

INTRODUCED: April 8, 2019

AN ORDINANCE No. 2019-111

To authorize the special use of the property known as 1501 Jefferson Davis Highway for the purpose of accessory parking and outdoor storage, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 13 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 1501 Jefferson Davis Highway, which is situated partially in a M-1 Light Industrial District and partially in a R-5 Single-Family Residential District, desires to use the portion of such property situated in a R-5 Single-Family Residential District for the purpose of accessory parking and outdoor storage, which use, among other things, is not currently allowed by section 30-410.1 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: _____

ADOPTED: MAY 13 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 1501 Jefferson Davis Highway and identified as Tax Parcel No. S007-1226/001 in the 2019 records of the City Assessor, being more particularly described on a survey entitled “Exhibit of 3.25 Acres of Land Known as 1501 Jefferson Davis Highway, City of Richmond, Virginia,” prepared by Halder Surveys, P.C., dated September 25, 2018, and last revised January 8, 2019, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of accessory parking and outdoor storage, substantially as shown on the plans entitled “Exhibit of 3.25 Acres of Land Known as 1501 Jefferson Davis Highway, City of Richmond, Virginia,” prepared by Halder Surveys, P.C., dated September 25, 2018, and last revised January 8, 2019, with modifications drawn by Bill Burton, dated January 10, 2019, and the plans entitled “Home Depot Web Site, 3/5/19, Barrette Model #73000473, Wood Pressure Treated 4” Dog Ear Fence,” prepared by an unknown preparer, and dated March 5, 2019, hereinafter collectively 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 parking and outdoor storage accessory to the principal use of the Property, substantially as shown on the Plans. Uses permitted in the underlying zoning district shall be permitted in the portion of the Property situated within the M-1 Light Industrial District.

(b) Opaque fencing no less than six feet in height shall be constructed on the Property, substantially as shown on the Plans.

(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.2019.031

O & R REQUEST

4-8672
MAR 19 2019

Office of the
Chief Administrative Officer

O & R Request

RECEIVED

EDITION: 1
MAR 29 2019

OFFICE OF CITY ATTORNEY

DATE: March 12, 2019

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This is 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 1501 Jefferson Davis Highway, for the
purpose of allowing accessory parking and outdoor storage, upon certain terms and
conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 1501 Jefferson Davis Highway, for the
purpose of allowing accessory parking and outdoor storage, upon certain terms and conditions.

REASON: The applicant has proposed to use a portion of 1501 Jefferson Davis Highway for accessory
parking and storage of commercial equipment. A portion of the property is subject to the current R-5
Single-Family Residential zoning district regulations which do not permit the proposed accessory uses. For
this reason, a Special Use Permit is 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 May 6, 2019, meeting. A
letter outlining the Commission's recommendation will be forwarded to City Council following that
meeting.

BACKGROUND: The property known as 1501 Jefferson Davis Highway consists of a 139,077 sq. ft. (3.2 acre) parcel of land currently improved with a 1-story building totaling approximately 20,766 sq. ft. of commercial space as well as a parking and outdoor storage area that occupies a large portion of the rear of the property. The parcel is zoned M-1 - Light Industrial along the Jefferson Davis Highway frontage and is zoned R-5 - Single-Family Residential to the rear along the parcel's Columbia Street frontage. The applicant wishes to authorize the parking and outdoor storage use of the R-5 portion of the property.

The City of Richmond's current Master Plan designates a future land use category for the subject properties as Single-Family Low Density. Primary uses for this category include "...single-family detached dwellings at densities up to seven units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-1, R-2, R-3, R-4, and R-5." (City of Richmond Master Plan)

The property is entirely within a Chesapeake Bay Resource Management Area protecting Albro Creek which feeds into the James River.

The subject property and properties to the west across Jefferson Davis Highway are located in the M-1 District. Properties to the north and south of the subject property along Jefferson Davis Highway are located in the B-3 General Business District. Properties to the north, east and south of the subject property along Columbia Street are located in the R-5 - Single-Family Residential District. A mix of industrial, commercial, vacant, and residential land uses are present in the vicinity.

