

INTRODUCED: November 12, 2019

AN ORDINANCE No. 2019-327

To authorize the special use of the properties known as 2608 Buford Avenue, 2618 Buford Avenue, 2727 Buford Avenue, 4201 Tyrone Street, 4207 Tyrone Street, and 4208 Tyrone Street for the purpose of the storage of inoperable vehicles outside of an enclosed building, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 9 2019 AT 6 P.M.

WHEREAS, the owner of the properties known as 2608 Buford Avenue, 2618 Buford Avenue, and 2727 Buford Avenue and 4201 Tyrone Street, 4207 Tyrone Street, and 4208 Tyrone Street, which are situated in a M-1 Light Industrial District, desires to use such properties for the purpose of the storage of inoperable vehicles outside of an enclosed building, which use, among other things, is not currently allowed by section 30-452.1 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 (2019), 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: DEC 09 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 properties known as 2608 Buford Avenue, 2618 Buford Avenue, and 2727 Buford Avenue and 4201 Tyrone Street, 4207 Tyrone Street, and 4208 Tyrone Street and identified as Tax Parcel Nos. S009-0300/005, S009-0300/004, S009-0222/016, S009-0222/020, S009-0222/018, and S009-0221/001, respectively, in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “Survey and Plat of Seven Parcels of Land Being Bounded by Lancelot Avenue, Buford Avenue, Tyrone Street, and Jefferson Davis Highway, Lying in the City of Richmond, Virginia,” prepared by Edwards, Kretz, Lohr & Associates, PLLC, and dated February 11, 2019, provided as an inset on sheet SUP.1 of the plans entitled “Special Use Permit: 2608 & 2618 Buford Ave. and 4201, 4207 & 2727 Buford Ave. Richmond, VA,” prepared by Michael Pellis Architecture, and dated May 8, 2019, 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 the storage of inoperable vehicles outside of an enclosed building, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Special Use Permit: 2608 & 2618 Buford Ave. and 4201, 4207 & 2727 Buford Ave. Richmond, VA,” prepared by Michael Pellis Architecture, and dated May 8, 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 as storage for inoperable vehicles outside of an enclosed building, substantially as shown on the Plans.

(b) The Property shall be screened with fencing and landscaping, substantially as shown on the Plans.

§ 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.

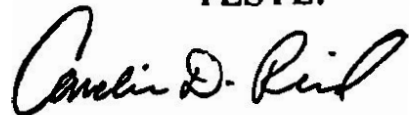
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property 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.

A TRUE COPY:

TESTE:

A handwritten signature in black ink that reads "Carlin D. Reed". The signature is written in a cursive style with a large initial 'C'.

City Clerk

City of Richmond

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

Item Request
File Number: PRE.2019.360

Received

RECEIVED

NOV 06 2019

OFFICE OF THE CITY ATTORNEY

OCT 15 2019

Office of the
Chief Administrative Officer

4-9288

O & R Request

DATE: October 14, 2019

EDITION: 1

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.)

82 11/6/19

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer

10/21/2019

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

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

RE: To authorize the storage of inoperable motor vehicles outside of an enclosed building on properties known as 2608, 2618, and 2727 Buford Avenue, 4201, 4207, and 4208 Tyrone Street which are located within the M-1 Light Industrial District, subject to certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the storage of inoperable motor vehicles outside of an enclosed building on properties known as 2608, 2618, and 2727 Buford Avenue, 4201, 4207, and 4208 Tyrone Street which are located within the M-1 Light Industrial District, subject to certain terms and conditions.

REASON: The subject properties are located at 2608 and 2618 Buford Avenue; and 4201, 4207 and 4211 Tyrone Street. The proposed special use is for the operation of an outdoor storage yard for inoperable motor vehicles and this is not a permitted use within the M-1 Light Industrial District. Therefore, 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 December 2, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject properties three parcels totaling 1.561 acres located on Tyrone Street, and two parcels totaling 2.184 acres located on Buford Avenue. All of the properties are located in the M-1 Light Industrial District and are improved only with gravel surface parking.

The subject properties have been used for junk vehicle storage in violation of the zoning ordinance for an extended period of time prior to the applicant acquiring the properties on September 28, 2019. Since this time substantial progress has been made clearing the properties of inoperable vehicles and assorted debris. Weeds and scrub brush have also been cleared. These efforts to bring the properties into conformance are taking place in concurrence with this SUP application process. The request for an outdoor inoperable vehicle storage area that conforms to the requirements of the M-2 Heavy Industrial Area where this use is permitted, will be an improvement of the property.

The Master Plan recommends single-family (low density) residential land use for the parcels north of Buford Avenue and industrial land use for the parcels south of Buford Avenue.

The properties located to the east of the subject property are located in the B-3 General Business District. Properties to the south and west are located in the M-1 Light Industrial District. The properties to the north are located in the R-MH Mobile Home District.

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: \$2,400 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 12, 2019

CITY COUNCIL PUBLIC HEARING DATE: December 9, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
December 2, 2019

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

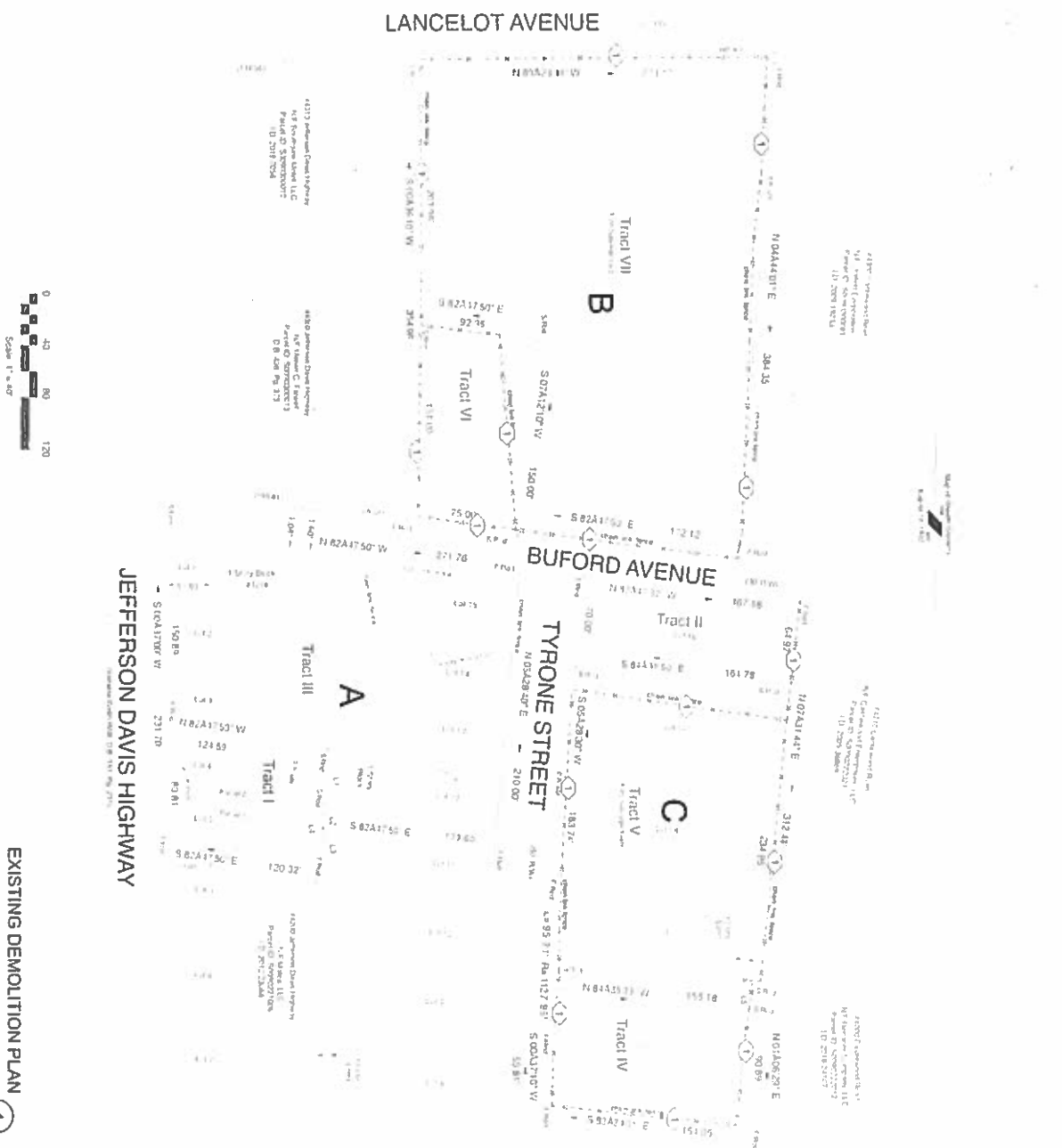
RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

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

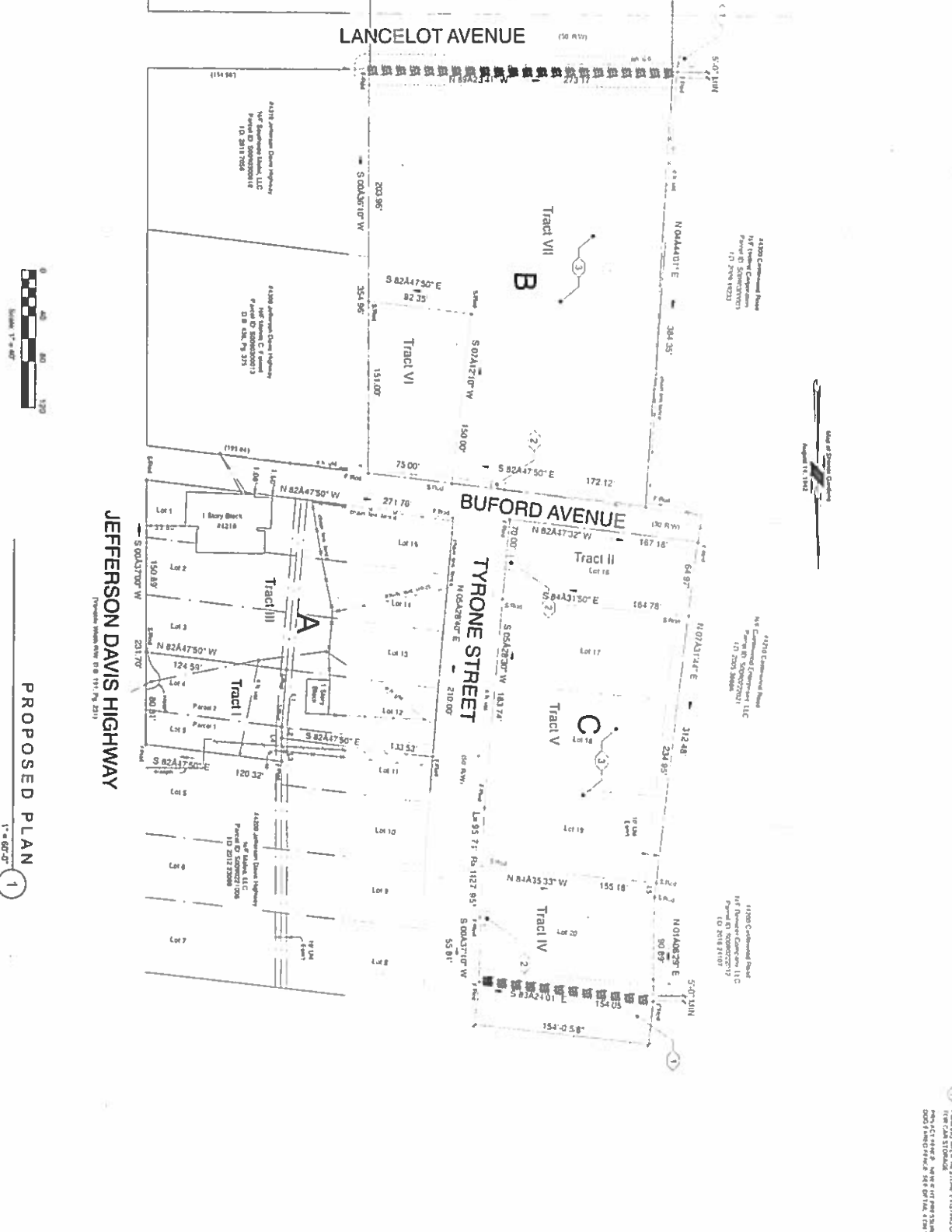
DEMOLITION PLAN KEY NOTES
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EXISTING DEMOLITION PLAN 1

REVISIONS NO. DATE BY 1. 11/15/2011 M.P.	PROJECT SPECIAL USE PERMIT 2608 & 2618 BUFORD AVE AND 4201, 4207 & 2727 BUFORD AVE RICHMOND VA	
	OWNER BD AUTO REPAIRS LLC 28 JEFFERSON DAVIS HWY RICHMOND VA 23224	

SUP.2



Scale: 1" = 40'



PROPOSED PLAN
1

- SITE PLAN KEY NOTES**
- 1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
 - 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 - 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 - 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
 - 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
 - 6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE TRACT UNLESS OTHERWISE NOTED.
 - 7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE PARCEL UNLESS OTHERWISE NOTED.
 - 8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT AND TRACT UNLESS OTHERWISE NOTED.
 - 9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT, TRACT AND PARCEL UNLESS OTHERWISE NOTED.
 - 10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT, TRACT, PARCEL AND LOT UNLESS OTHERWISE NOTED.



