INTRODUCED: February 25, 2019

AN ORDINANCE No. 2019-039

To authorize the special use of the property known as 6807 Midlothian Turnpike for the purpose of permitting certain signs, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: MAR 25 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 6807 Midlothian Turnpike which is situated in a B-3 General Business District, desires to use such property for the purpose of including certain signs, including three monument-type signs and three building-mounted signs, which use, among other things, is not currently allowed by section 30-515, concerning sign regulations for the B-3 General 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 (2018), 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:	
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ADOPTED:	MAR 25 2019	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 6807 Midlothian Turnpike and identified as Tax Parcel No. C007-0124/018 in the 2019 records of the City Assessor, being more particularly described on a survey entitled "Colonial Downs Group, LLC., Site Plan Amendment Drawings, Parking Revisions, Midlothian Turnpike Site, City of Richmond, Virginia, Layout Plan 2," prepared by Resource International, and dated September 21, 2018, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of permitting certain signs, including three monument-type signs and three buildingmounted signs, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Richmond Midlothian OTB, 6807 Midlothian Turnpike, Richmond VA, 23225," prepared by Populous, dated September 21, 2018, and last revised January 29, 2019, 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 to allow signs, substantially as 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) No part of any sign shall exceed 35 feet in height above ground level.
- (c) 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 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

Item Request

File Number: PRE.2018.497

Office of the Chief Administrative Officer

O & R Request

DATE:

January 29, 2019

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: Selena Cuffee Glenn, Chief Administrative Officer-

THROUGH: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic

Development and Planning

FROM:

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

RE:

To authorize the special use of the property known as 6807 Midlothian Tumpike for the

purpose of permitting certain signs, upon certain terms and conditions.

ORD, OR RES, No.

PURPOSE: To authorize the special use of the property known as 6807 Midlothian Turnpike for the purpose of permitting certain signs, upon certain terms and conditions.

REASON: The applicant has proposed to install one freestanding sign and 15 wall signs for the new Colonial Downs off-track betting parlor, restaurant and bar. The proposed signage would exceed the maximum aggregate area permitted by the Zoning Ordinance. A special use permit is therefore required.

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 March 18, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property, known as 6807 Midlothian Turnpike, is 13.81 acres in size and is the former location of a Super K-Mart. The subject property is near the city line with Chesterfield County and is located in the Midlothian neighborhood of the Midlothian planning district.

The Master Plan designates the area in which the subject property is located as an Economic Opportunity Area. The Master Plan states these areas are "site-specific areas identified in a District Plan as appropriate for a range of general office, corporate office, retail, general commercial, service, or light industrial uses...This category identifies areas or large sites appropriate for new development or redevelopment that will generate significant private investment and employment opportunities. (p. 135).

The subject property is located in the B-3 General Business District, as are all surrounding properties. A number of commercial uses and vacant properties are present in the vicinity.

FISCAL IMPACT: The Department of Planning and Development Review 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.

BUDGET AMENDMENT NECESSARY: None.

REVENUE TO CITY: \$300 application fee.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: February 25, 2019

CITY COUNCIL PUBLIC HEARING DATE: March 25, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, March 18, 2019.

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: Application Form, Applicant's Report, Plans, Map, Draft Ordinance

STAFF: David Watson, Senior Planner, Land Use Administration 804-646-1036



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.richmondoov.com/

special use permit, new		
special use permit, plan amendment		
special use permit, text only amendment		
Project Name/Location		
Property Address: 6807 MIDLOTHIAN TURNPIKE, RICHMOND, VA 23225		Date <u>: 10/4/18</u>
Tax Map #: C0070124018 Fee: \$300.00		_
Total area of affected site in acres: 16		_
(See page 6 for fee schedule, please make check payable to the "City of	Richmond")	
Zoning		
Current Zoning: 8-3 BUSINESS		
Existing Use: RETAIL - CURRENTLY VACANT		
	1.5	
Proposed Use		
(Please include a detailed description of the proposed use in the required a	applicant's report)	
RECREATION-		
Existing Use: RETAIL - CURRENTLY VACANT		
Is this property subject to any previous land use cases?		
Yes No		
√ If Yes, please list the Ordinance Number:		
If Yes, please list the Ordinance Number:		<u> </u>
Applicant/Contact Person: MICHAEL LOVE		
Applicant/Contact Person: MICHAEL LOVE Company: CK BOSWORTH		
Applicant/Contact Person: MICHAEL LOVE Company: CK BOSWORTH Mailing Address: 1500 HUGUENOT RD, SUITE 101	State VA	710123449
Applicant/Contact Person: MICHAEL LOVE Company: CK BOSWORTH Mailing Address: 1500 HUGUENOT RD, SUITE 101 City: MIDLOTHIAN	State: VA	Zip Code: 23113
Applicant/Contact Person: MICHAEL LOVE Company: CK BOSWORTH Mailing Address: 1500 HUGUENOT RD, SUITE 101 City: MIDLOTHIAN Telephone: _(804) 836-2557	State: <u>VA</u> Fax: <u>(888</u>	Zip Code: 23113) 248-2250
Applicant/Contact Person: MICHAEL LOVE Company: CK BOSWORTH Mailing Address: 1500 HUGUENOT RD, SUITE 101 City: MIDLOTHIAN		
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NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits) SUP-Application | (East:Revised September 7/2018 | CITY OF RICHMOND



Colonial Downs Group, Ilc 200 South 10th Street, Suite 1020 Richmond, Virginia 23219

Colonial Downs Racetrack 10515 Colonial Downs Parkway . New Kent, Virginia 23140

October 19, 2018

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

RE: 6807 Midlothian Turnpike - Exterior Signs Special Use permit applicant report

Please find the attached Special Use Permit Application that is being submitted to request approval of the signage that will exceed the Richmond City Ordinance requirements.

The set back of the building from Midlothian Turnpike and the size of the facility have determined the sign layout as shown on the submitted drawings.

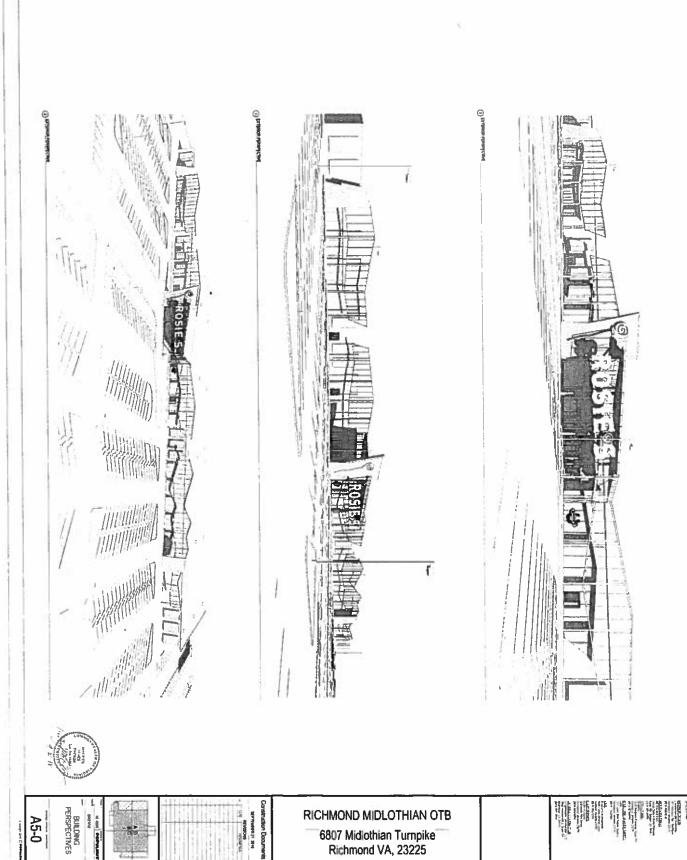
We are requesting the approval of this application for this modification.

Sincerely,

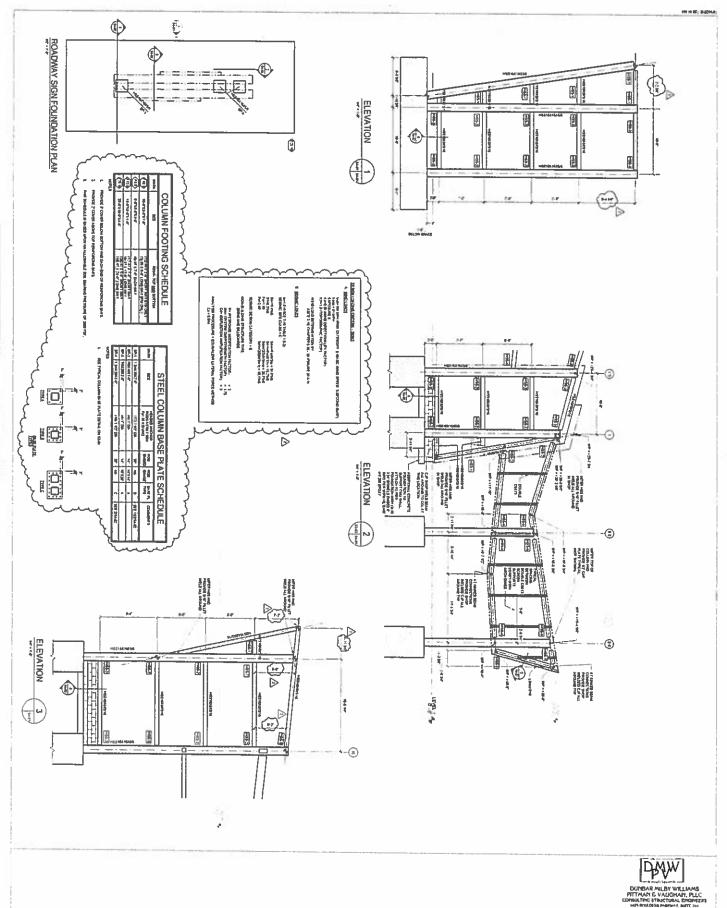
Stefah Huba

Chief Development Office Colonial Downs Group IIc

P. (630)359-1823



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Construction Documents

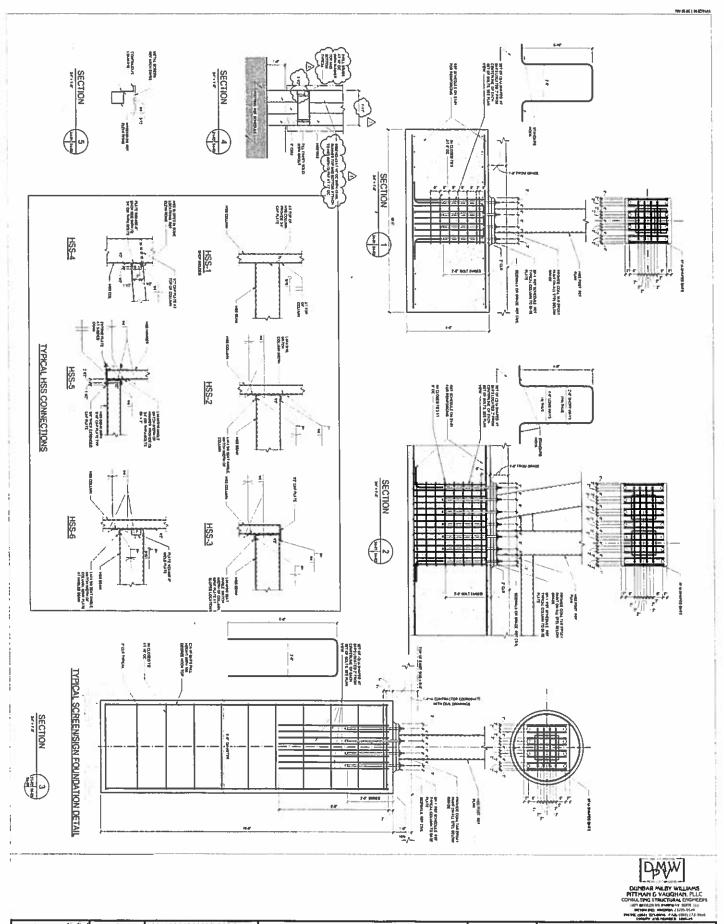
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Appropria SIGN PLANS AND ELEVATIONS \$4-01