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: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: April 8, 2019

CITY COUNCIL PUBLIC HEARING DATE: May 13 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
May 6, 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, Draft Ordinance, Plans, Survey, Map

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646-5734



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.richmond.gov/>

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: 1501 JEFFERSON DAVIS HWY. Date: 11/27/18
Tax Map #: S0071226001 Fee: \$2400.-
Total area of affected site in acres: 3.25

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

Zoning

Current Zoning: M-1 (FRONT PART) R-5 (BACK PART) SEE SURVEY PLAT

Existing Use: GRAVEL LOT - VACANT

Proposed Use

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

PARKING & STORAGE
Existing Use: GRAVEL LOT - VACANT

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: WILLIAM S. BURTON
Company: _____
Mailing Address: 5116 BELMONT PARK ROAD
City: GLEN ALLEN State: VA Zip Code: 23059
Telephone: (804) 370-7140 Fax: (804) 303-5262
Email: WSBURTON@COMCAST.NET

Property Owner: 1501 JEFF DAVIS LLC
If Business Entity, name and title of authorized signee: WAYNE R. KIDD, MEMBER 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: 3051 EASTBURY LANE (ATTN: KIM KIDD)
City: CHARLES CITY State: VA Zip Code: 23030
Telephone: (804) 356-4707 Fax: (804) 829-2187
Email: KIDD.RVA@gmail.com

Property Owner Signature: Wayne R. Kidd, MEMBER LLC
WAYNE R. KIDD

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)

Applicant's Report Special Use Permit

1501 Jefferson Davis Hwy

11/20/18

This application concerns a 3.25 acre parcel known as 1501 Jefferson Davis Highway and the parcel is zoned M-1 in the front part on Jefferson Davis Highway and is zoned R-5 in the rear which fronts on Columbia Street (see survey plat attached). The two parcels are separated by the dotted line shown on the survey plat but are "recognized as one separate parcel of land under the subdivision ordinance of the City and may be conveyed, leased, or mortgaged as one separate parcel" in the zoning confirmation letter dated March 9, 2018 from William C. Davidson, Zoning Administrator to the current owner.

This request for a special use permit is only for the area shown on the attached Site Plan as "Storage and Parking Area" bordering 247 feet on Columbia St. and extending back to the dotted line approximately 150 feet on each side. The existing chain link fence will be removed from the 247 feet on Columbia Street and on the south edge of the property from Columbia Street to Jefferson Davis Hwy., and a six foot high gray opaque privacy fence or equivalent will be erected to replace the removed fence, as shown on the attached Site Plan (picture of fence attached with reference to color picture on internet). Except for where the new fence will be constructed to replace the existing fence, the existing fence will remain in place as shown on the site plan.

No ingress/egress shall be allowed from Columbia St. so there will be no increase of vehicular traffic on Jefferson Davis Highway or Columbia Street. The use of the area shall be for parking and for storage only of appropriate non-hazardous material consistent with what businesses are allowed to store in M-1 zoning. The use will be compatible with the surrounding area and be appropriate for the site and will be consistent with the City Charter.

Specifically the proposed special use will not:

- a. Be detrimental to the safety, health, morals and general welfare of the community involved. Only parking and storage will be permitted.
- b. Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved. No additional traffic will be created.
- c. Create hazards from fire, panic or other dangers. No hazardous materials will be on the site.
- d. Tend to cause overcrowding of land and an undue concentration of population. Only parking and storage will be permitted.
- e. Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements. Only parking and storage will be permitted. or;

f. Interfere with adequate light or air. Only parking and storage will be permitted.

DRAWN BY B. C. BURTON
 11/10/19
 EXISTING FENCE (WILL REMAIN)
 PRIVACY FENCE ||||||| (NEW)

