



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2019-348: To amend and re-ordain Ord. No. 92-169-108, adopted May 26, 1992, which authorized the special use of the property known as 2820 West Cary Street for the purpose of operating a proposed 5,086 square foot shopping center within an existing building, waiving the off-street parking requirement, to modify the permitted uses, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: January 6, 2020

PETITIONER

James Rosendale, LLC

LOCATION

2820 West Cary Street

PURPOSE

To amend and re-ordain Ord. No. 92-169-108, adopted May 26, 1992, which authorized the special use of the property known as 2820 West Cary Street for the purpose of operating a proposed 5,086 square foot shopping center within an existing building, waiving the off-street parking requirement, to modify the permitted uses, upon certain terms and conditions.

SUMMARY & RECOMMENDATION

On May 26, 1992 Ord. No. 92-169-108 was approved by City Council to authorize the special use of the property known as 2820 West Cary Street for the purpose of operating a 5,086 square foot shopping center within an existing building. One of the conditions for approval at that time stated that no more than one specialty food store shall be permitted. The applicant requests that this condition be removed so that more than one specialty food store is allowed on the property

Staff finds the proposed amendment to be consistent with the land use recommendations of the Master Plan.

Staff finds that with the ordinance conditions the safeguards contained within the City Charter, relative to the granting of Special Use Permits, are met. Specifically, staff finds that the proposed amendment is consistent with other uses in the community and would not create congestion in the streets in the area involved.

Therefore, staff recommends approval of the Special Use Permit Amendment request.

FINDINGS OF FACT

Site Description

The subject property consists of a 5,494 SF parcel of land that contains a two-story 5,920 square foot structure located on the corner of West Cary Street and South Colonial Avenue. It is located in the Carytown neighborhood within the City's Near West Planning District and is zoned in the UB Urban Business District.

Proposed Use of the Property

The 1935 structure was renovated to provide ground floor retail with up to six lease areas. In its current configuration three units have been combined and houses a coffee shop. The three remaining lease areas contain a hair salon, the Tokyo Market, and the proposed second specialty food store. This second food store currently operates as part of the Tokyo Market. With the approval of a special use permit amendment, it can operate from as an independent entity with its own entrance to the street.

Master Plan

The City of Richmond's Master Plan designates the subject property for Community Commercial uses. Primary uses include office, retail, personal service and other commercial and service uses, intended to provide the shopping and service needs of residents of a number of nearby neighborhoods or a section of the City.

Zoning and Ordinance Conditions

The property is located in the UB Urban Business District and is subject to Special Use Permit Ordinance No. 92-169-108, adopted May 26, 1992.

The amendment of the special use permit ordinance will modify the approved conditions as noted below. New ordinance language is shown as underlined text and removed language is shown as ~~strikeout font~~.

(a) That the owner of the property shall be bound by, observe, and shall comply with all other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and building, except as otherwise provided in this ordinance;

(b) That application for a building permit for the conversion of the building to shopping center use shall be made within ~~[twelve]~~ 12 months from the effective date of this ordinance, which building permit shall expire by limitation and become null and void if construction of the shopping center is not commenced within ~~[one hundred eighty]~~ 180 days from the date of the building permit, or if construction is suspended or abandoned for a period of ~~[one hundred eighty]~~ 180 days at any time after the work is commenced, as provided in applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within ~~[twelve]~~ 12 months from the effective date of this ordinance or should the building permit expire and become null and void, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void;

(c) That the existing structure located at 2820 West Cary Street may be utilized as a shopping center containing [at least three] up to six separate shop spaces, substantially as shown

on the ~~[attached]~~ plans attached to and made a part of Ordinance No. 92-169-108, adopted May 26, 1992, as modified by the plans entitled "2820 West Cary Street Building Layout," prepared by an unknown preparer, and undated, a copy of which is attached to and made a part of this amendatory ordinance, and as described in the applicant's report, attached to Ord. No. 92-169-108, adopted May 26, 1992, as modified by the applicant's report attached to and made a part of this amendatory ordinance. Uses within the shopping center shall be limited to those uses permitted within the ~~[Urban Business Zoning]~~ UB Urban Business District as specified in the City of Richmond Zoning Regulations~~[, with the exception that restaurants, food stores, theatres, lodges, club meeting places, and auditoriums or assembly halls shall not be permitted, provided that no more than one "specialty food store" shall be permitted];~~

(d) That identification of the businesses on the property shall be limited to a total of 130 square feet of signage for the shopping center, provided that an additional sign, painted or attached flat against the wall of the west façade substantially as depicted on the ~~[attached]~~ drawings and plans attached to and made a part of Ordinance No. 92-169-108, adopted May 26, 1992, the size of which shall not exceed 40 square feet, shall be permitted in excess of the 130 square foot limitation. Any illumination of the permitted signage shall be such that the source of illumination is not visible;

(e) That 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 and alleys;

(f) That the colors used on the exterior of the structure shall be substantially in accordance with the color ranges identified on the plan attached to and made a part of Ordinance No. 92-169-108, adopted May 26, 1992;

(g) That canopies, awnings, or signs may extend into the public right-of-way only upon compliance with and authorized pursuant to the encroachment policies and regulations of the City;

(h) That final grading and drainage plans, if required, shall be approved by the Director of ~~[Community Development]~~ Public Utilities prior to the issuance of building permits;

(i) That storm or surface water shall not be allowed to accumulate on the land and adequate facilities for drainage of storm and surface water from the land and building will be provided and maintained at all times by the owner at its costs and expense so as not to adversely affect or damage adjacent property or public streets and alleys and the use thereof;

(j) That there shall be no enlargement or exterior alterations to the building except for those which are shown on the ~~[attached]~~ plans attached to and made a part of Ordinance No. 92-169-108, adopted May 26, 1992, as modified by the plans entitled "2820 West Cary Street Building Layout," prepared by an unknown preparer, and undated, a copy of which is attached to and made a part of this amendatory ordinance, and normal repair and maintenance.

Surrounding Area

To the east, west, and south are properties located in the same UB-PO2 Zoning District as the subject property. These properties contain a mix of uses. Properties abutting the subject property

to the north are in the RO-2 Residential Office District and contain residential uses and a two-level parking deck.

Neighborhood Participation

No comments of support or opposition have been received from the community or neighboring property owners for this application.

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