



## Legislation Details (With Text)

**File #:** ORD. 2019-348    **Version:** 4    **Name:**

**Type:** Ordinance    **Status:** Adopted

**File created:** 11/8/2019    **In control:** City Council

**On agenda:** 1/13/2020    **Final action:** 1/13/2020

**Title:** To amend and reordain 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.

**Sponsors:** Mayor Stoney (By Request)

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord. No. 2019-348, 2. Staff Report, 3. Application Form and Applicant's Report, 4. Plans, 5. Map

Date	Ver.	Action By	Action	Result
1/13/2020	4	City Council	adopted	Pass
1/6/2020	4	Planning Commission	recommended for approval	
12/9/2019	4	City Council	introduced and referred	

To amend and reordain 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.

### THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 92-169-108, adopted May 26, 1992, is hereby amended and reordained as follows:

§ 1. That the [~~real estate,~~] property known as 2820 West Cary Street, located at the northeast corner of the intersection of West Cary Street and South Colonial Avenue, being more completely described as follows: beginning at the northeast intersection of West Cary Street and South Colonial Avenue; thence extending in an easterly direction along the north line of West Cary Street 40.65 feet to a point; thence in a northerly direction along a property line 125.16 feet to the south line of an alley; thence along the south line of said alley in a westerly direction 40.65 feet to a point on the east line of Colonial Avenue; thence along the

east line of Colonial Avenue in a southerly direction 135.16 feet to the point of beginning, is hereby permitted to be used for the purpose of operating a proposed 5,086 square foot shopping center within an existing building, waiving the off-street parking requirement, with site development substantially as shown on plans and drawings entitled: "Carillon Court", prepared by Claes Gustaf Tholand Design, copies of which are attached ~~[hereto]~~ to Ordinance No. 92-169-108, adopted May 26, 1992, and made a part of ~~[this ordinance]~~ Ordinance No. 92-169-108, adopted May 26, 1992.

§ 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, 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]~~ property a building permit in accordance with the above-referenced plans and drawings for such purpose(s), subject to the following 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 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.

§ 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 days after written notice so to do 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~~] Planning and Development Review, which shall stay the [~~sixty~~] 60 day period. Failure to comply with the terms of this ordinance shall constitute a violation of section [~~32-1080~~] 30-1080 of the Code of the City of Richmond [~~1985~~] (2015), as amended, or any other applicable [~~provision~~] laws or regulations.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit

becomes null and void or when use of the [~~premises~~] property is abandoned for a period of [~~twenty-four~~] 24 consecutive months, use of the [~~real estate~~] property shall be governed thereafter by the zoning regulations prescribed for the district in which the [~~real estate~~] property is then situated.

§ 6. 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:** 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 amend Ord. No. 92-169-108, which authorized the use of the real estate, property known as 2820 West Cary Street, for the purpose of operating a proposed 5,586 square foot shopping center within an existing building, waiving the off-street parking requirement, upon certain terms and conditions, to modify the requirements pertaining to permitted uses, upon certain terms and conditions.

### **ORD. OR RES. No.**

**PURPOSE:** To amend Ord. No. 92-169-108, which authorized the use of the real estate, property known as 2820 West Cary Street, for the purpose of operating a proposed 5,586 square foot shopping center within an existing building, waiving the off-street parking requirement, upon certain terms and conditions, to modify the requirements pertaining to permitted uses, upon certain terms and conditions.

**REASON:** 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.

**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 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.

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.

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.

To the east, west, and south are properties located in the same UB-PO2 zoning district as the subject property. These properties contain mixed 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.

**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:** \$1,800 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 Administration Officer  
Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Amendment of Ord. No. 92-169-108

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

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

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