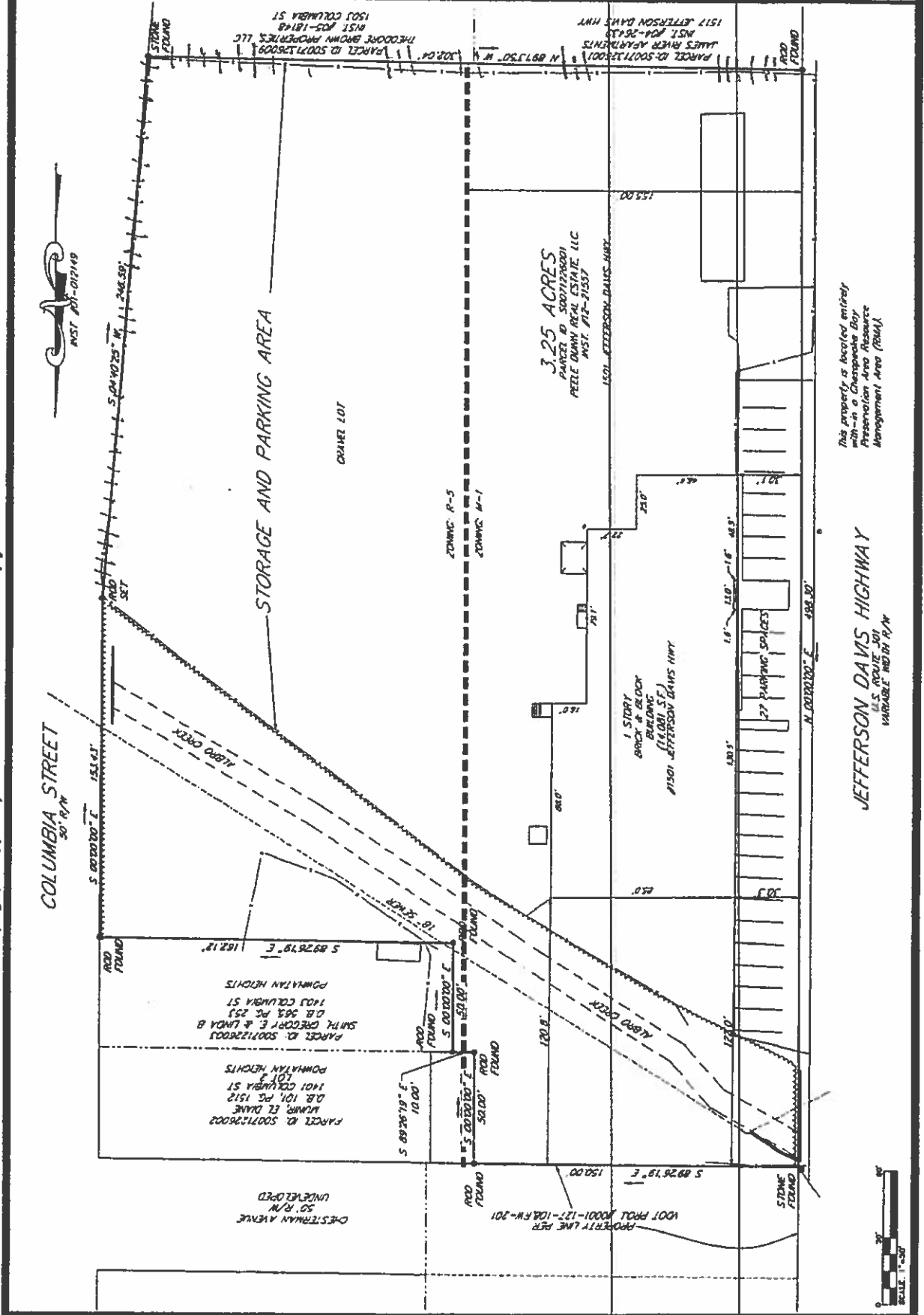


HALDER SURVEYS, P.C.
 10400 CHESTER ROAD
 CHESTER, VA 23831
 PHONE: 804-748-8707

EXHIBIT OF
 3.25 ACRES OF LAND
 KNOWN AS
 1501 JEFFERSON DAVIS HIGHWAY
 CITY OF RICHMOND, VIRGINIA

REVISIONS:
 DATE: 1-8-2019

DATE: 9-25-2018
 DRAWN BY: RLL
 CHECKED BY: RLL
 SCALE: 1"=30'
 SHEET: 1 OF 1



This property is located entirely within a Chesapeake Bay Preservation Area Resource Management Area (RMA).

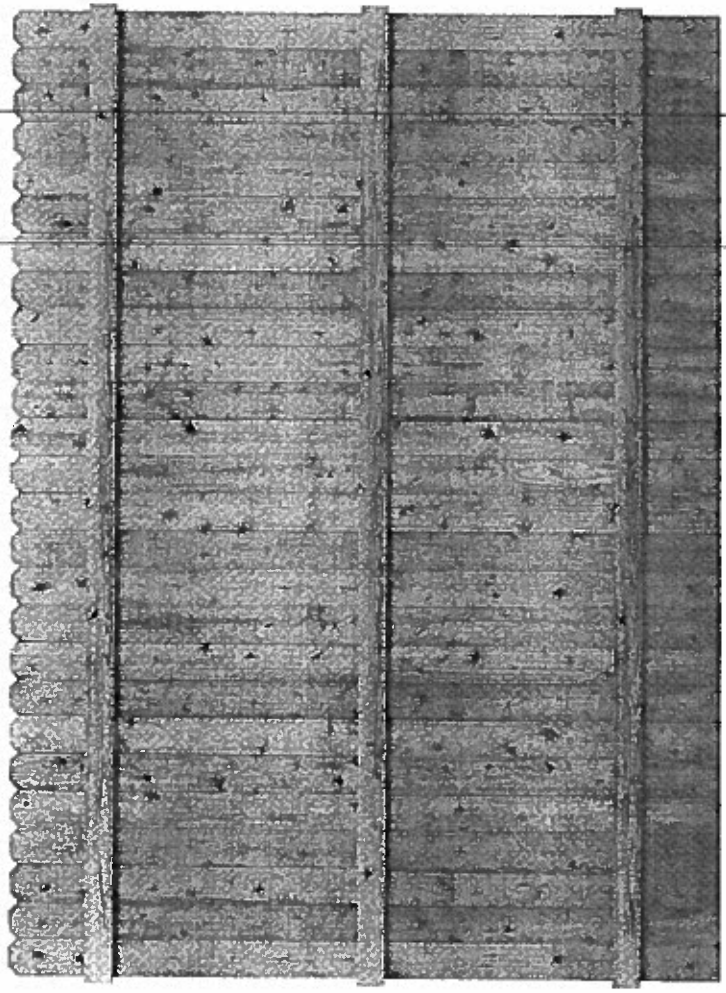
JEFFERSON DAVIS HIGHWAY
 U.S. ROUTE 301
 VARIABLE WIDTH R/W



HOME DEPOT WEB SITE

3/5/19

BARFITE MODEL #73000473
WOOD PRESURE TREATED 4" DOG EAR FENCE



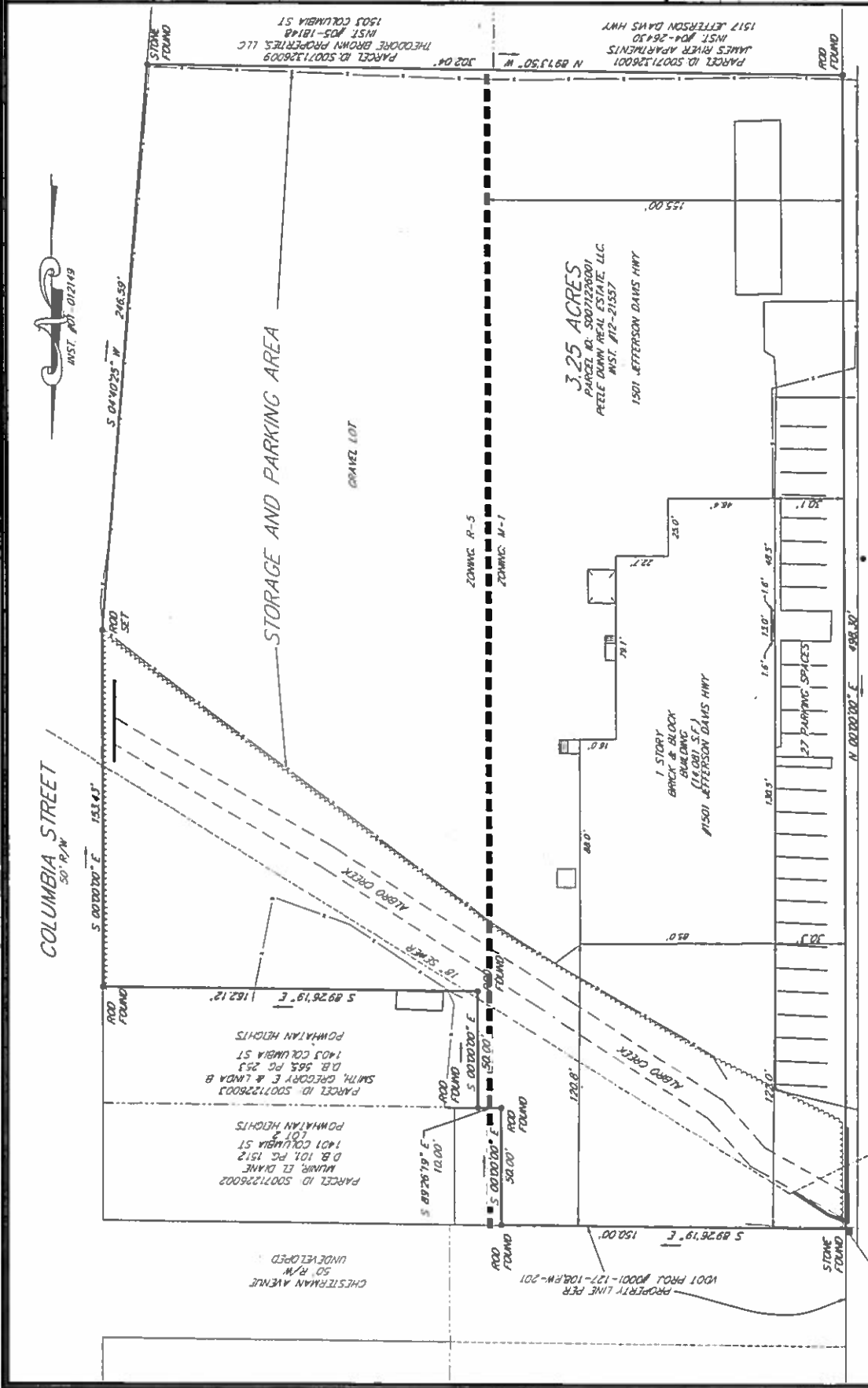


HALDER SURVEYS, P.C.
10100 CHESTER ROAD
RICHMOND, VA 23234
PHONE: 804-748-8707

EXHIBIT OF
3.25 ACRES OF LAND
KNOWN AS
JEFFERSON DAVIS HIGHWAY
CITY OF RICHMOND, VIRGINIA



DATE: 9-25-2018
DRAWN BY: RLL
CHECKED BY: RLL
SCALE: 1"=50'
SHEET 1 OF 1



This property is located entirely within a Chesapeake Bay Preservation Area Resource Management Area (RMA)

JEFFERSON DAVIS HIGHWAY
U.S. ROUTE 501
VARIABLE WIDTH R/W

A CURRENT FIELD VISIT WAS NOT BEING PERFORMED FOR THIS EXHIBIT. ALL IMPROVEMENTS SHOWN ARE AS NOTED.
THIS EXHIBIT IS SUBJECT TO ANY EASEMENTS OF RECORD AND OTHER ADJACENT FACTS WHICH A TITLE SEARCH WOULD REVEAL.





**City of Richmond
Department of Planning
& Development Review**

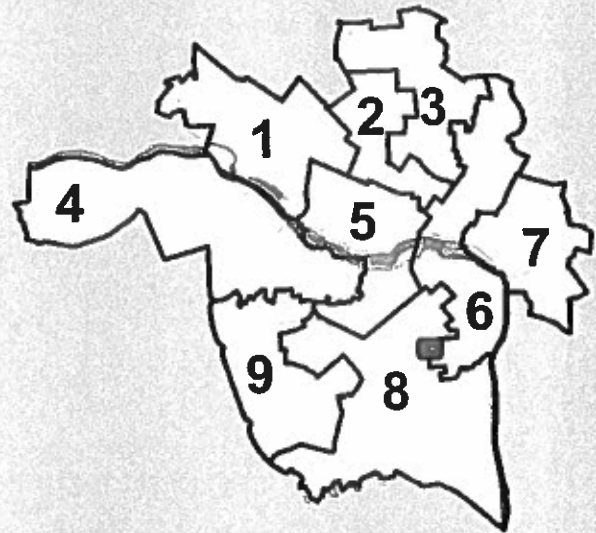
Special Use Permit

LOCATION: 1501 Jefferson Davis Highway

APPLICANT: William S. Burton

COUNCIL DISTRICT: 6

PROPOSAL: To authorize the special use of the properties known as 1501 Jefferson Davis Highway, for the purpose of allowing parking and storage of commercial equipment within a residential zone, upon certain terms and conditions.



For questions, please contact Matthew Ebinger at 646-6308 or Matthew.Ebinger@richmondgov.com