RICHMOND MIDLOTHIAN OTB 6807 Midlothian Turnpike Richmond, VA, 23225







RICHMOND MIDLOTHIAN OTB
6807 Midlothian Turnpike
Richmond, VA, 23225

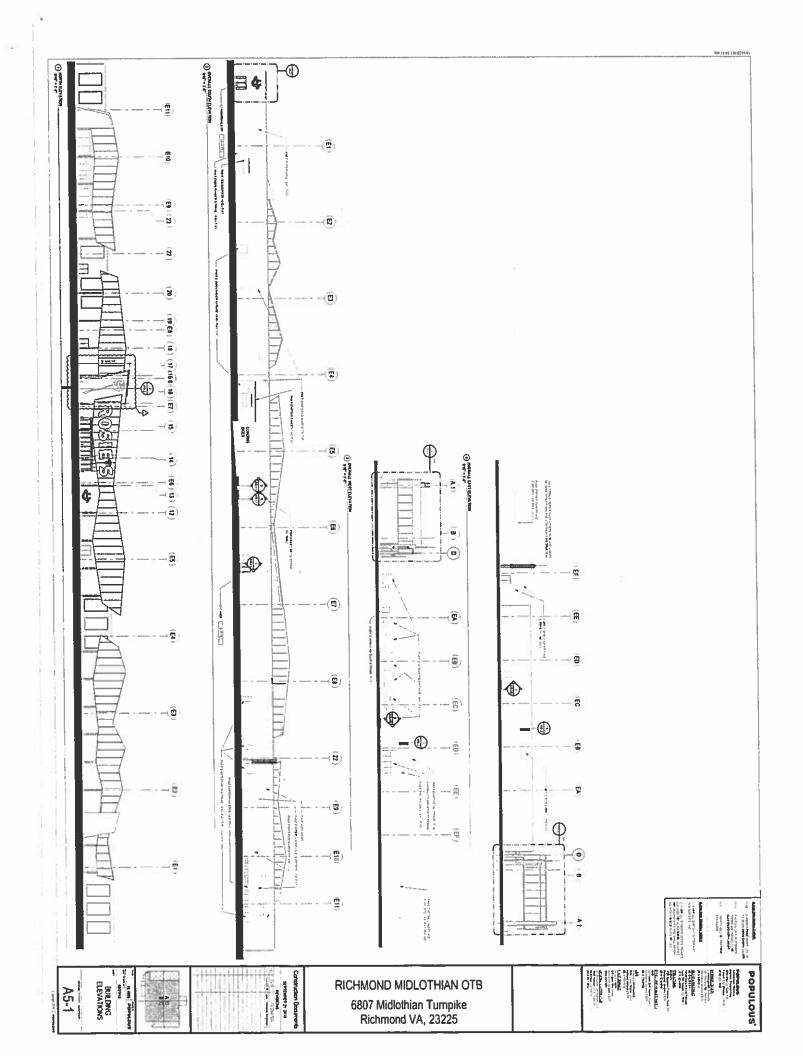
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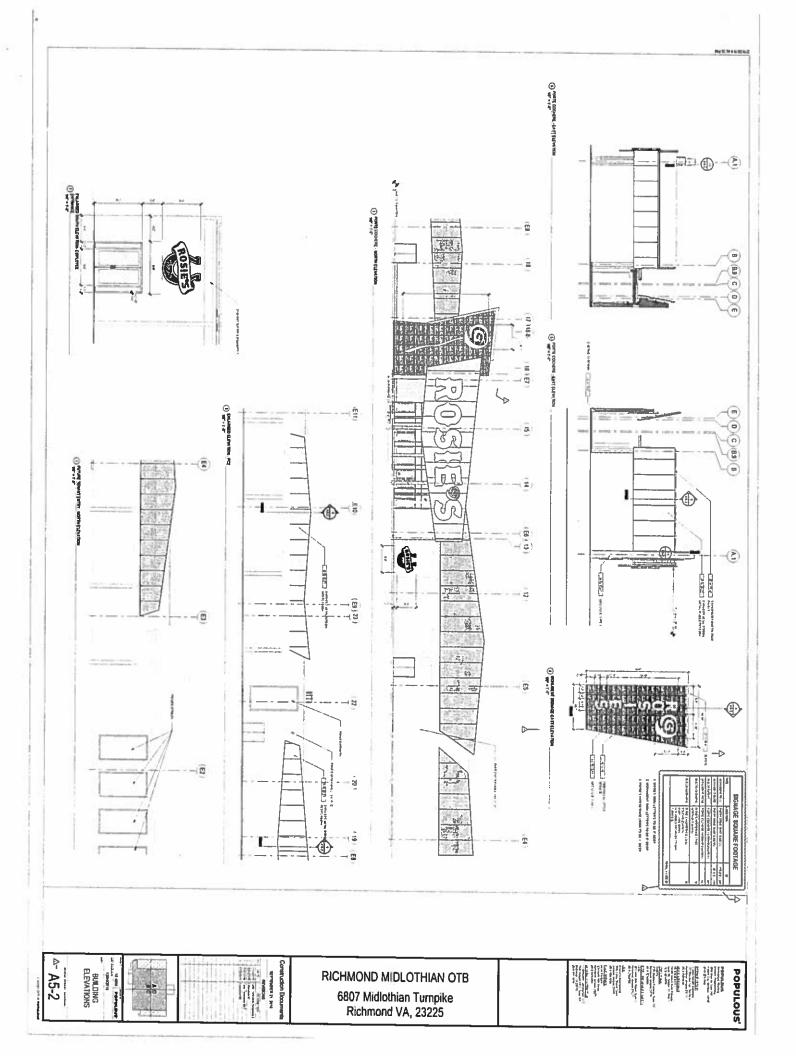
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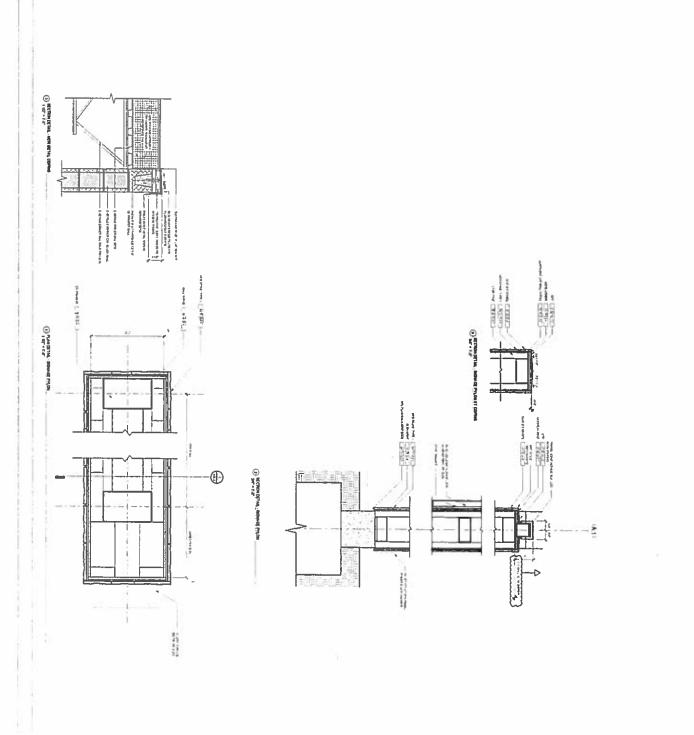
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RICHMOND MIDLOTHIAN OTB 6807 Midlothian Turnpike Richmond VA, 23225



