



Legislation Details (With Text)

File #: ORD. 2023-282 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 5/17/2023 **In control:** City Council

On agenda: 11/13/2023 **Final action:** 11/13/2023

Title: To amend Ord. No. 2006-194-200, adopted Jul. 24, 2006, and last amended by Ord. No. 2013-197-186, adopted Oct. 14, 2013, which authorized the special use of the property known as 900 West Franklin Street for the purpose of the expansion of a nonconforming retail bookstore, additional signage, and an increase in the radius within which required parking must be provided, to authorize uses permitted in the B-5 Central Business District and to waive parking requirements for those uses, upon certain terms and conditions. (2nd District)

Sponsors: Mayor Stoney (By Request)

Indexes:

Code sections:

Attachments: 1. Ord. No. 2023-282, 2. Staff Report

Date	Ver.	Action By	Action	Result
11/13/2023	1	City Council	adopted	Pass
10/16/2023	1	Planning Commission	recommended for approval	
9/25/2023	2	City Council	introduced and referred	

To amend Ord. No. 2006-194-200, adopted Jul. 24, 2006, and last amended by Ord. No. 2013-197-186, adopted Oct. 14, 2013, which authorized the special use of the property known as 900 West Franklin Street for the purpose of the expansion of a nonconforming retail bookstore, additional signage, and an increase in the radius within which required parking must be provided, to authorize uses permitted in the B-5 Central Business District and to waive parking requirements for those uses, upon certain terms and conditions. (2nd District)

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2006-194-200, adopted July 24, 2006, and last amended by Ordinance No. 2013-197-186, adopted October 14, 2013, be and is hereby amended and reordained as follows:

§ 1. That the property known as 900 West Franklin Street and identified as Tax Parcel No. W000-0468/020 in the [2013] 2023 records of the City Assessor, being more particularly shown on a site plan designated as sheet 1 of the plans entitled “Modifications to: The Virginia Book Company, The Chesterfield Building, 900 West Franklin Street, Richmond, Virginia 23003”, prepared by Wallace F. Mills, Architect, dated June 16, 2003 and last revised May 15, 2006, a copy of which is attached to and made a part of Ordinance No. 2006-194-200, adopted July 24, 2006, is hereby permitted to be used for the purpose of [a retail bookstore, substantially as shown on sheet 2 of the plans entitled “Modifications to: The Virginia Book Company, The Chesterfield Building, 900 West Franklin Street, Richmond, Virginia, 23003”, prepared by Wallace F. Mills, Architect, dated June 16, 2003 and last revised May 15, 2006, a copy of which is attached to and made a part of Ordinance No. 2006-194-200, adopted July 24, 2006] principal and accessory uses in the B-5 Central Business District on the first floor and basement level of the existing

building.

§ 2. That the adoption of this amendatory ordinance shall constitute the granting of a special use permit for the property, which shall be transferable from the owner of the property to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and which shall run with the land.

§ 3. That the [~~Commissioner of Buildings~~] Zoning Administrator is hereby authorized to issue to the owner of the property a [~~building permit~~] certificate of zoning compliance substantially in accordance with the plans referred to above for the aforementioned purpose, subject to the following terms and conditions:

(a) The owner of the property shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the property, except as otherwise provided in this ordinance.

(b) An application for a [~~building permit~~] certificate of zoning compliance shall be made within [~~twelve (12) months~~] 730 calendar days from the effective date of this amendatory ordinance. Should application for the certificate of zoning compliance not be made within [~~twelve (12) months~~] 730 calendar days after the effective date of this amendatory ordinance, the privileges granted by this amendatory ordinance shall terminate and the special use permit shall become null and void.

(c) 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 subject property have been paid.

(d) All required final grading and drainage plans, together with all easements made necessary by such plans, shall be approved by the Director of Public Utilities [~~prior to the issuance of building permits~~].

(e) 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 adjacent property or public streets and the use thereof.

(f) 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.

(g) Any encroachments either proposed on the attached 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 [~~(2004)~~] (2020), as amended.

(h) The commercial use of the first floor and basement level [shall be as an office and a restaurant, with accessory restaurant storage in the basement, substantially as] depicted on the plans entitled “The Chesterfield, 900 West Franklin Street, Richmond, Virginia”, prepared by Robert E. Wayne, Architect, and dated August 19, 1975, a copy of which is attached to and made part of Ordinance No. 2006-194-200, adopted July 24, 2006[. The commercial use of the basement shall be as a retail bookstore, substantially as depicted on the plans attached to Ordinance No. 2006-194-200, adopted July 24, 2006], shall be for principal and accessory uses permitted in the B-5 Central Business District.

