## AN ORDINANCE No. 2020-024

To authorize the special use of the property known as 8764 West Huguenot Road for the purpose of two automated teller machines as accessory uses to an existing convenience store and automobile service station, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

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PUBLIC HEARING: FEB 10 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 8764 West Huguenot Road, which is situated in a B-2 Community Business District, desires to use such property for the purpose of two automated teller machines as accessory uses to an existing convenience store and automobile service station, which use, among other things, is not currently allowed by section 30-436.1(44) 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 safety, health, morals and general welfare of the community involved, will not tend to create

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	FEB 10 2020	REJECTED:		STRICKEN:	

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 8764 West Huguenot Road and identified as Tax Parcel No. C001-0891/022 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled "Boundary Survey of 1.145 Acres of Land Along the North Line of Huguenot Road State Route 147 Being Parcel ID: C001-0891/022, Huguenot District, City of Richmond, Virginia," prepared by Balzer & Associates, dated June 5, 2019, and last revised July 23, 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 two automated teller machines with exterior access as accessory uses to an existing convenience store and automobile service station, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Bank of America, Monigle Approved 08/08/17," prepared by AGI, dated February 21, 2017, and last revised September 15, 1918, 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 two automated teller machines with exterior access as accessory uses to an existing convenience store and automobile service station.

- (b) Outdoor lighting shall be located, directed or shielded so as not to shine directly on adjoining properties or to create a traffic hazard by means of glare or similarity to or confusion with traffic signals, warning lights or lighting on emergency vehicles.
- (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.

A TRUE COPY:

TESTE:

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.2019.600

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Office of the Chief Administrative Officer

O & R Request City ATTOMACY

DATE:

December 13, 2019

**EDITION: 1** 

TO:

The Honorable Members of City Council

THROUGH:

The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Reques

(This in no way reflects a recommendation on behalf of the Mayor

THROUGH: Lenora G. Reid, Acting Chief Administrative Office Co

THROUGH:

Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development ap

Planning

FROM:

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

RE: To authorize the use of the property known as 8764 West Huguenot Road for the purpose of permitting two automated teller machines with exterior access as accessory uses to a convenience store and automobile service station, upon certain terms and conditions.

ORD, OR RES. No.

PURPOSE: To authorize the use of the property known as 8764 West Huguenot Road for the purpose of permitting two automated teller machines with exterior access as accessory uses to a convenience store and automobile service station, upon certain terms and conditions.

REASON: The subject property is located in the B-2 Community Business District. An automated teller machine is a permitted accessory use if it is accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units. The proposed automated teller machine is accessible from the exterior; therefore, the 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 February 10, 2020, meeting.

BACKGROUND: The subject property is a 1.14 acre property with improvements. City records note that the structure was built in 1968 and that the condition of the improvements are normal for its age. In addition to the 1.832 square foot building, there is a canopy over a fuel pump area. The property is located on northside West Huguenot Road, across which is located Chesterfield County. The property is located in the Stony Point Neighborhood of the Huguenot Planning District.

The City of Richmond's Pulse Corridor Plan designates a future land use category for the subject property as Single-Family Low Density. Primary use is 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.

The property abutting to the east is owned by the City of Richmond and contains a fire station and communications towers. Abutting the north and west property lines is Snead's Nursery. All abutting properties are located in the R-2 Single-Family Residential District. In this area, W. Huguenot Road serves as the municipal line between The City of Richmond and Chesterfield County. The properties in the Chesterfield County area south of Huguenot Road contain single-family dwellings.

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: None

**BUDGET AMENDMENT NECESSARY: None** 

REVENUE TO CITY: \$1,800 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** January 13, 2020

CITY COUNCIL PUBLIC HEARING DATE: February 10, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission

February 10, 2020

**AFFECTED AGENCIES:** Office of Chief Administrative Officer

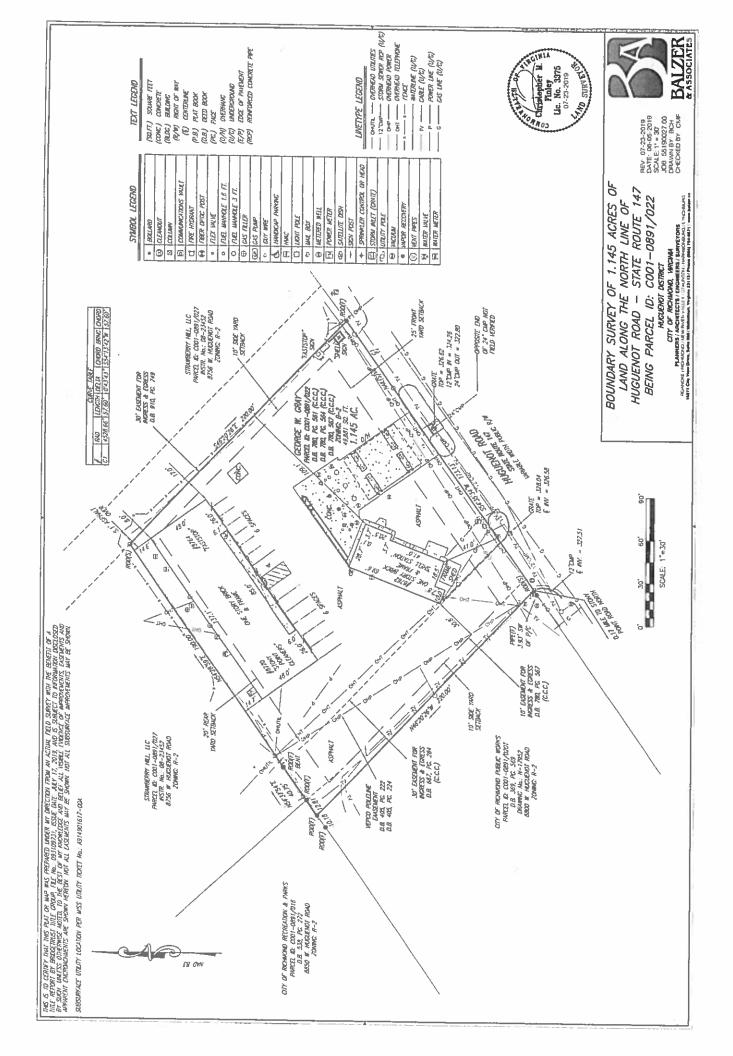
Law Department (for review of draft ordinance)

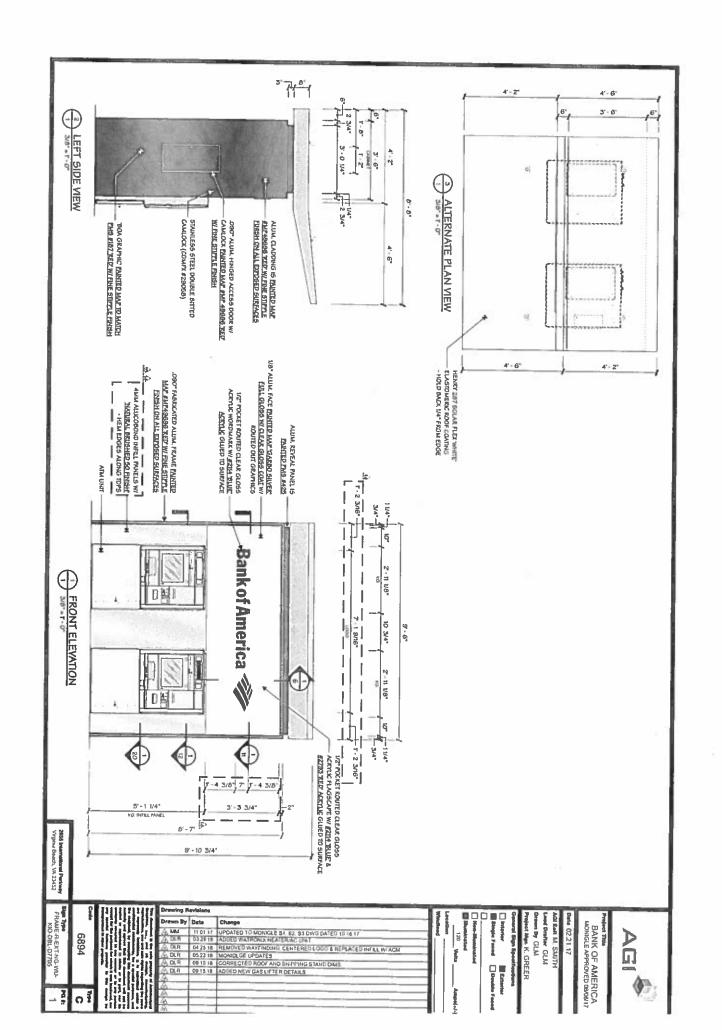
RELATIONSHIP TO EXISTING ORD. OR RES.: None

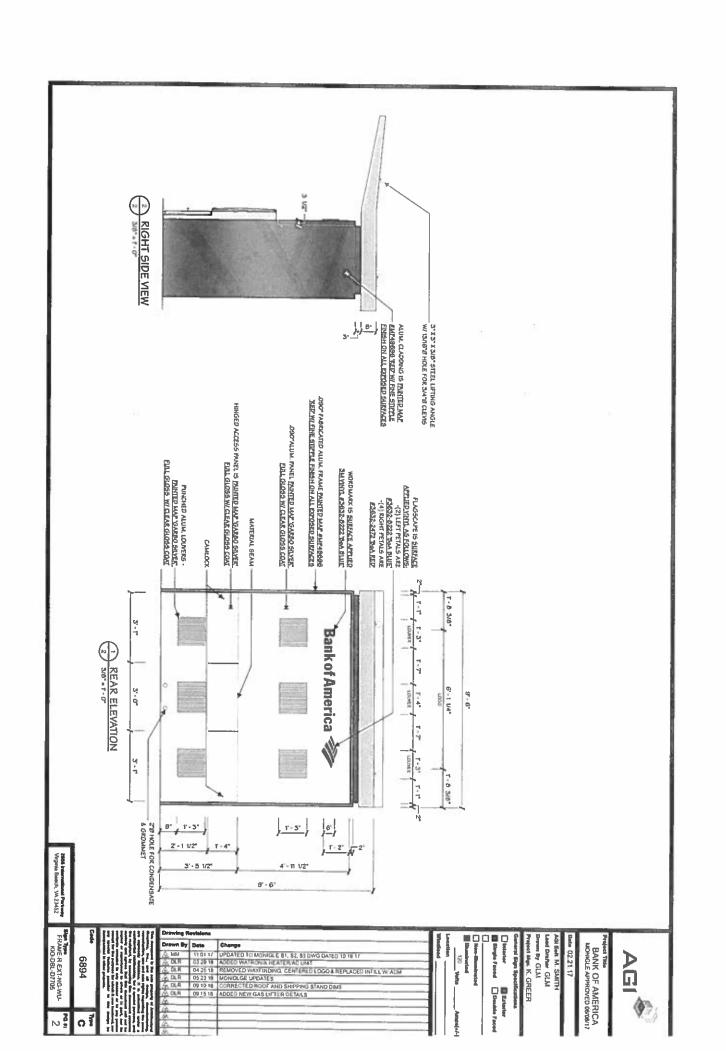
REQUIRED CHANGES TO WORK PROGRAM(S): None

