



## Legislation Text

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**File #:** ORD. 2021-251, **Version:** 3

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To amend and reordain Ord. No. 98-248-318, adopted Oct. 12, 1998, which authorized the special use of the property known as 6424 Elkhardt Road for the conversion of an existing office for use as a contractor's shop with accessory outdoor storage, to instead authorize a convenience store, upon certain terms and conditions. (9<sup>th</sup> District)

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 98-248-318, adopted October 12, 1998 be and is hereby amended and reordained as follows:

§ 1. That the [~~real estate,~~] property known as 6424 Elkhardt Road Road located on the north side of Elkhardt Road between Hull Street and Whitehead Roads, identified as Tax Parcel No. C007-0588/020 in the [~~1998~~] 2021 records of the City Assessor, containing approximately 25,300 square feet, more or less, being more completely described as follows: beginning at a property line 375.50 feet east of the center line of Whitehead Road, thence extending in a northerly direction 220.00 feet along a property line to a point; thence extending in a westerly direction 115.00 feet to a point; thence extending in a southerly direction 220.00 feet along a property line to a point, thence extending in an westerly direction along the north right of way line of Elkhardt Road 115.00 feet to the point of beginning (the "Property"), is hereby permitted to be used for a [~~contractor's shop~~] convenience store, together with accessory off-street parking [~~and outdoor storage~~], hereinafter referred to as the "Special Use", substantially in accordance with the [~~site~~] plan entitled [~~"Site Plan for American Irrigation Supply Inc., Pipe Storage Area"~~, prepared by Snead Associates, P.C., and dated February 16, 1998 and last revised July 14, 1998] "Special Use Permit - Review, 6424 Elkhardt Road, Richmond, Virginia 23225," prepared by an unknown preparer, and dated February 8, 2021, hereinafter referred to as the "Plans", a copy of which is attached hereto and made a part of this ordinance.

§ 2. That adoption of this ordinance shall constitute the granting of a special use permit for the [~~real estate,~~] Property, which shall be transferable from the owner of the [~~real estate,~~] Property to the successor or successors in fee simple title of the owner, all of which are hereinafter referred to as the “Owner”, whether acquired by operation of law, deed or otherwise, and shall run with the land.

§ 3. That [~~the Commissioner of Buildings is hereby authorized to issue to the owner of said real estate building permits in accordance with the above-referenced plans for such purpose(s); subject to the following terms and conditions;~~] this special use permit is conditioned on the following special terms and conditions:

(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 shall be made within twenty-four (24) months from the effective date of this ordinance, which building permit shall expire by limitation and become null and void if construction is not commenced within one hundred eighty days (180) 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 a building permit not be made within twenty-four (24) months from the effective date of this ordinance or should the building permit expire and become null and void after the expiration of the twenty-four (24) month time period for making application for the building permit, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void;]~~

~~[(e)]~~ (b) That the [~~use~~] Special Use of the [~~property~~] Property shall be a [~~contractor’s shop with accessory parking and outdoor storage. The existing building shall contain a minimum of 1240 square feet of office space and a maximum of 1000 square feet of equipment and material storage]~~ a convenience store with

accessory off-street parking. Hours of operation for the Special Use during which the Special Use may be open to the public shall be from ~~[7:00 a.m. to 5:30 p.m.]~~ 5:00 a.m. to 10:00 p.m. Monday through Friday, and ~~7:00 a.m. to [12:30]~~ 10:00 p.m. Saturdays and Sundays. Deliveries to the ~~[premises]~~ Special Use and trash removal shall be limited to ~~[8:00 a.m. to 5:30 p.m. Monday through Friday and 8:00 a.m. to 12:30 p.m. Saturdays]~~ the hours of operation during which the Special Use may be open to the public, as set forth in this subsection;

~~[(d)]~~ (c) That a minimum of ~~[eleven (11)]~~ 11 off-street parking spaces shall be provided within the asphalt areas substantially as shown on the ~~[attached plans]~~ Plans. The parking area shall be paved with an all-weather, dust-free surface and parking spaces shall be delineated on the pavement surface;

~~[(e)]~~ (d) ~~[One (1) outdoor storage enclosure constructed of wood fencing six (6) feet six (6) inches high may be constructed on the property at any one time. A thirty (30) foot by sixty (60) foot storage enclosure may be constructed as identified on the attached site plan as "New Pipe Storage Yard" for a period of up to five (5) years from adoption of this ordinance. Before or at the termination of the five (5) year period the storage enclosure shall be moved to the rear of the property to the area identified on the attached site plan as "Future Pipe Storage Area." The storage enclosure to the rear may be a maximum of thirty (30) foot by eighty (80) foot. No material stored within the storage enclosure shall be visible from outside the enclosure]~~ Landscape buffers shall be provided along the Property's frontage with Elkhardt Road between the sidewalk and asphalt parking areas. The landscape buffers shall meet the requirements of Buffers A, B, C, or D, pursuant to Sections 30-710.13(2)(b) of the Code of the City of Richmond (2020), as amended;

~~[(f)]~~ (e) Signage shall be limited to ~~[two (2) signs with a maximum aggregate sign area of one hundred thirty two (132) square feet. One (1)]~~ (i) signs permitted in all districts, pursuant to section 30-505 of the Code of the City of Richmond (2020), as amended, and (ii) one sign ~~[shall have]~~ with a maximum sign area of ~~[fifty-two (52)]~~ 52 square feet ~~[ and shall be]~~ attached flat against a vertical surface of the building as ~~[identified]~~ shown on the ~~[attached site plan]~~ Plans. ~~[One (1) freestanding~~

sign with a maximum sign area of eighty (80) square feet shall be as identified on the attached site plan and shall not exceed twenty (20) feet in height.] Signage may be internally illuminated;

[(g)] (f) [That landscaping shall be provided and/or maintained substantially as shown on the attached plans.] Lighting shall be provided for security and shall be located, directed, or shielded so as not to shine on adjoining properties or to create a traffic hazard by means of glare;

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

[(i)] (h) 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 to not be visible from adjacent properties and public streets;

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

[(k)] (j) That a [~~ten (10)-foot~~] ten-foot wide strip of land across the front of the [property] Property shall remain dedicated to the City for future street widening purposes; and

[(l)] (k) That in all other respects, the use of the [property] Property shall be in accordance with the applicable underlying zoning.