<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 5%;">NO.</th> <th style="width: 15%;">DATE</th> <th style="width: 80%;">DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION													<p>SITE PLAN</p> <p>PROJECT SPECIAL USE PERMIT</p> <p>2608 & 3618 BUFORD AVE AND 4201, 4207 & 2727 BUFORD AVE RICHMOND VA</p> <p>OWNER BD AUTO REPAIRS LLC 28 JEFFERSON DAVIS HWY RICHMOND VA 23224</p>	<p>ARCHITECT MICHAEL P. ELLIS ARCHITECTURE</p> <p>1000 COMMONWEALTH BLVD RICHMOND, VA 23220 PHONE: (804) 781-1111 FAX: (804) 781-1112</p>
NO.	DATE	DESCRIPTION															

SUP.3



SUP-050601-2019

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)
[X] special use permit, new
[] special use permit, plan amendment
[] special use permit, text only amendment

Date: 3/7/19

Project Name/Location

Property Address: 4208, 4208, 4210, 4216 & 4218 Jefferson Davis Hwy, Richmond, VA 23234
2808 & 2818 Bulford Ave, Richmond, VA 23234
4201, 4207 & 2727 Bulford Ave, Richmond, VA 23234

Tax Map #: SS0090221001, S0090221004, S0090222016, S0090222018, S0090222020, S0090300004, S0090300005

Fee: _____

Total area of affected site in acres: 6.195

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

Zoning

Current Zoning: M-1 / B3

Existing Use: Tire Shop / Vehicle Service / Non Running Vehicle Storage

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
Tire Shop / Vehicle Service / Non Running Vehicle Storage / Sell Used Car / Sell Used Parts / Car Removal

Existing Use: Tire Shop / Vehicle Service / Non Running Vehicle Storage

Is this property subject to any previous land use cases?

Yes [] No [X] If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: MD AMAN ULLAH

Company: BD AUTO REPAIRS LLC

Mailing Address: 28 JEFFERSON DAVIS HWY

City: RICHMOND State: VA Zip Code: 23224

Telephone: (804) 253 7188 Fax: _____

Email: BDAUTOREPAIRS@YAHOO.COM

Property Owner: BD AUTO REPAIRS LLC

If Business Entity, name and title of authorized signer: _____

(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: 10908 Old Springfield Farm Rd, Glen Allen, VA 23060

City: Glen Allen, State: VA Zip Code: 23060

Telephone: (804) 253 7198 Fax: _____

Email: bdautorepairs@yahoo.com

Property Owner Signature: _____

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)

**2608 & 2618 BUFORD AVE. AND 4201, 4207 & 2727 BUFORD AVE. RICHMOND, VA
SPECIAL USE PERMIT APPLICANT REPORT**

Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street, Richmond Virginia 23219

MAY 08, 2019

To Whom It May Concern:

The owner of BD Auto Repairs, LLC, MD Aman Ullah (the applicant), is requesting the allowance of parking inoperable vehicles on the combined properties located at 2608 & 2618 Buford Ave. and 4201, 4207 & 2727 Buford Ave. in Richmond, Va. The proposal is to clean up the existing combined properties indicated as areas B & C on the site plan on sheet SUP.1 and use for parking cars waiting for repair. Sheet SUP.2 indicates the extent of clean up contemplated for areas B & C; including removing all wire fencing, brush hog all existing overgrown foliage and remove all abandoned vehicles. Sheet SUP.3 indicates the extent of the proposed site improvements; including installation of a 6' privacy fence around the entire perimeter of areas B & C. Planting buffers will also be included along Lancelot Avenue and between area C and the adjacent residential property. The existing gravel will be replenished as necessary to accommodate the new storage needs. No land disturbances are being contemplated. Currently the existing areas B & C have wire fencing, are overgrown with weeds and have numerous abandoned vehicles parked throughout. The allowance for the owner to utilize these properties for parking cars as part of his repair business, will allow him to improve the properties and provide a privacy fence which will help to clean up the unsightly appearance of the existing conditions.

Please refer to the plan sheets titled SUP.1 SUP.2, SUP.3 as evidence in support of the following statements:

- A. The allowance to park inoperable vehicles will not be detrimental to the safety, health, morals and general welfare of the community involved. The use contemplated is allowable in the adjacent properties fronting Jefferson Davis Hwy. and a complementary use to serve the neighborhood, which surrounds the project. Planting buffer as well as privacy fence will be installed
- B. The change of use will not create additional congestion along the streets where the vehicle storage is located. The storage areas B & C are for the use of the repair shop located in area A. The majority of vehicular activity will take place within the lots from the rear.
- C. The contemplated vehicular storage represents no change in hazardous use classification. The improvements contemplated will create a less hazardous condition than the current conditions.
- D. The proposed use is compatible with the adjacent zoning classifications it is within and therefore, would not cause overcrowding of land or an undue concentration of population.
- E. The allowance to park inoperable vehicles will not adversely affect any public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements.
- F. The allowance to park inoperable vehicles and the improvements contemplated being interior improvements only will not interfere with adequate light and air and will have zero impact on existing adjacent properties.

The applicants intend to contact their council member and the Jefferson Davis neighborhood Civic Association, the applicant is more than willing to meet and discuss any concerns, which may arise.

Thank you for your consideration.

Michael Pellis
(On behalf of the applicant)