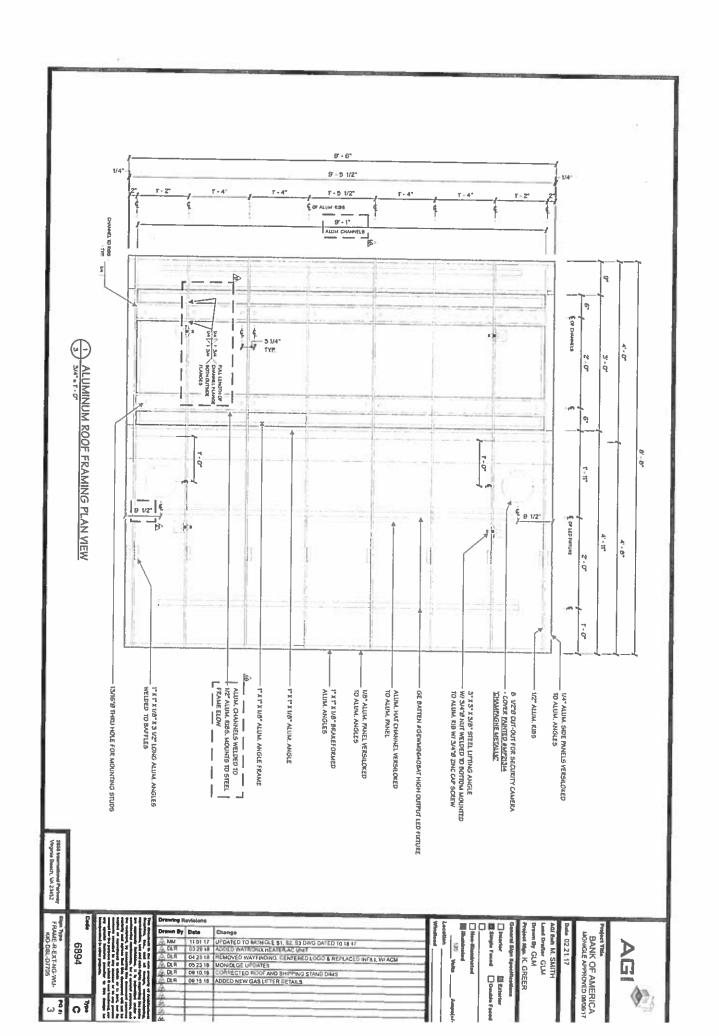
ATTACHMENTS: Application and Narrative; Map; The Plans; The Property; Draft Ordinance

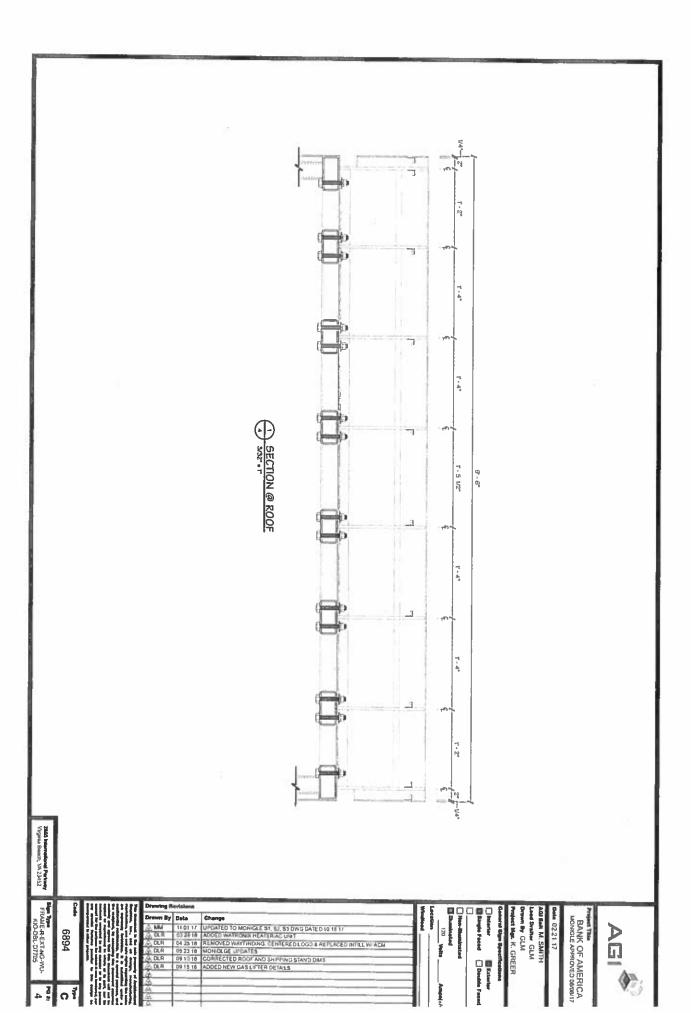
STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036

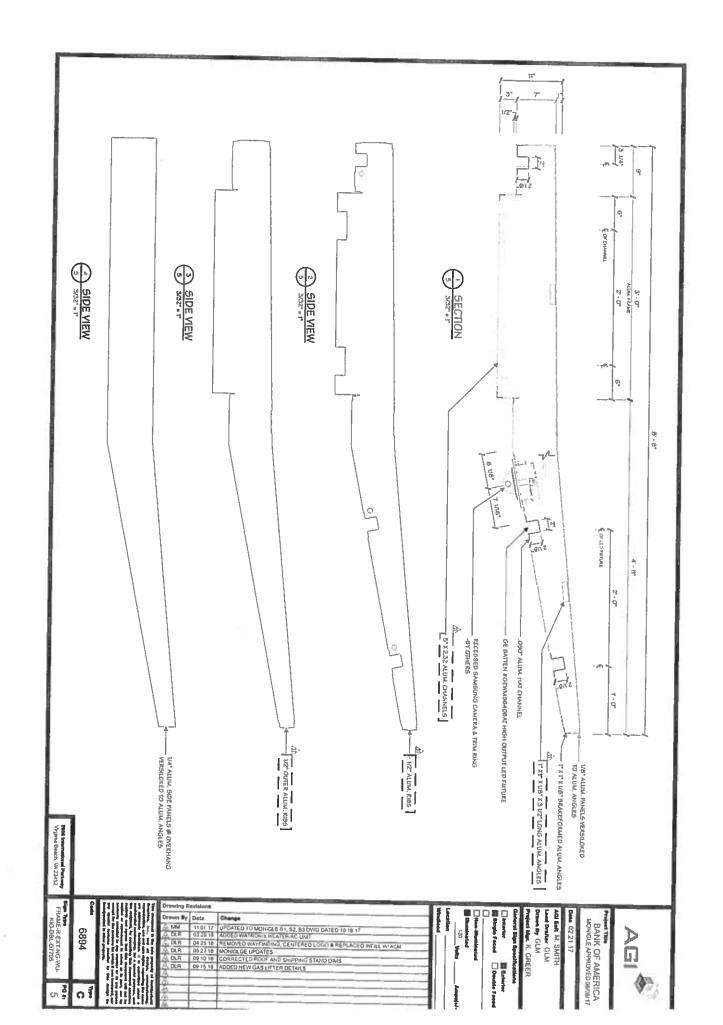


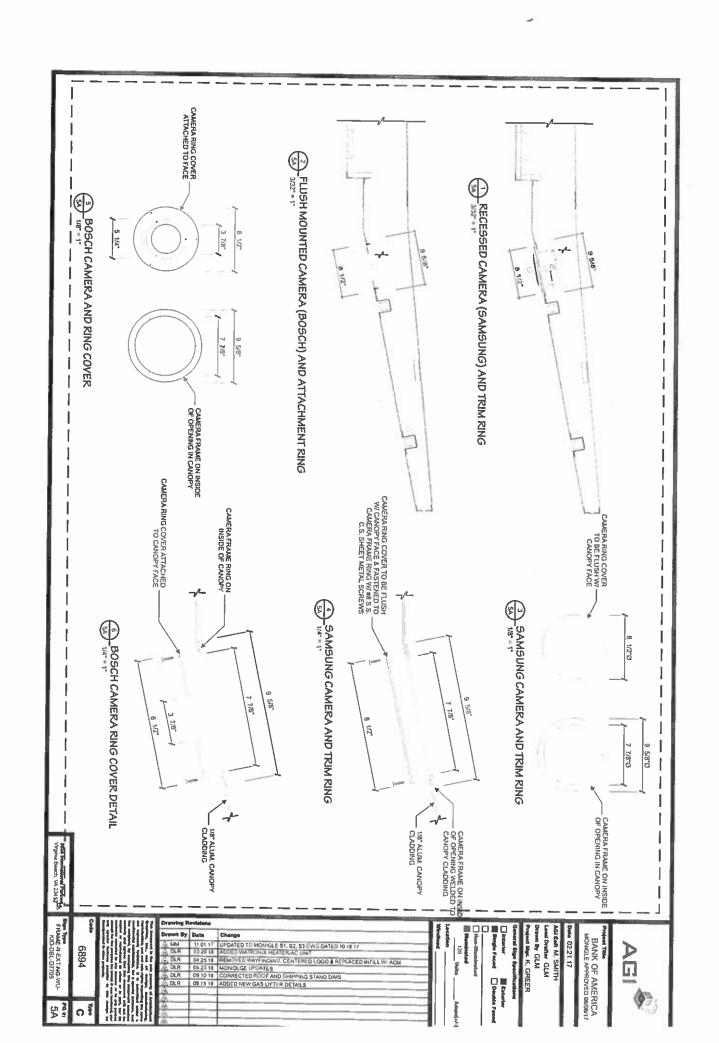


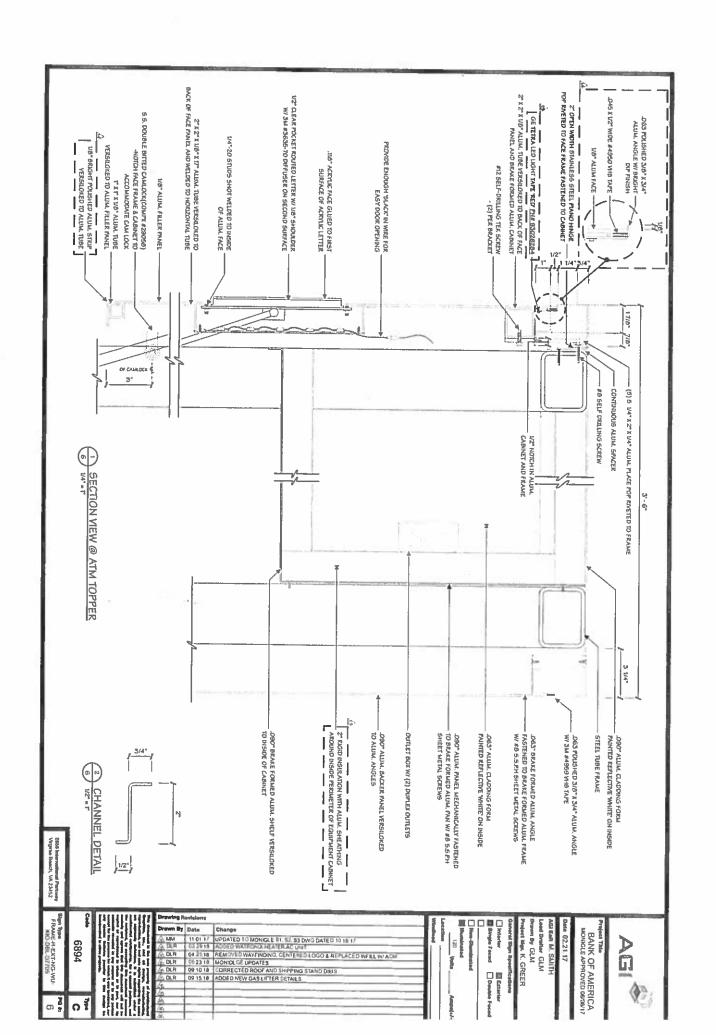


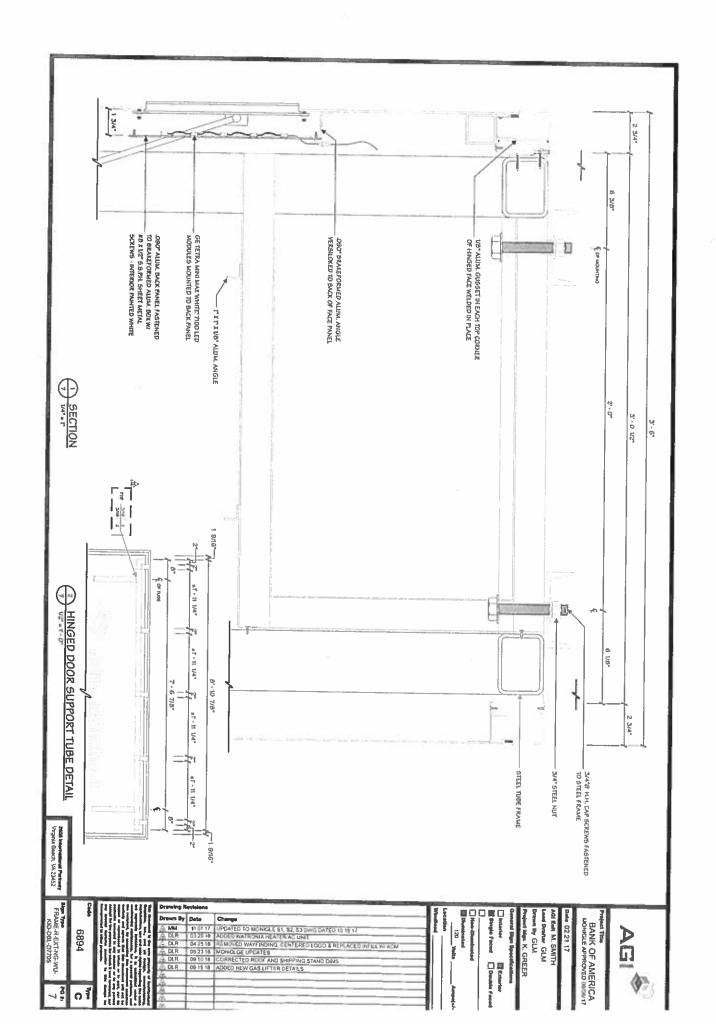


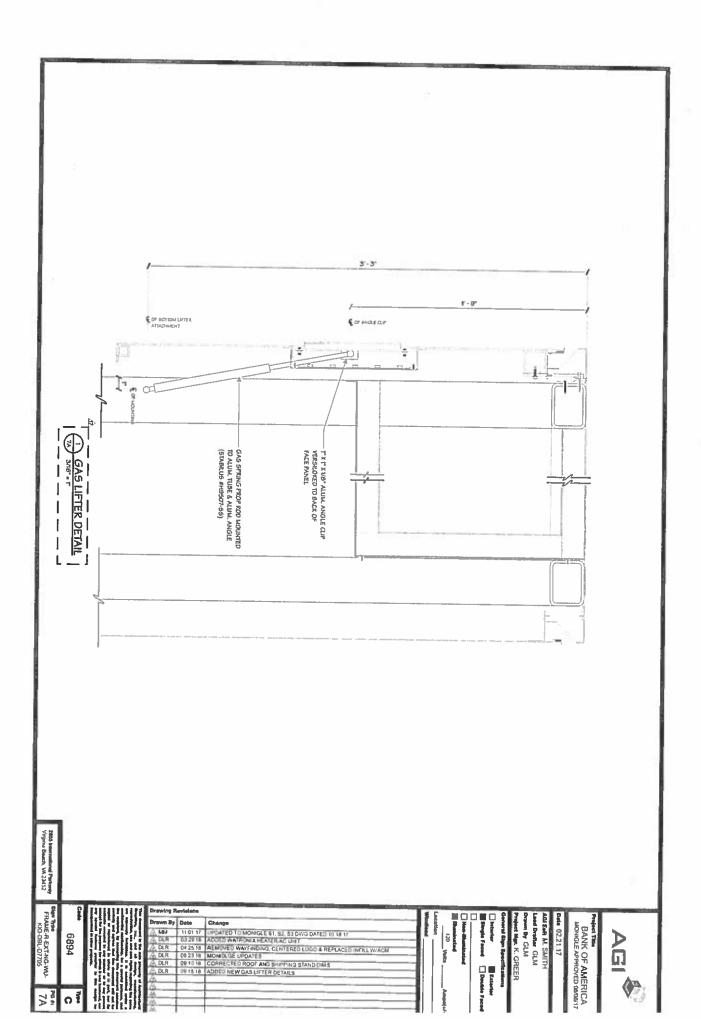


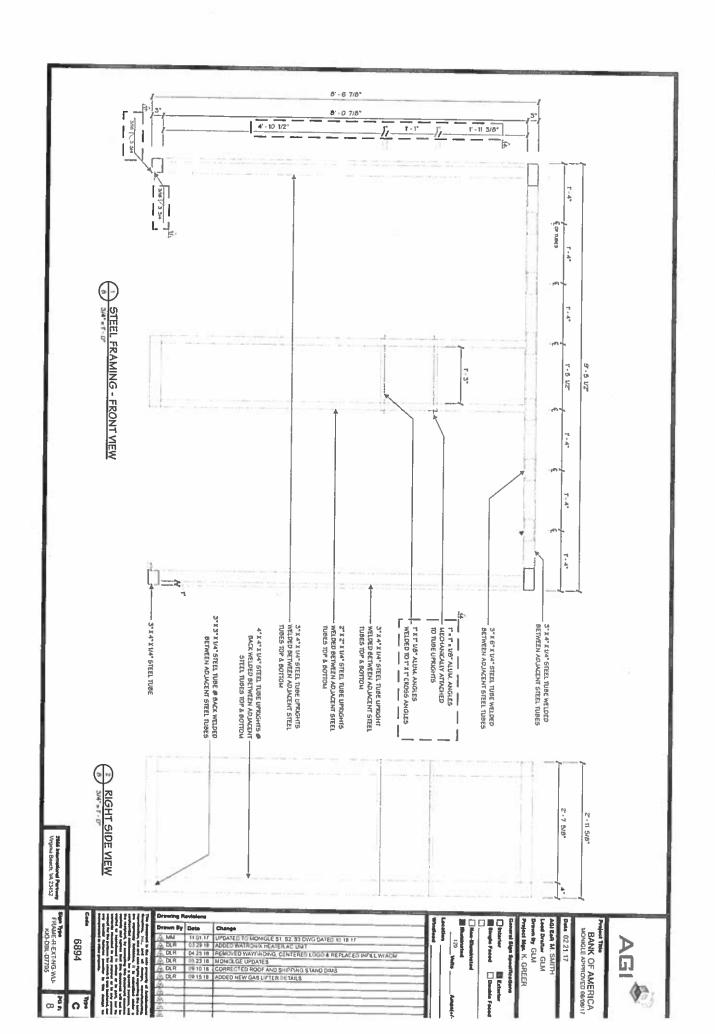


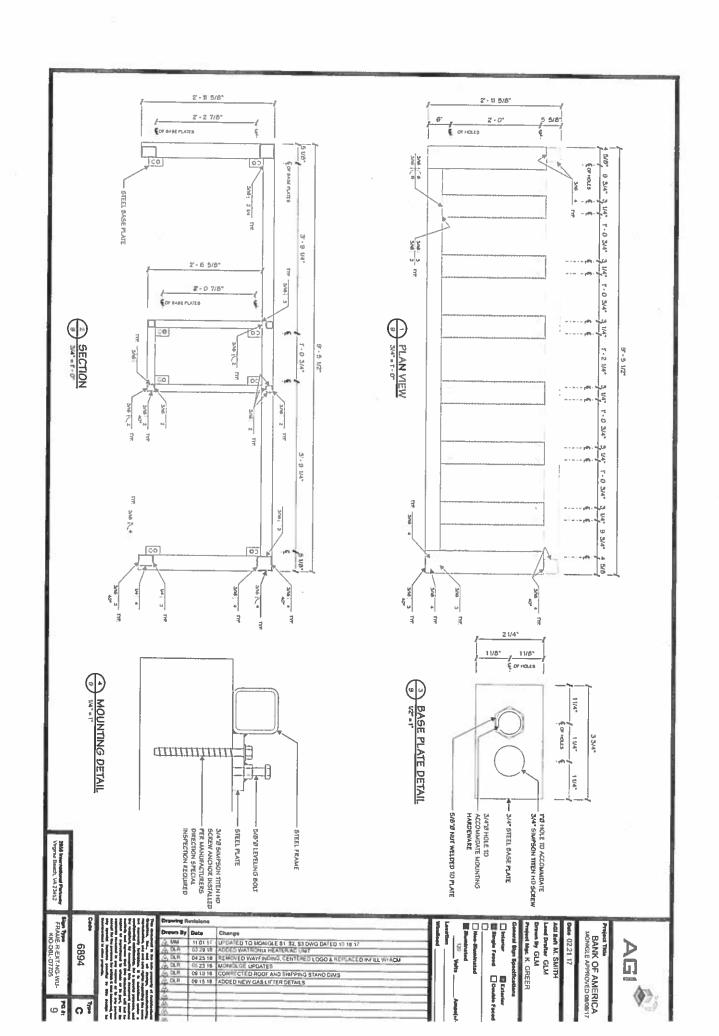


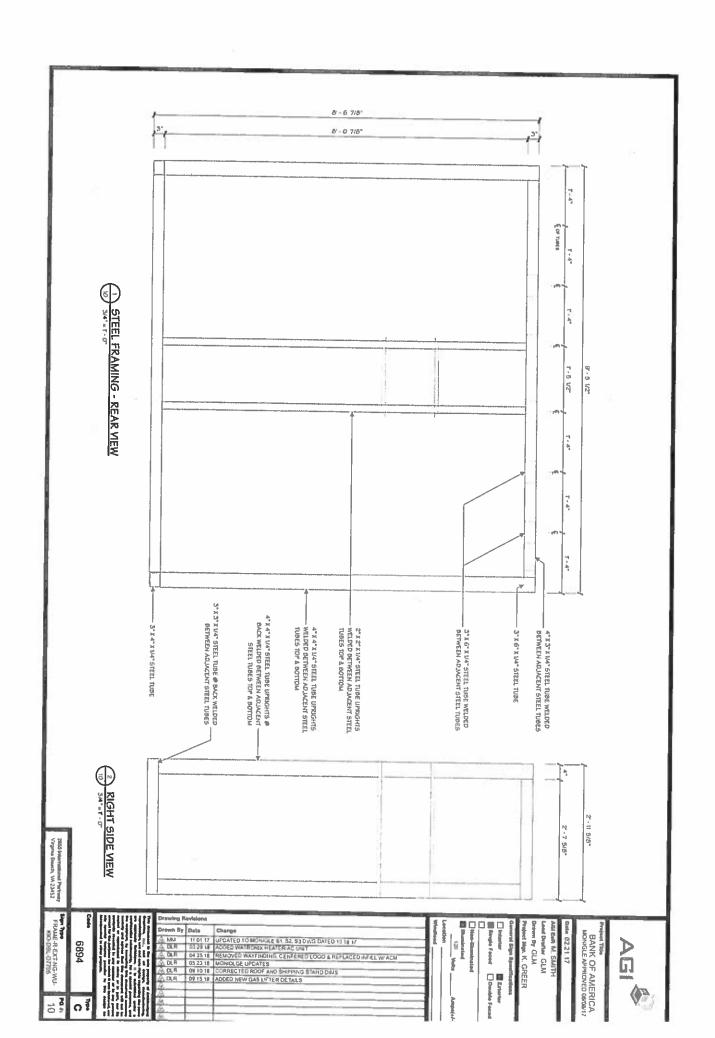


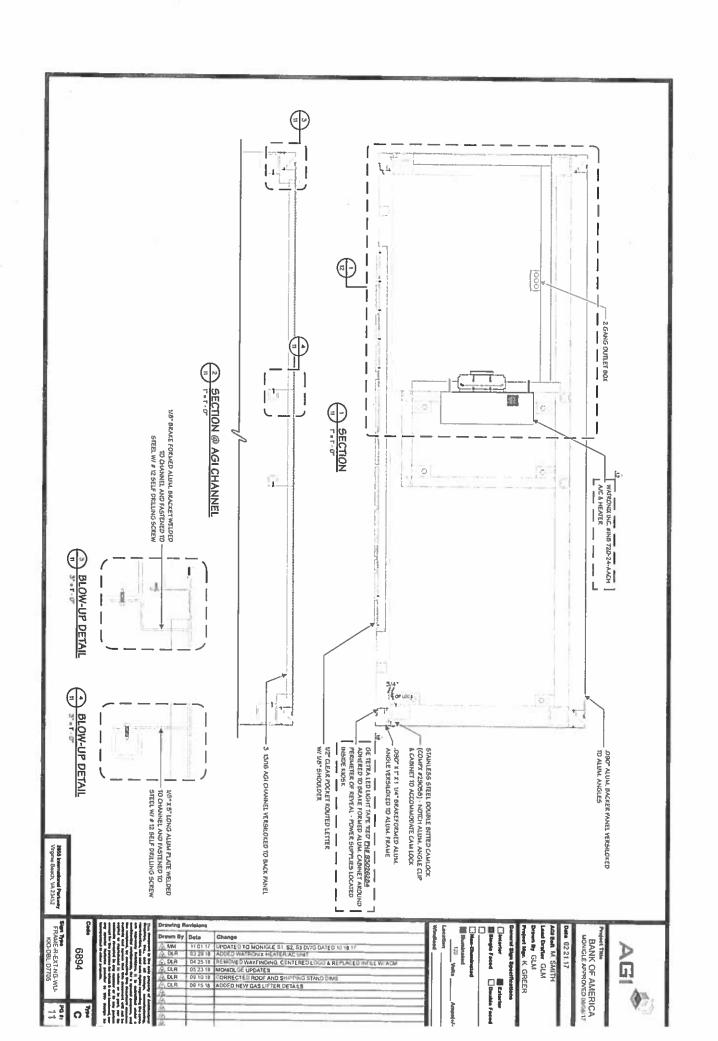


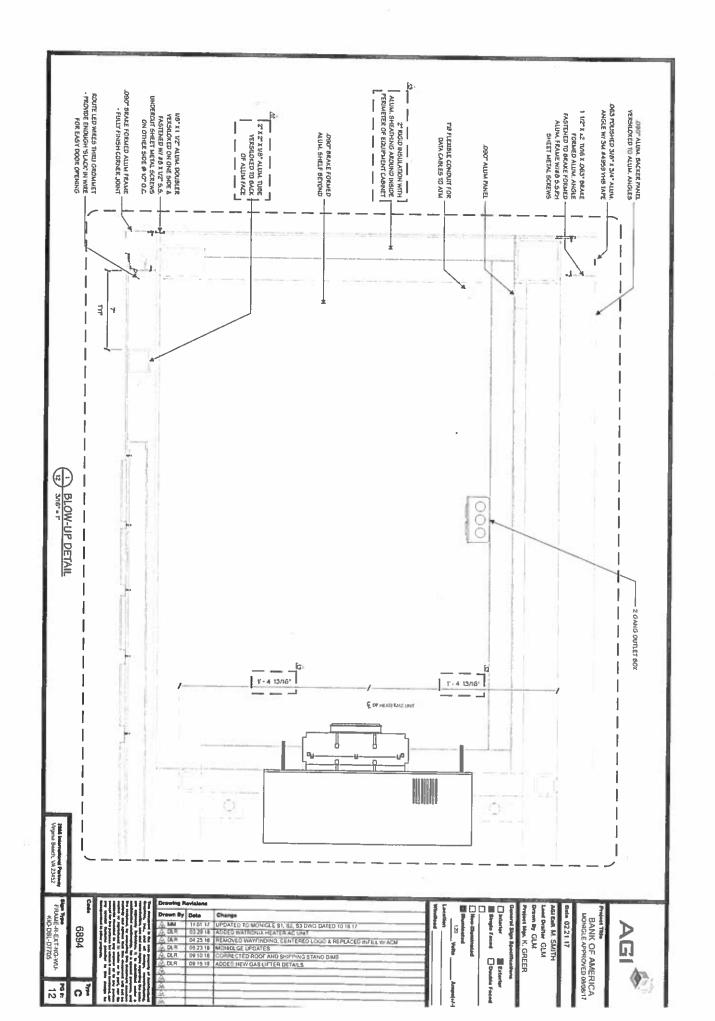


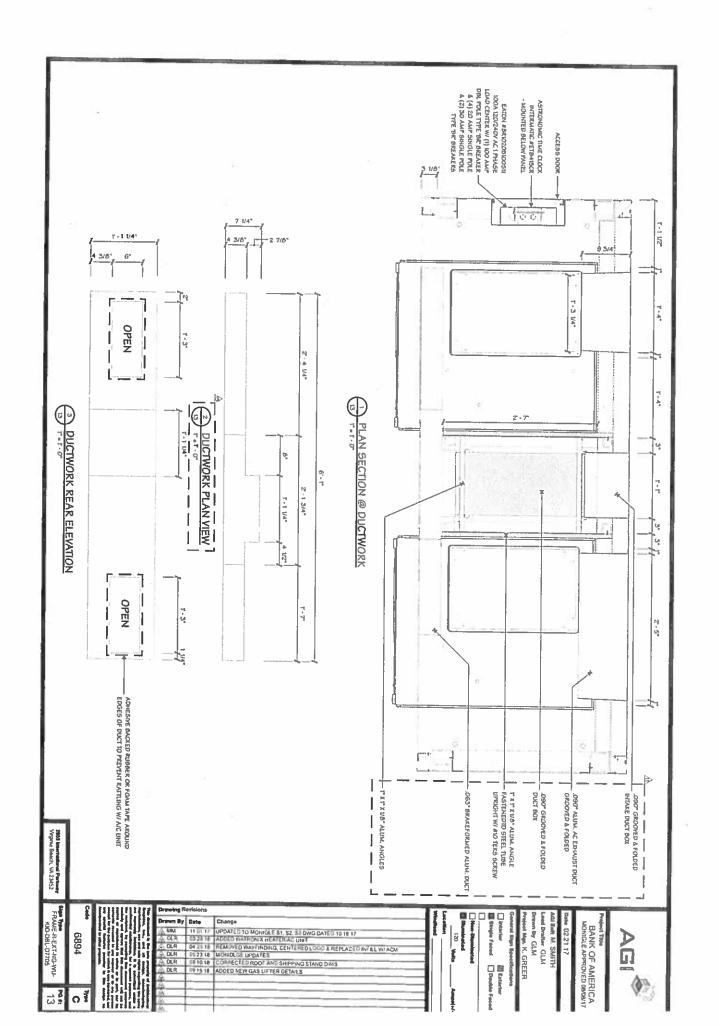


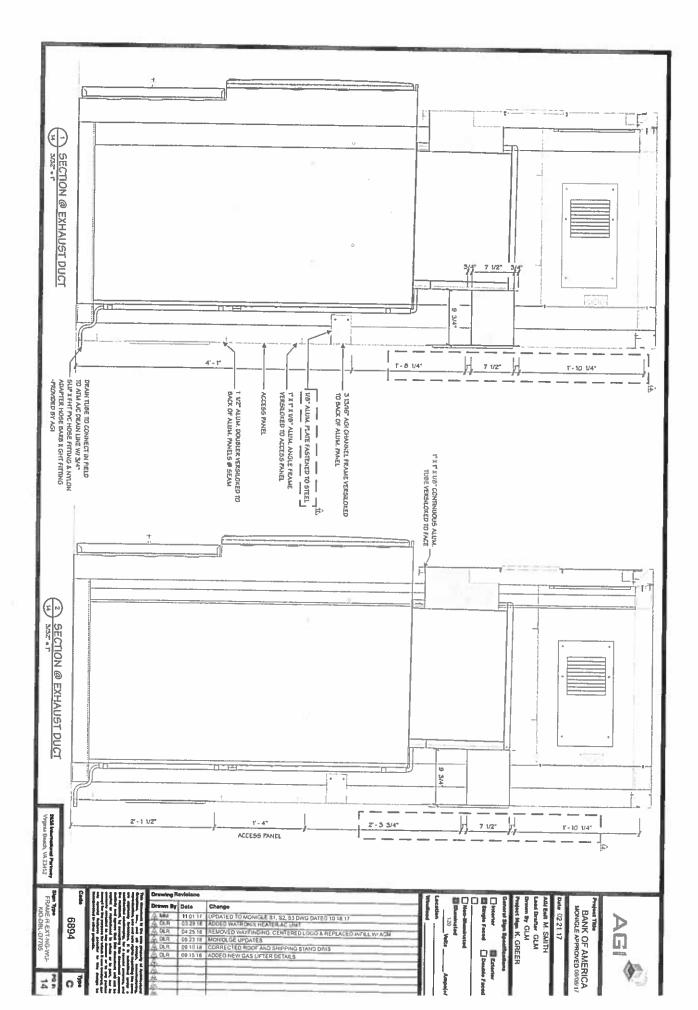


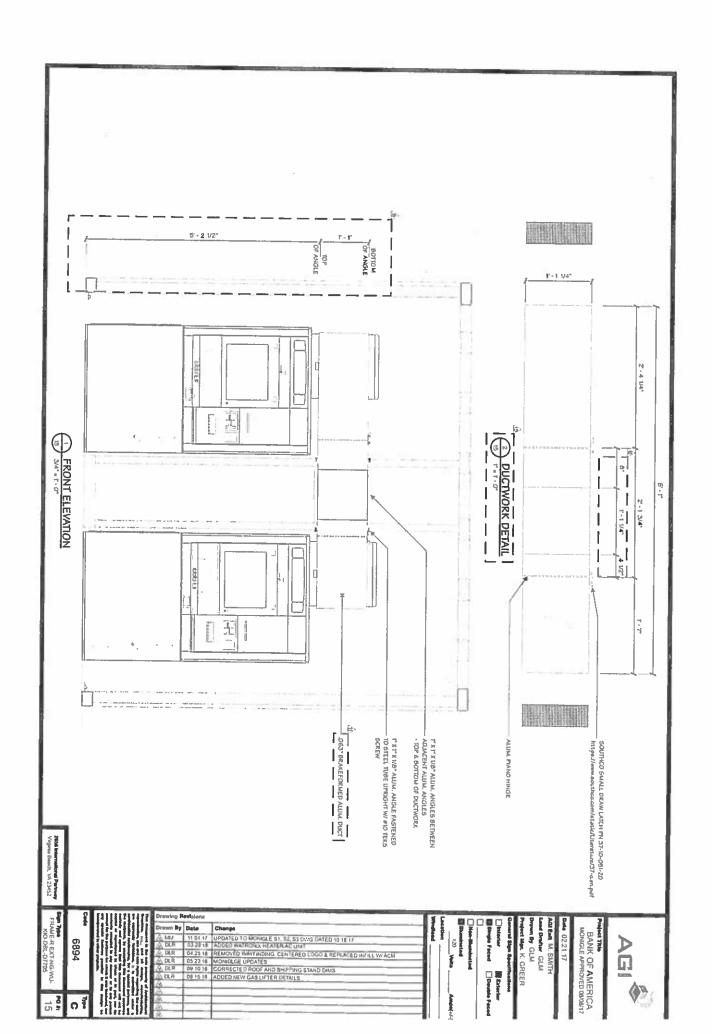


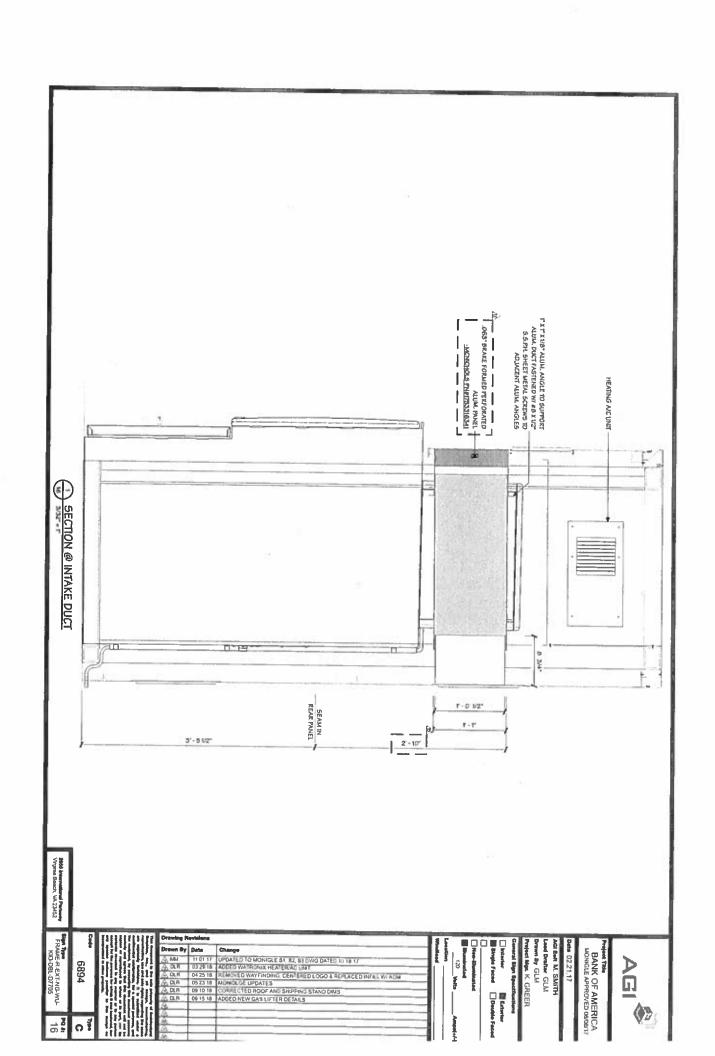


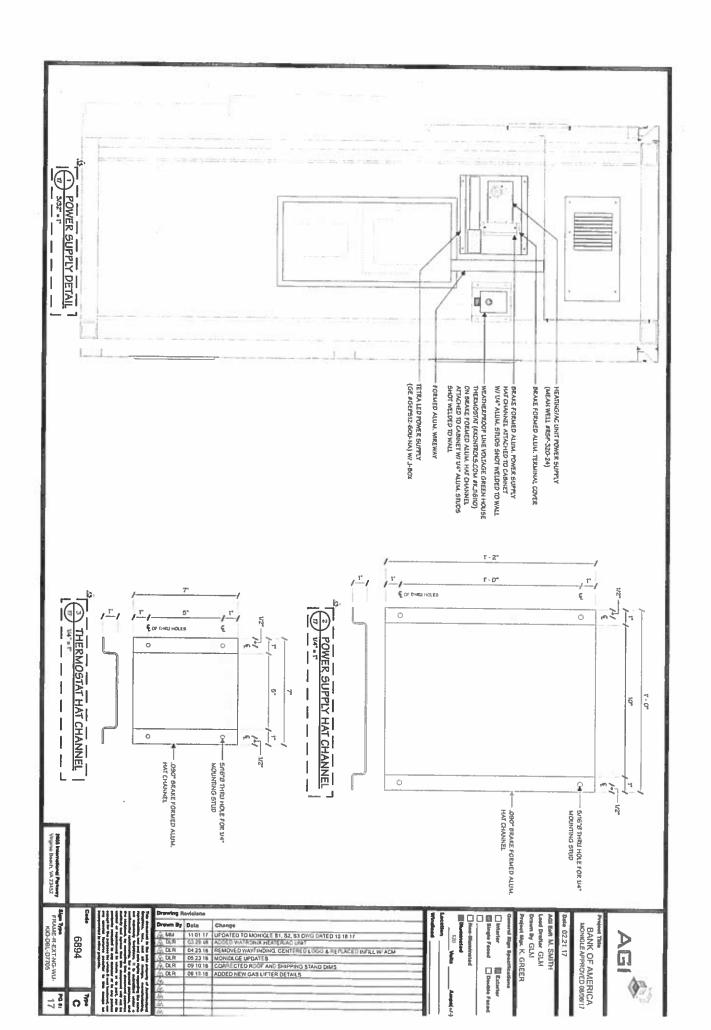


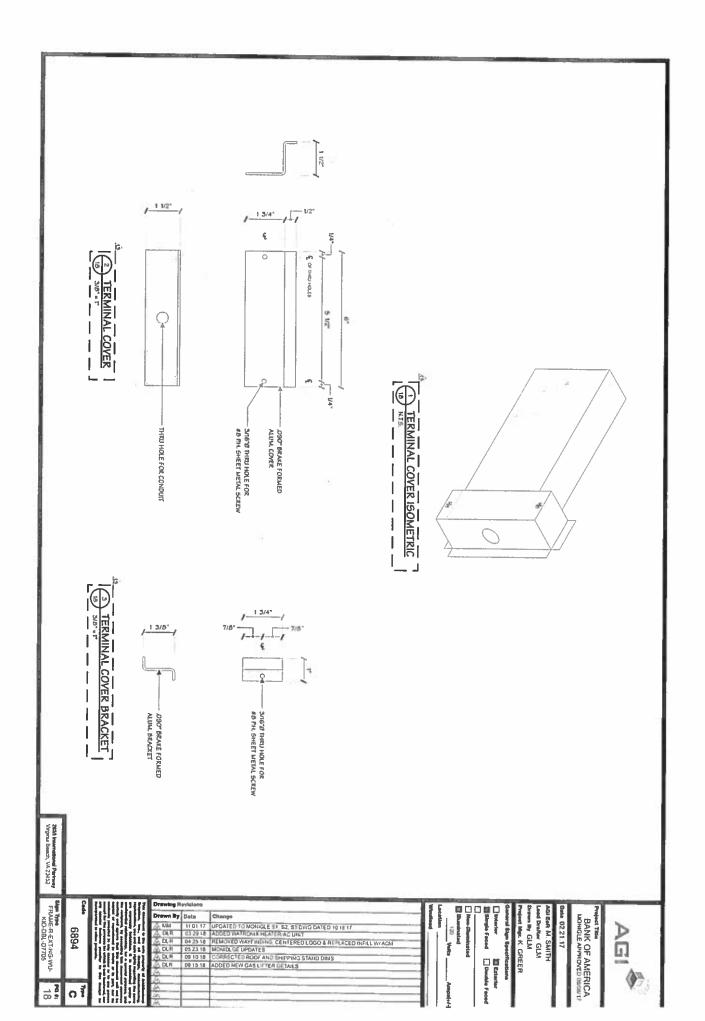


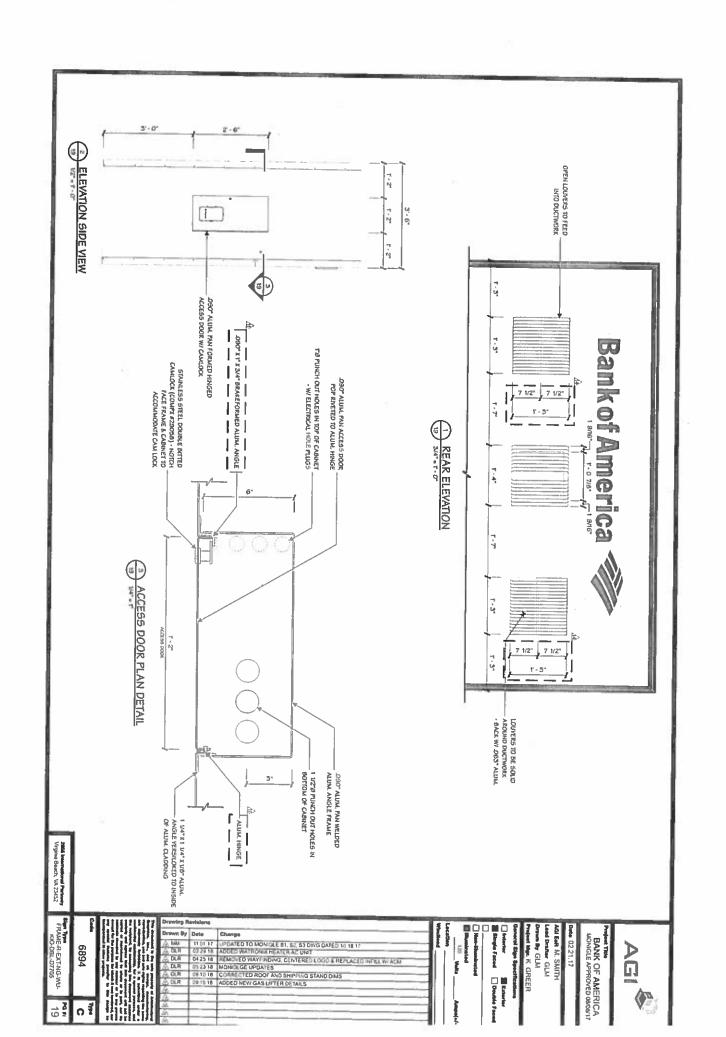


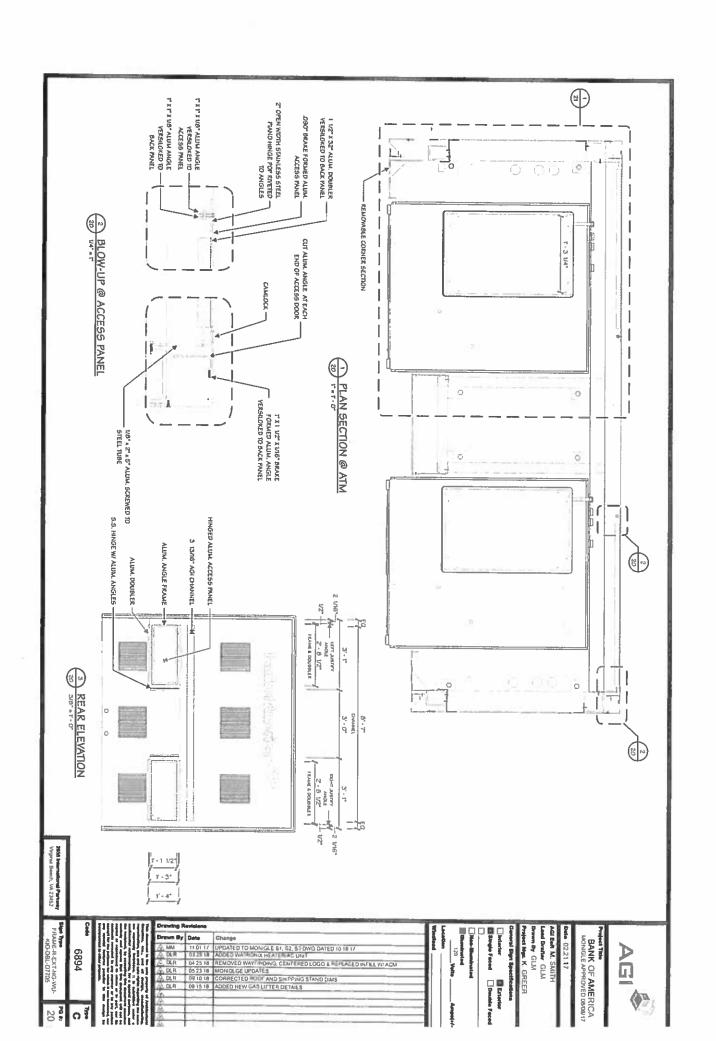


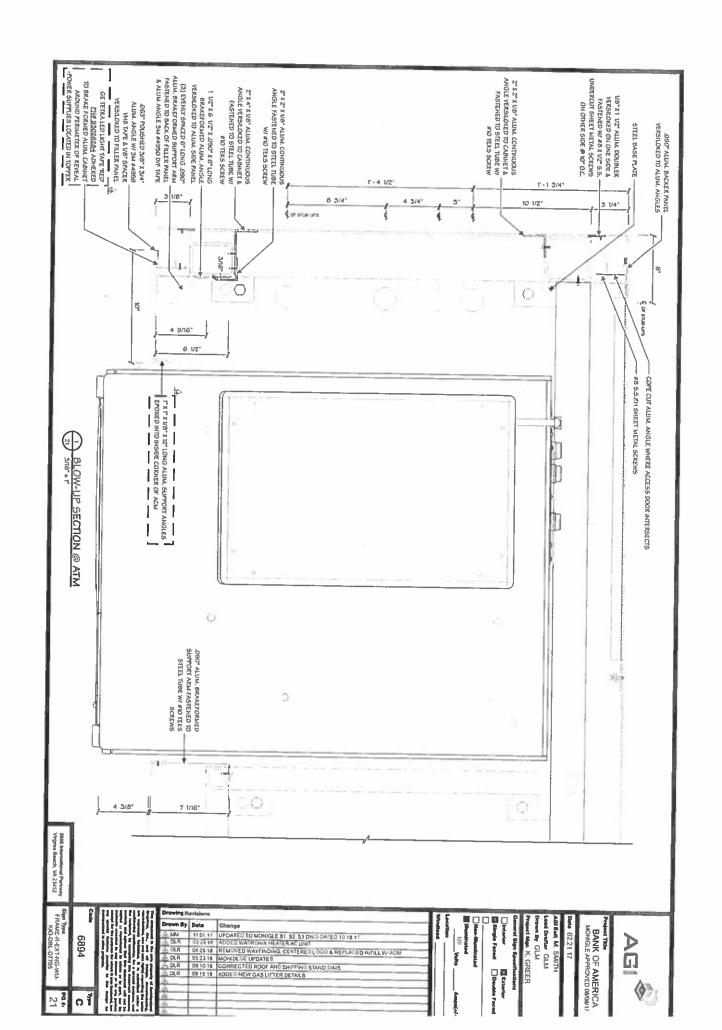


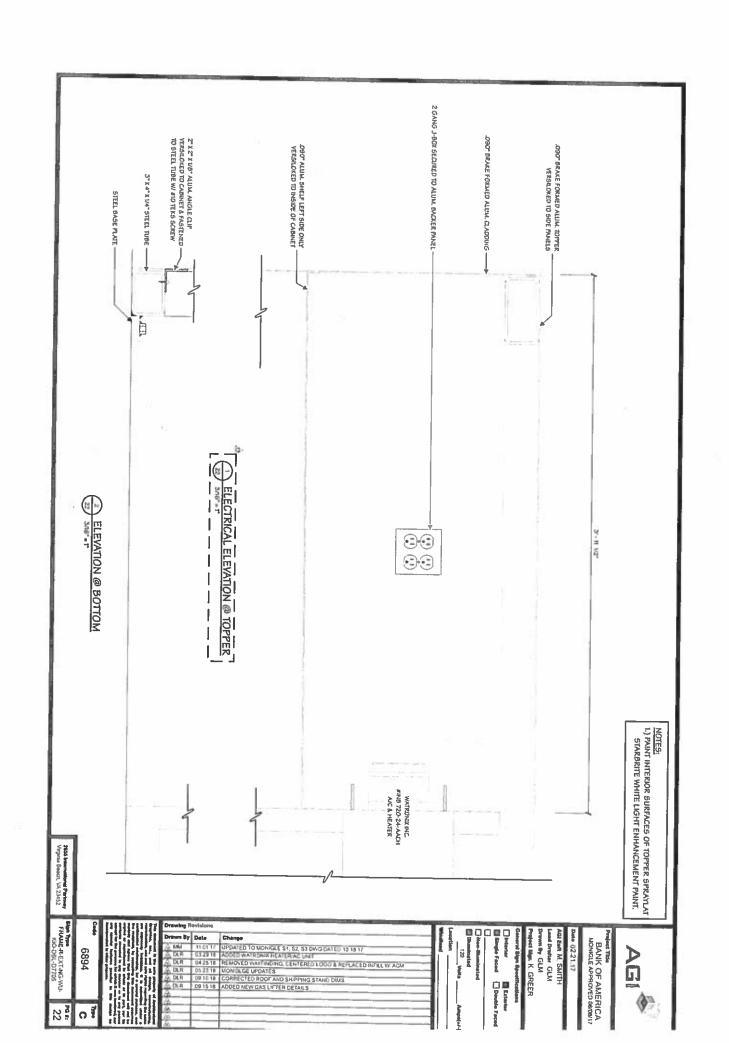


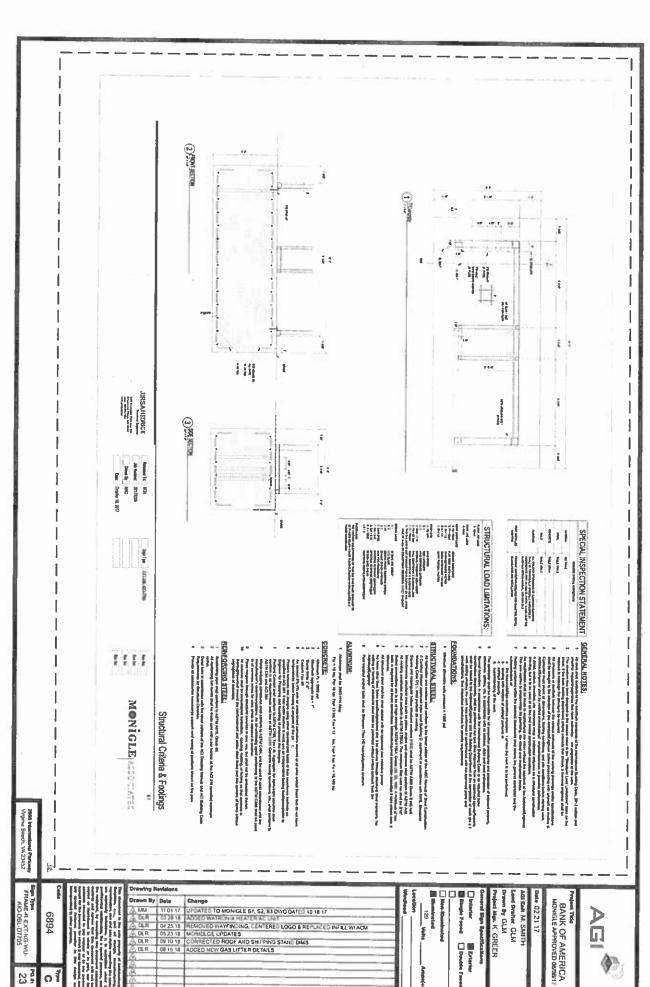


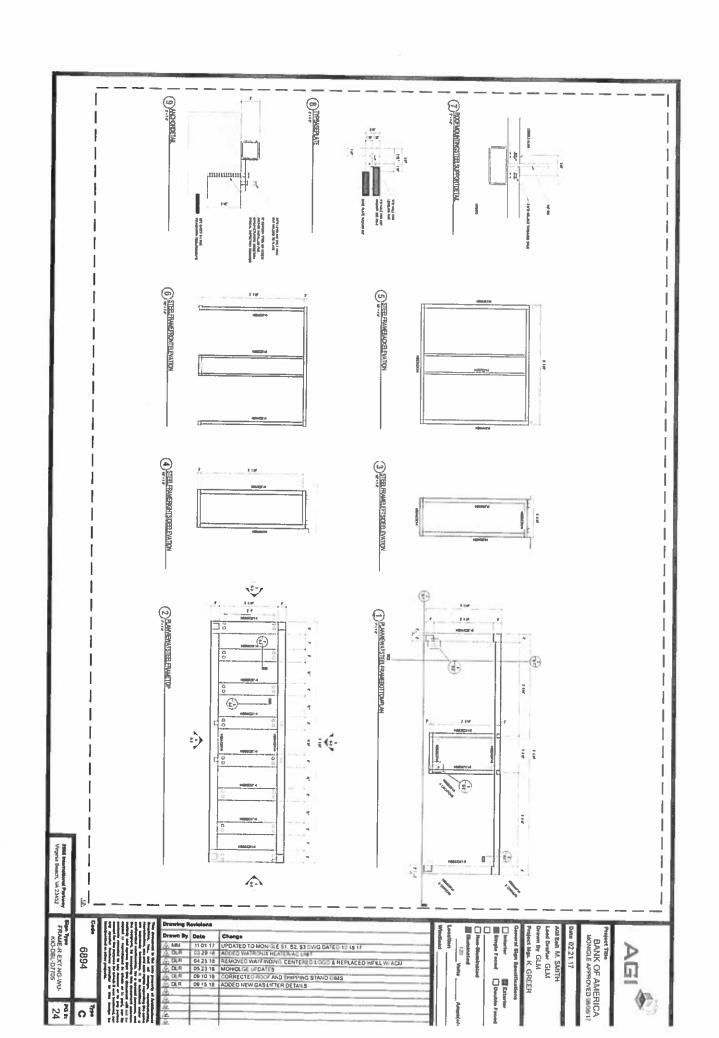


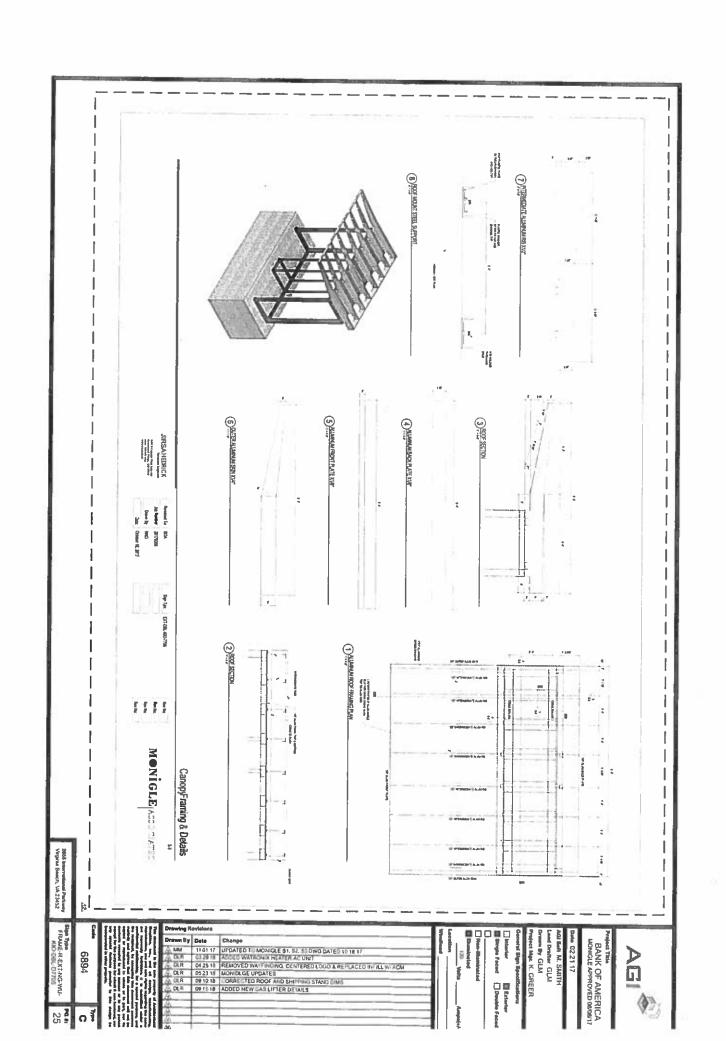


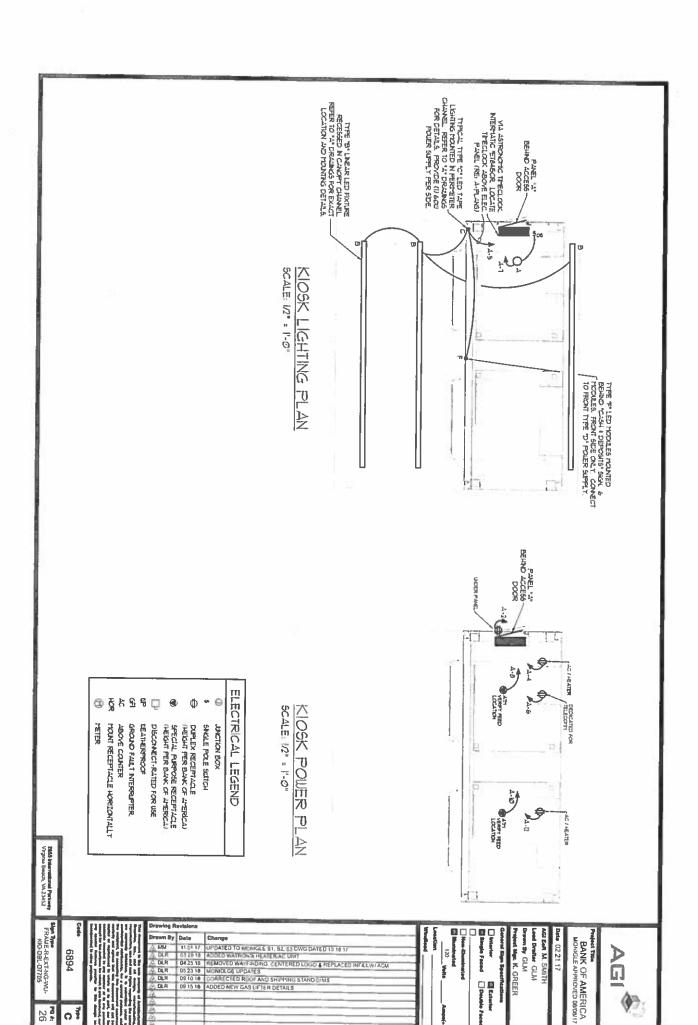


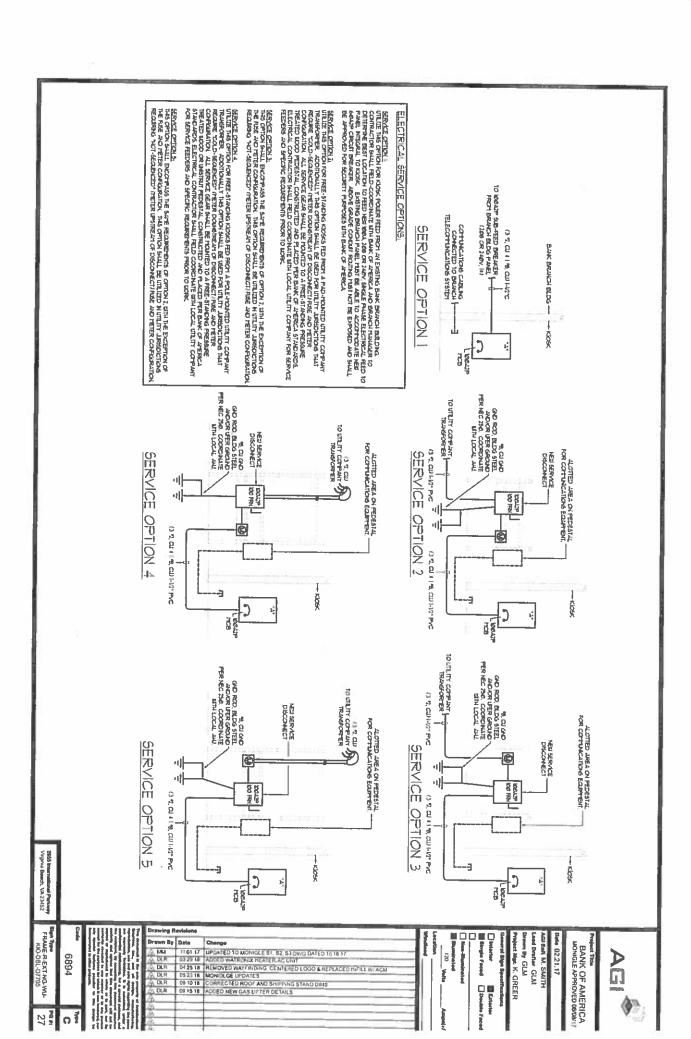


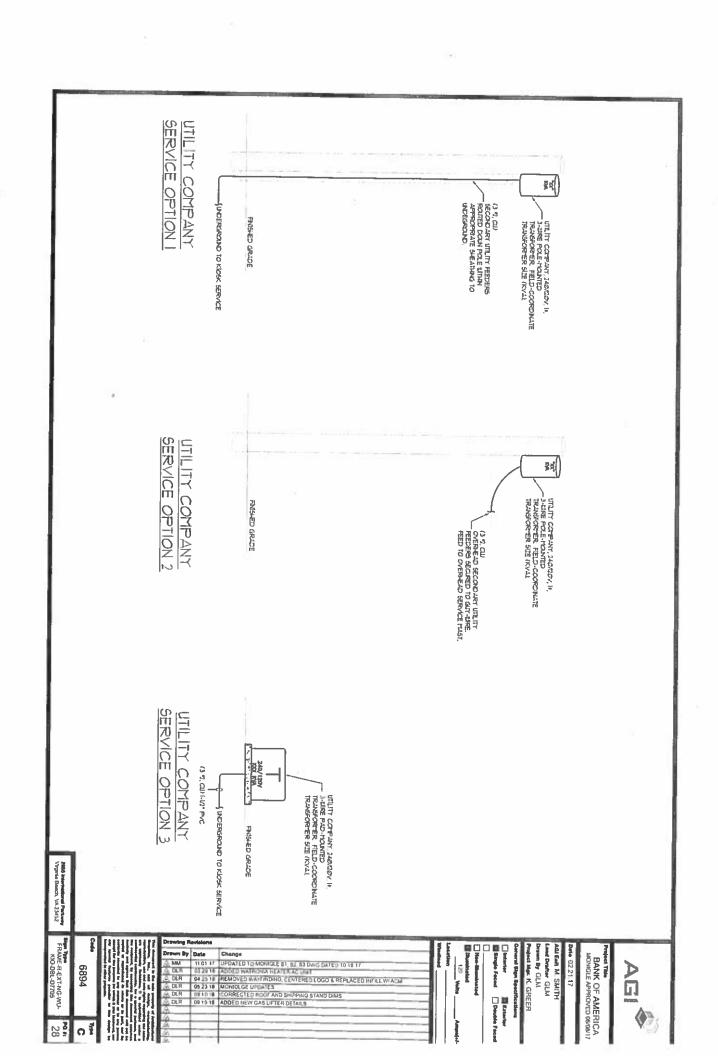












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# ELECTRICAL SPECIFICATIONS

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HATERIA SAD TETRODA. ALL BECTRICAL EDEPTEN DEVICES L'AM FATISES, COMPOLS, ETC. SHALL SE NSTALLED BTHN MANGACTISERS REASERSATS AND NSTRUCTIONS, ENSURE LIOSCHG CLEARANCES FOR GEAR AND PANELS AND ACCESS TO CONSECTIONS OFF ALL TERMANDOS.

BRANCH CIRCURRY AND GROADSKS SHILL COTFLY WITH CODES FOR LOCATION. USE AND SPECIAL OCCUPANCIES.

CORDNATE WHITE MECHTECIDEAL AND STRUCTURAL DRAWNES AND ALL TRADES FOR NIBORED AND ACTUAL LOCATIONS OF EQUIPMENT PRIOR TO ROUGH AND HOTERALS, STRUCTURAL BLOWNES FROM TO ROUGH AN

DISTREGUION GEME NO PENELS.

PROVIDE A COTTENTE SERVICE DISTREGUION STATED PER THE OPENELS PLAGES. NAME THE OFFICE AND PREVIOUS NAME OF THE PARTY PROTECTION AND APPROVED LOCATIONS IN EQUIPMENT ROCKS. PASS AND DREVICEN HOTED FOR EXPRESSIONS AND PREVIOUS AND PREVIOUS PARTY PARTY THE THE PARTY PARTY THE OPENELS RATIO SHALL BE WAITELD AS PREVIOUS PROPERTY DESIGNATIONS OF THE PARTY THAT APPECTS FOR CALLS AND PARTY BRIDGES AND PARTY ROCKS THE DUTTH PLAGES AND PARTY ROCKS THED WITH CALLS AND PARTY ROCKS THED WITH PLAGES AND PARTY ROCKS THED WITH CALLS AND PARTY ROCKS THED WITH PLAGES AND PARTY ROCKS THE WITH PARTY ROCKS

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PHOTOCELL TYPE CONTROLS FOR EXTERIOR DOWNLOATING SHALL BE SUPPLIED. BY THE ELECTRICAL CONTRACTOR PROVIDE NTERFATIC "KARID" OR EQUAL.

PHOTOCELL TYPE CONTROLS FOR SKHUGE SHALL BE PROYDED AND NOTALLED BY THE SKHUGE SHPFLER /

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JASSOCITON AND LOCAL ELECTRICAL WILTHY.

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ENERGY.IT. CONTRACTOR SHALL INCONDITIONALLY THARRAYS ALL LOOK CHATERIALS AND LABORS REGIORED FOR THIS SCOPE FOR A PERCOD OF ONE YEAR AFTER THE PINAL ACCEPTANCE BY BANK OF AMERICA.

NGI ELAN M. SMITH

BANK OF AMERICA

and Drafter GLM Note 02:21.17

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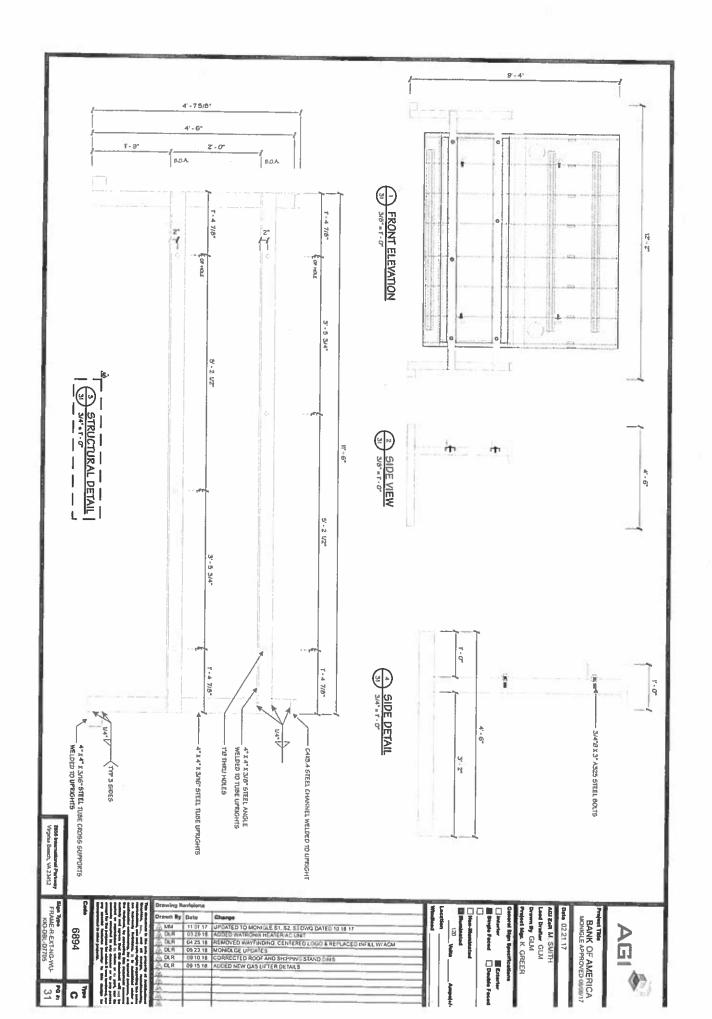
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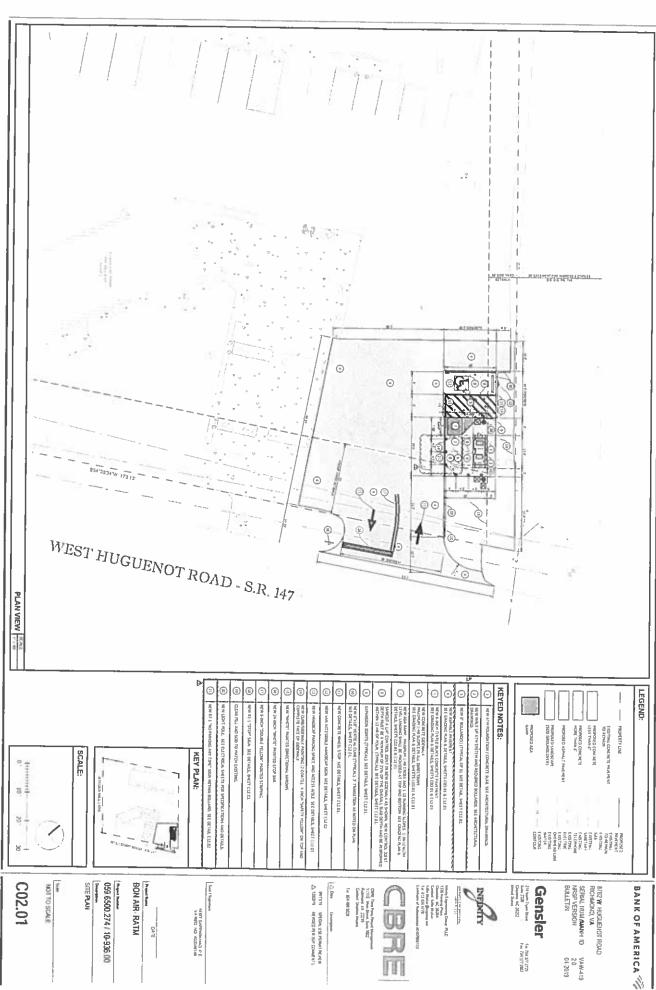
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REQUIRED.

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2505 International Partney Virginia Board, VA 23452 FRAME-R-EXT-NG-WU-KNO-DBL-D7705 6894





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# 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)  special use permit, new special use permit, plan amendment special use permit, text only amendment		
Project Name/Location Property Address: 8762 W Huguenol Road Richmond, Va 23235 Tax Map #: C0010891022 Fee: \$1800.00		
Total area of affected site in acres:		PAIns
(See page 6 for fee schedule, please make check payable to the "City		<del></del>
Zoning Current Zoning: 8-2		
Existing Use:		
Proposed Use (Please include a detailed description of the proposed use in the require Walk up ATM/ Banking	d applicant's report)	
Existing Use:		
Is this property subject to any previous land use cases? Yes No If Yes, please list the Ordinance Number:		
Applicant/Contact Person: Kliffin Walker		
COTTICATIV: Intinky Engineering Group, ELC		
Mailing Address: 1338 Harding Place		
Tolophone:	_ State: NC	Zip Code: 28204
City: Charolotte Telephone: _() Email: Permitting@jegroup.net	_ Fax: _(	_)
Property Owner: George W Gray  If Business Entity, name and title of authorized signee:		
(The person or persons executing or attesting the execution of this Appli she has or have been duly authorized and empowered to so execute or a	ication on babalf of	
Mailing Address: 6767 FOREST HILL AVE SUITE 224		
City:RICHMOND,	State: VA	_ Zip Code: _ 23225
Telephone: _(804-272-)091	Fax: ( 804-272	
Email: GEORGE @ GRAYCONSTRUCTIONRVA COM	3.0	_
Property Owner Signature:		
The names, addresses, telephone numbers and signatures of all owners of	£ 11.	

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)

City of Richmond Department of Planning / Development 900 E Broad Street Room 511 Richmond, VA 23219

RE:

**BOA Bon Air ATM** 

8762 W Huguenot Road Richmond, VA 23235

IEG Project Number: 10-936



INFINITY ENGINEERING GROUP LLC

Dear Land Development,

This letter is to address the request of an Applications Report.

The scope of work for this location would be to remove 4 parking spaces and add a Walk-Up ATM kiosk, built to include 2 ATM's. We will also provide an ADA accessible ramp and ADA parking to serve the Bank of America ATMs.

Sufficient lighting will be provided per Bank Standard, and to follow Code Standards. Six bollards will be installed in order to protect the patrons and equipment from vehicle damage.

This Walk-Up ATM will not require any employees to be on site. The ATM hours will give access to customers 24-7, and will bring in more business for the shopping area around it.

Should you have any questions or require any additional information, please do not hesitate to contact us at (813) 434-4770.

Sincerely,

Infinity Engineering Group, LLC.

Nisit Sapparkhao, P.E.

President