§ 4. That [should the owner use the premises for any purpose which is not permitted by this ordinance, or fails, refuses or neglects to comply with all applicable terms and conditions, and does not terminate such use or comply with such terms and conditions within sixty (60) days after written notice to do so has been given by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void, unless an application for a special use amendment is

filed with the Director of the Department of Community Development, which shall stay the sixty (60) day period. Failure to comply with the terms of this ordinance shall constitute a violation of §32-1080 of the Code of the City of Richmond, 1993, or other applicable provisions.] 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 (2020), 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 (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void or when ~~[use]~~ the Special Use of the ~~[premises]~~ Property is abandoned for a period of ~~[twenty-four(24)]~~ 730 consecutive ~~[months]~~ days, 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 real estate shall be governed thereafter by the zoning regulations prescribed for the district in which the ~~[real-estate]~~ Property is then situated.

§ 6. The Commissioner of Buildings is hereby 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 amendatory ordinance. An application for a building permit shall be made within 730 days following the date on which this amendatory ordinance becomes effective. The building permit issued in accordance with this amendatory ordinance shall terminate and become null and void if construction on the Property is not commenced within 180 days following the date of the building permit or if construction is suspended or abandoned for a period of 180 consecutive days at any time after the work is commenced, as provided in the applicable provisions of the

Virginia Uniform Statewide Building Code. If either the application for a building permit is not made within 730 days following the date on which this amendatory ordinance becomes effective or the building permit terminates and becomes null and void as provided in this section or under any provision of the Virginia Statewide Building Code, this amendatory ordinance and the special use permit granted hereby shall terminate and become null and void.

§ ~~6.~~ 7. This ordinance shall be in force and effect upon adoption.

II. This amendatory ordinance shall be in force and effect upon adoption.

### **O & R Request**

**DATE:** August 12, 2021

**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:** J.E. Lincoln Saunders, Acting Chief Administrative Officer

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

**FROM:** Kevin J. Vonck, Acting Director, Department of Planning and Development Review

**RE:** To amend Ordinance No.1998-248 to authorize the special use of the property known as 6424 Elkhardt Road for the purpose of allowing a convenience store, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To amend Ordinance No.1998-248 to authorize the special use of the property known as 6424 Elkhardt Road for the purpose of allowing a convenience store, upon certain terms and conditions

**REASON:** The subject property is located in the RO-1 Residential Office zoning district and subject to Ordinance No.1998-248, a special use permit that authorized a contractor's shop with outdoor storage. An amendment to the special use permit has been requested to allow a convenience store.

**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 October 4, 2021 meeting.

**BACKGROUND:** The 25,000 square foot subject property is located on the north side of Elkhardt Road between

Hull Street and Whitehead Road. It is improved with a 2,400 square foot building. In 1974 a 7-Eleven Convenience store was authorized by special use. The special use expired after the authorized use was abandoned for more than two years. On October 12, 1998 City Council approved Ordinance 98-248-318 authorizing a contractor's shop with outdoor storage. The applicant proposes to convert the property back to a convenience store. The special use ordinance currently in effect for the property permits two signs with a total of 132 square feet of sign area. One sign no larger than 52 square shall be allowed to be attached to the building front of the building. A freestanding sign with up to 80 square feet of sign area and no taller than 20 feet shall also be allowed.

The Richmond 300 Master Plan recommends Residential Uses for the Property. The development style in this designation calls for houses on medium-sized and large-sized lots in a largely auto-dependent environment. Homes are setback from the street. Future developments continue and/or introduce a gridded street pattern to increase connectivity. Future single-family housing, accessory dwelling units, duplexes, and small multi-family residential buildings are built to a scale and design that is consistent with existing buildings.

The property is also located within the Hull/Chippenham Neighborhood Node. The vision for the node is: At the edge of the city, the Node at Hull Street and Chippenham Parkway is developed with a large strip commercial center, smaller commercial buildings on Hull Street, low-density multi-family apartment complexes, the new Cardinal Middle School, and surrounding single-family neighborhoods. This Node will attract both city and county residents by providing neighborhood serving commercial and housing at varying affordability levels in a more urban form. New development should include the redevelopment of the parking lots along both sides of Hull Street with medium-scale buildings built closer to the street and parking located in the rear in shared lots. Additionally, the low-density multi-family residential communities can be redeveloped into higher-density, mixed-use neighborhoods. The redesign of these communities should emphasize creating walkable, well-connected communities with well-designed buildings, a street grid, sidewalks, and street trees. Improving pedestrian safety should be prioritized especially connections to the new school. The creation of new open space and improved connections to Pocosham Park should be explored to provide additional access to open space for residents of this community.

Properties adjacent to the east contains Elkhardt Middle School and to the north are apartments on property zoned R-3 Single-Family Residential. Adjacent to the west is a day care on property zoned RO-1 Residential Office. Across Elkhardt Road to the south is a shopping center and a vacant parcel located in the B-3 General Business 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:** \$1,200 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** September 13, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** October 11, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, October 4, 2021

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

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Amend Ordinance No.1998-248

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Draft Ordinance, Application and Narrative, Plans, Survey, Map

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

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: