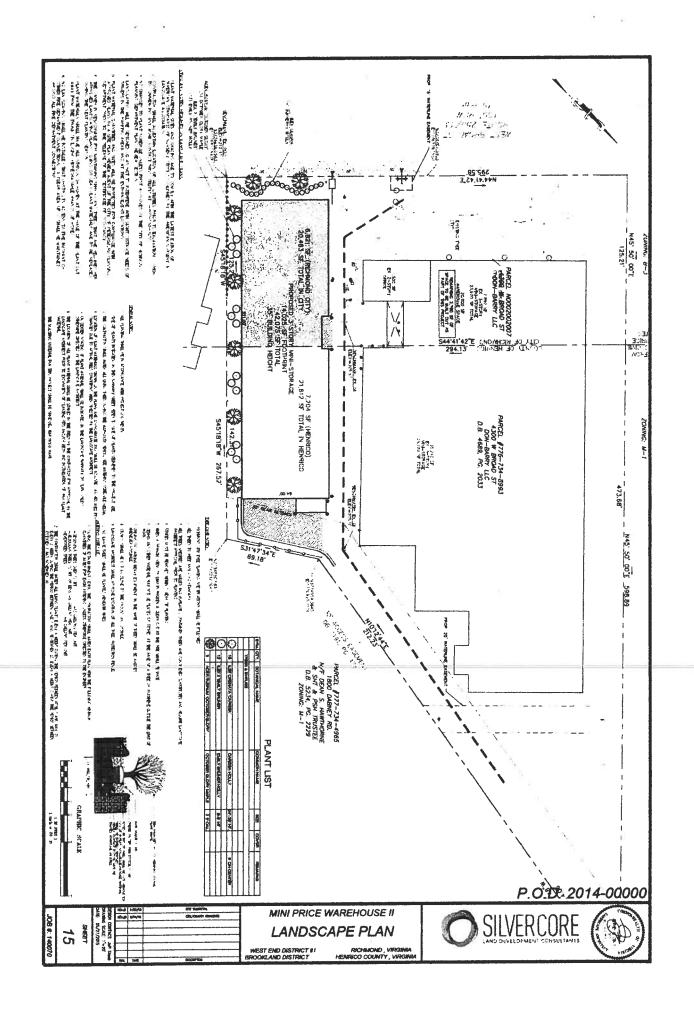
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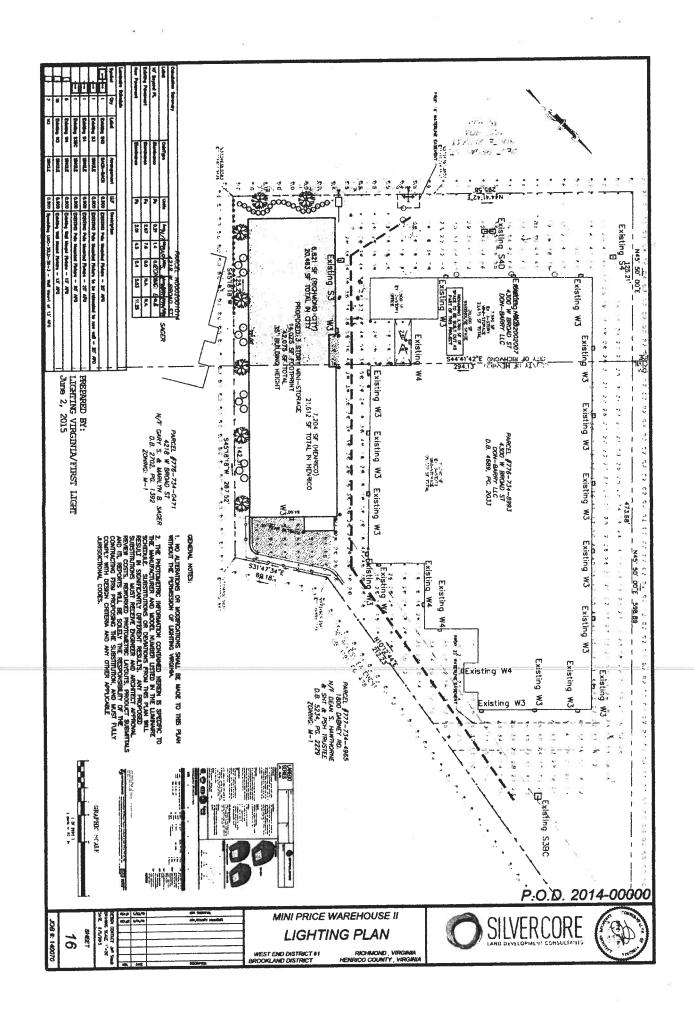
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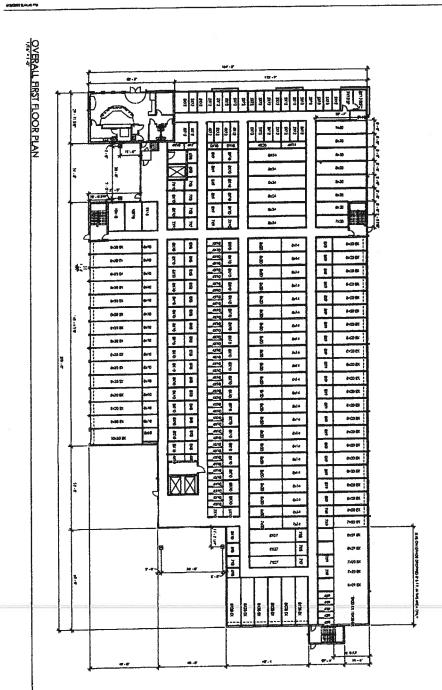


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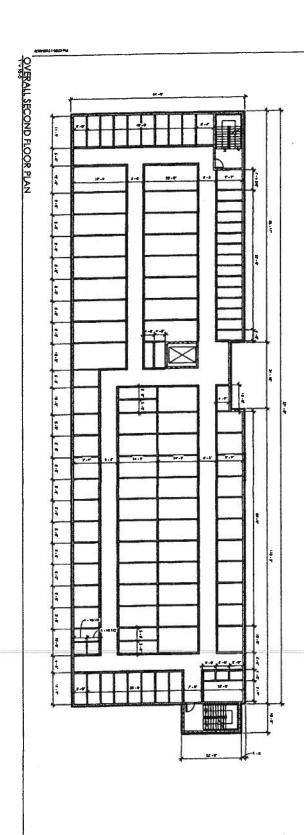
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BUILDING 2 FOR
MINI-PRICE WAREHOUSE
WEST BROAD STREET RICHMOND, VIRGINIA



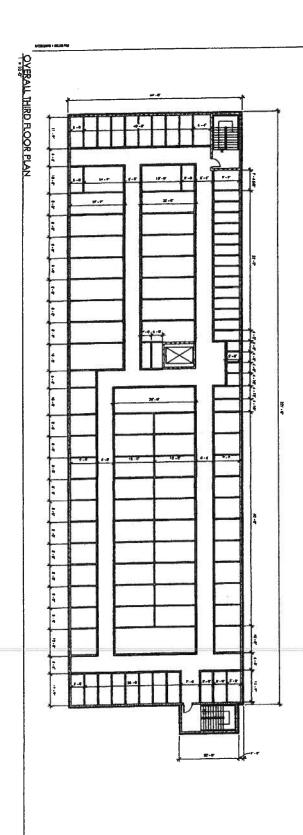
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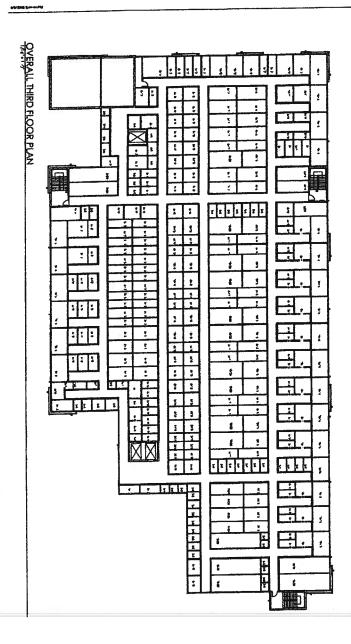


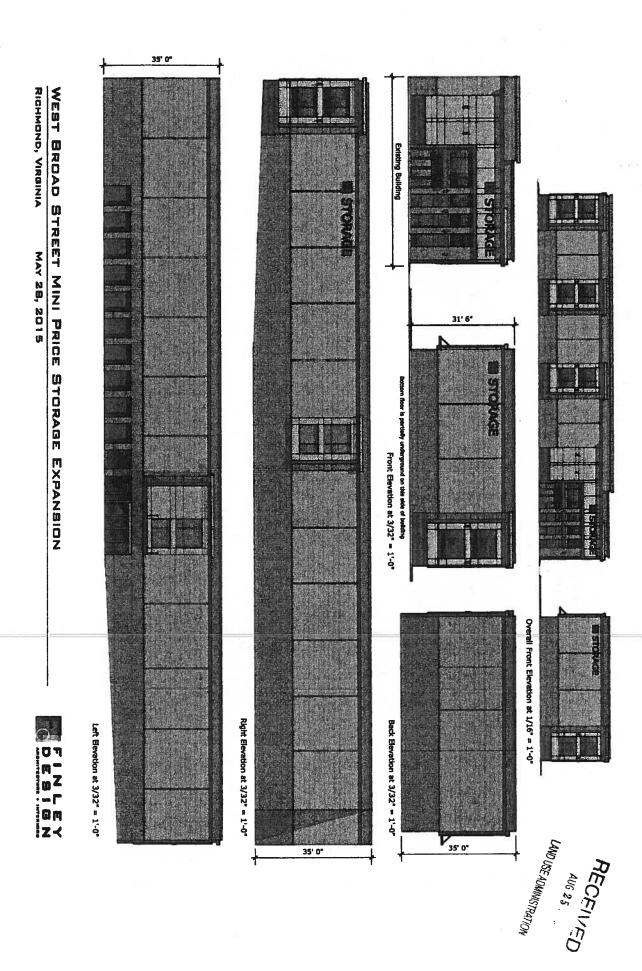
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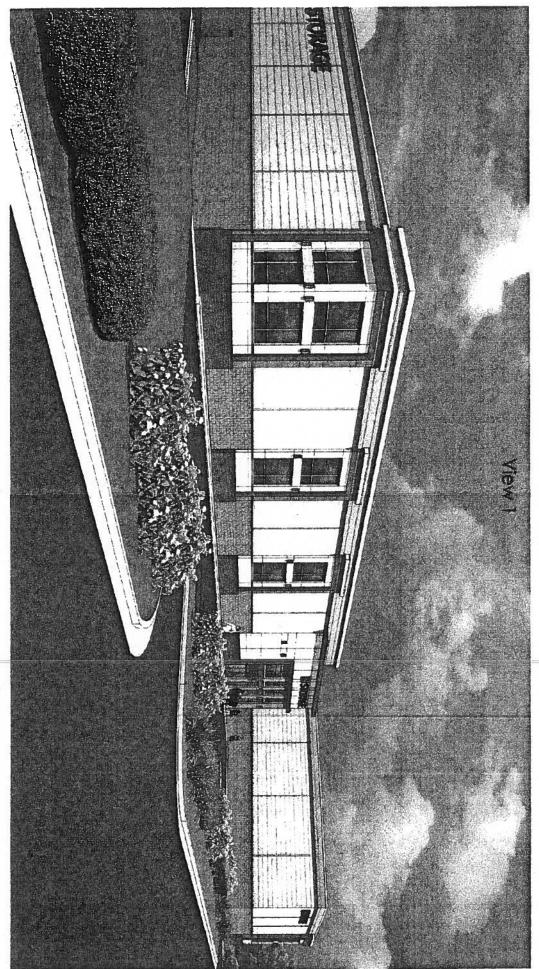
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WEST BROAD STREET RICHMOND, VIRGINIA







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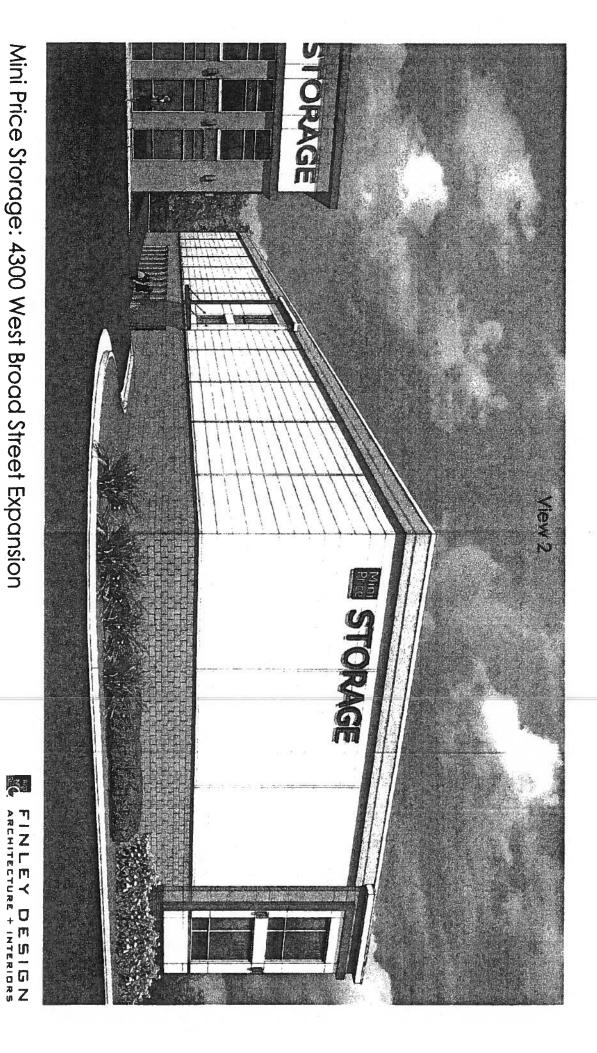
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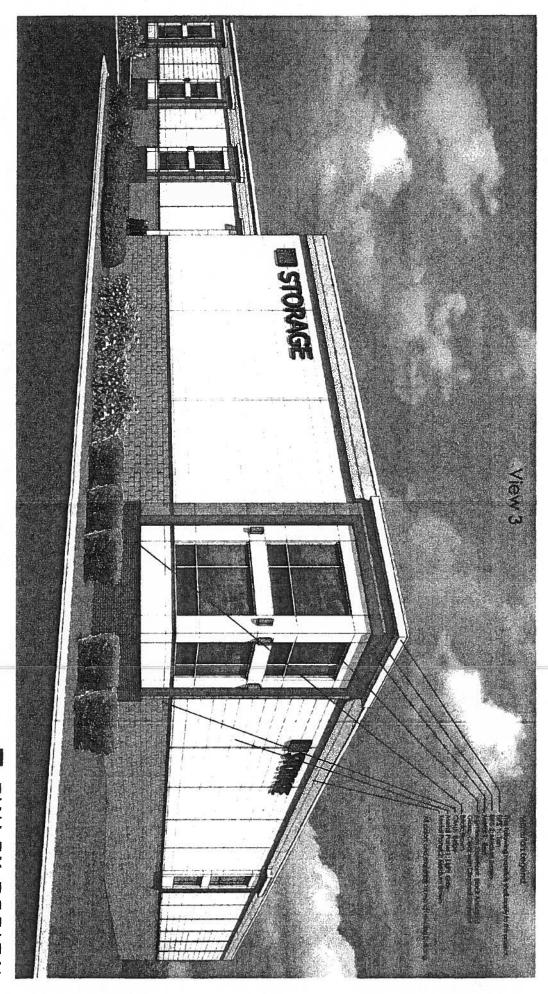
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Mini Price Storage: 4300 West Broad Street Expansion

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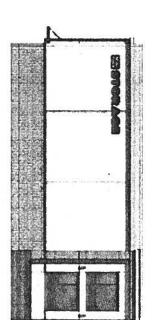
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SIGN A: CHANNEL LED LETTERS ON RACEWAY



FRONT ELEVATION

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nor Approval