(i) [Ten (10) parking spaces shall be provided for the restaurant use in accordance with section 114-710.4 of the Code of the City of Richmond (2004), as amended, except that the ten (10) parking spaces shall be located within an eight hundred foot (800’) radius from the front door of the building on the subject property] Off-street parking shall not be required for the uses on the first floor and basement level.

(j) Signage shall be permitted pursuant to the following conditions:

(i) The aggregate area of all signs located on the property shall not exceed seventy-four (74) square feet.

(ii) No individual sign shall exceed eighteen (18) square feet in area.

(iii) No projecting sign shall exceed seven (7) square feet in area or be located within twenty-five (25) feet of another projecting sign on the same building wall. No such sign shall project greater than five (5) feet from the face of the building or extend above the height of the wall to which it is attached.

(iv) One (1) building mounted sign shall be permitted on the southern wall of the building, and one (1) building mounted sign shall be permitted on the western wall of the building. Each building-mounted sign shall be limited to no more sixteen (16) square feet and may be internally lit, substantially as shown on the drawing labeled “Well Sign Construction” attached to the Applicant’s Report entitled “Special Use Permit-Text Amendment, 900 West Franklin Street, Richmond, Virginia,” prepared by Jeffrey P. Geiger dated March 21, 2013, and last revised July 12, 2013, a copy of which Applicant’s Report is attached to [~~this ordinance~~] Ordinance No. 2013-197-186, adopted October 14, 2013.

(v) One (1) freestanding sign not exceeding eighteen (18) square feet in area shall be permitted.

(k) In all other respects, the use of the property shall be in accordance with the applicable

underlying zoning regulations.

§ 4. That the privileges granted by this [~~ordinance may under certain circumstances be revoked.~~

~~Upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit pursuant to the provisions of sections 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), as amended, if (a) the property owner does not abate the violation within thirty (30) days of the issuance of the notice or (b) three (3) notices of violation are issued to the property owner within any twelve (12) month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner]~~ amendatory 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 law, or any other applicable laws or regulations. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section ~~[114-1080]~~ 30-1080 of the Code of the City of Richmond ~~[(2004)]~~ (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 amendatory ordinance terminate and the special use permit granted hereby becomes null and void ~~[or when use of the premises is abandoned for a period of twenty-four (24) consecutive months]~~, whether as a result of the owner of the property 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. 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 11, 2023

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, Chief Administrative Officer

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

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

RE: To amend Ord. No. 2006-194-200, adopted Jul. 24, 2006, last amended by Ord. No. 2013-197-186, adopted October 14, 2013, which authorized the special use of the property known as 900 West Franklin Street for the purpose of the expansion of a nonconforming retail bookstore, to authorize additional signage and an increase in the radius within which required parking must be provided, to now authorize uses permitted in the B-5 Central Business District and to waive parking requirements for those uses, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend Ord. No. 2006-194-200, adopted Jul. 24, 2006, last amended by Ord. No. 2013-197-186, adopted October 14, 2013, which authorized the special use of the property known as 900 West Franklin Street for the purpose of the expansion of a nonconforming retail bookstore, to authorize additional signage and an increase in the radius within which required parking must be provided, to now authorize uses permitted in the B-5 Central Business District and to waive parking requirements for those uses, upon certain terms and conditions.

REASON: The subject property is zoned R-73 Multifamily Residential District which allows for single-family, multifamily, and office uses. General commercial uses are not permitted. The proposed requested amendment will authorize those uses permitted in the B-5 Central Business District to be permitted uses on the first floor and basement level of the building and will remove the parking requirement for those uses.

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.

BACKGROUND: The .281 acre subject property, known as 900 West Franklin Street, is located on the western corner of W. Franklin Street and Shafer Street in an area surrounded by commercial, institutional, and mixed use buildings.

The Richmond 300 designates the property for Institutional land use. These areas call for public and quasi-public entities, such as local, state, and federal government, hospitals, universities, schools, and religions institutions. The plan states that residential uses may be permitted in certain sections of the areas designated as institutional and lists multi-family as a secondary use in these areas

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: No

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: September 11, 2023

CITY COUNCIL PUBLIC HEARING DATE: October 10, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, October 2, 2023

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

RELATIONSHIP TO EXISTING ORD. OR RES.: Amend Ord. 2013-197-186

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: David Watson, Senior Planner, Land Use Administration 804-626-1036

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: