



## Legislation Details (With Text)

<b>File #:</b>	ORD. 2019-347	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Adopted	
<b>File created:</b>	5/20/2019	<b>In control:</b>		City Council	
<b>On agenda:</b>	1/13/2020	<b>Final action:</b>		1/13/2020	
<b>Title:</b>	To authorize the special use of the property known as 1817 Floyd Avenue for the purpose of limited special events, upon certain terms and conditions.				
<b>Sponsors:</b>	Mayor Stoney (By Request)				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Ord. No. 2019-347, 2. Staff Report, 3. Application Form & Applicant's Report, 4. Plans & Survey, 5. Map, 6. Letter of No Opposition_FDA, 7. Applicant's Letter to Community, 8. Petition of Support, 9. Public Response Form_Support_Jan 6, 2020 Planning Commission Meeting				

Date	Ver.	Action By	Action	Result
1/13/2020	1	City Council	adopted	Pass
1/6/2020	1	Planning Commission	recommended for approval	
12/9/2019	1	City Council	introduced and referred	

To authorize the special use of the property known as 1817 Floyd Avenue for the purpose of limited special events, upon certain terms and conditions.

WHEREAS, the owner of the property known as 1817 Floyd Avenue, which is situated in an R-6 Single-Family Attached Residential District, desires to use such property for the purpose of limited special events, which use, among other things, is not currently allowed by section 30-412.1 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 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 1817 Floyd Avenue and identified as Tax Parcel No. W000-0812/007 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “Hand Workshop, City of Richmond, Virginia, Alta Survey,” prepared by Hulcher & Associates, Inc., dated August 21, 2002, and last revised December 4, 2002, 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 special events as described in this ordinance, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Site Plan: Visual Arts Center of Richmond, Collector’s Night: March 7<sup>th</sup>, 2020,” prepared by Daniel F. Carney and Elizabeth Oliver, and dated May 17, 2019, and on the plans entitled “Collectors Night 2019,” prepared by an unknown preparer, and undated, 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 not more than five special events, including fundraising events, within a 365-day period, substantially as shown on the applicant’s report attached to and made a part of this ordinance and on the Plans. The special events shall be for the benefit of the operations or functions of the principal uses of the property known as 1812 West Main Street and identified as Tax Parcel No. W000-0812/029 in the 2019 records of the City Assessor, and may include music.

(b) The special events may include the use of one or more tents, substantially as shown on the Plans.

(c) No special event shall involve more than 350 attendees.

(d) No special event shall extend beyond 11:00 p.m. No personnel associated with the special event shall work on the Property beyond 12:00 a.m..

(e) For each special event, the Owner shall provide valet parking service to one or more off-site parking areas.

(f) 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 Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, 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.

### **O & R Request**

**DATE:** November 8, 2019

**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:** Lenora G. Reid, Acting Chief Administrative Officer

**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 special use of the property known as 1817 Floyd Avenue for the purpose of  
utilizing an existing parking lot for special events, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To authorize the special use of the property known as 1817 Floyd Avenue for the purpose of  
utilizing an existing parking lot for special events, upon certain terms and conditions.

**REASON:** The applicant, Visual Arts Center of Richmond, is requesting a Special Use Permit which would  
authorize the use of an existing parking area for tented special events. The property is currently zoned in the R-  
6 Single-Family Attached Residential District, which does not allow for the proposed use. A Special Use Permit  
is therefore 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 January 6, 2020, meeting.

**BACKGROUND:** The property consists of a .297 acre parcel of land improved with a parking area. The  
property fronts on Floyd Avenue, between North Allen Avenue and North Granby Street, in The Fan  
neighborhood of the Near West planning district. The property is owned by the Visual Arts Center of  
Richmond, which is located at 1812 West Main Street, across the alley from the subject property. The proposed  
special events are primarily fundraising events for the Center.

The City of Richmond's current Master Plan designates a future land use category for the subject property as  
Single-Family Residential at Medium Densities. Primary uses for this category "...are single-family and two-  
family dwellings, both detached and attached, at densities of 8 to 20 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-5A, R-6 and  
R-7. (City of Richmond Master Plan, 133)

The current zoning for this property is R-6 Single-Family Attached Residential. Adjacent properties are to the east, north and west of the subject property are located within the same R-6 District. Property to the south is zoned UB Urban Business. A mix of commercial, mixed-use, institutional, office, 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:** \$2,400 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** December 9, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** January 13, 2020

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, January 6, 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:** Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

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

**Key Issues:**

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: