File #: ORD. 2020-032, **Version:** 1

To amend and reordain Ord. No. 2006-130-115, adopted May 22, 2006, which authorized the special use of the property known as 3011 Meadow Bridge Road for the purpose of authorizing commercial uses, which may be operated on a social service delivery basis, and an accessory parking area, to modify the permitted uses, upon certain terms and conditions.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2006-130-115, adopted May 22, 2006, is hereby amended and reordained as follows:

§ 1. That the property known as 3011 Meadow Bridge Road and identified as Tax Parcel No N000-0989/015 in the [~~2006~~] 2020 records of the City Assessor, being more particularly shown on a survey and site layout entitled "Proposed Sale of Surplus Property at 3011 Meadow Bridge Road, Parcel N000-0989-015", prepared by the Department of Public Works, designated as DPW Drawing No. N-28052 and dated April 6, 2006, a copy of which is attached to and made a part of [~~this ordinance~~] Ordinance No. 2006-130-115, adopted May 22, 2006, is hereby permitted to be used for certain commercial uses, which may be operated on a social service delivery basis, and an accessory parking area, substantially as shown on sheets Site-1, Site-2, and A.1 through A.4 of the plans entitled "Firehouse Retail Center," prepared by Irby and Papit Architects, dated January 18, 2006, with sheets Site-2 and A.1 being revised January 20, 2006, copies of which are attached to and made a part of [~~this ordinance~~] Ordinance No. 2006-130-115, adopted May 22, 2006.

§ 2. That the adoption of this 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 is hereby authorized to issue to the owner of the property a

building permit 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 expressly provided in this ordinance.

(b) 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 [~~a building permit~~] the certificate of zoning compliance shall be made within [~~twenty-four (24)~~] 24 months from the effective date of this ordinance. [~~This building permit shall expire and shall become null and void if any necessary construction has 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 such construction has commenced, as provided in any applicable provisions of the Virginia Uniform Statewide Building Code. Should~~] If the application for the [~~building permit~~] certificate of zoning compliance is not [~~be~~] made within [~~twenty-four (24) months after 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~~] the time period [~~for making application for the building permit~~] stated in the previous sentence, [~~the privileges~~] this ordinance and the special use permit granted hereby [~~by this 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, must be approved by the Director of [~~Community Development~~] 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 any 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) The permitted principal uses of the rooms designated as 106, 107, 108, 110, 111, and 112, on sheet A.1 of the [~~attached~~ ~~plan~~] plans attached to and made a part of Ordinance No. 2006-130-115, adopted May 22, 2006, shall be limited to: art galleries, banks, dry cleaning pick-up stations, non-medical office, office supply, business and office service, personal service, retail, and service business that service small electronic or household items.

(h) The permitted principal uses of the room designated as 109 and the kitchen space designated as room 105 on sheet A.1 of the [~~attached~~ ~~plan~~] plans attached to and made a part of Ordinance No. 2006-130-115, adopted May 22, 2006, shall be limited to restaurant, tearoom, café, delicatessen, ice cream parlor, similar food and beverage service establishment, including catering business in conjunction therewith, or a bakery where products are sold principally at retail on premises. In conjunction with these uses, room 109 may be used as a lodge or meeting facility and may offer live performances, provided that such performances end by [~~10:00~~] 11:00 P.M., Sunday through Thursday, and 12:00 a.m., on Friday and Saturday. The restaurant may also utilize the concrete patio for outdoor dining, but may not have live performances, music, or public address system in the outdoor dining area. The outdoor dining area shall be improved with trash facilities and screening as required by Chapter [~~114~~] 30 of the Code of the City of Richmond [~~(2004)~~] (2015), as amended. Four vendor kiosks may also be located in room 109.

(i) The sale or consumption of alcoholic beverages shall [~~not~~] be permitted indoors on the [~~premises~~

] property during no more than three private events each month.

(j) The uses within the building shall close by [~~10:00~~] 11:00 P.M., Sunday through Thursday, and [~~11:00 P.M.~~] 12:00 A.M., on Friday and Saturday, and may not open earlier than 6:00 A.M. Any outdoor activities shall end by no later than 10:00 P.M.

(k) The aggregate sign area and types of permitted signs shall be as regulated by the underlying zoning district. Freestanding signage shall be limited to one sign oriented towards Meadow Bridge Road, which shall not exceed eight feet in height or seventy-five square feet in area.

(l) Site landscaping, fencing, and lighting shall be provided substantially as shown on the [~~attached~~] plans attached to and made a part of Ordinance No. 2006-130-115, adopted May 22, 2006. The area identified as "open yard and future garden" on the attached plans shall be improved with grass or may be improved in an alternative manner subject to the approval of a final landscape plan for that area. Such landscape plan shall be subject to the approval of the Director of [~~Community~~] Planning and Development Review. Additional screening, tables and chairs, and refuse facilities may be added to the concrete patio to accommodate an outdoor dining area. Improvement to the outdoor dining area shall be as required by section [~~114-436.1(33)(b) and (c)~~] 30-436.1(33)(b) and (c) of the Code of the City of Richmond [~~(2004)~~] (2015), as amended.

(m) Nine [~~(9)~~] on-site parking spaces shall be provided substantially as shown on the [~~attached~~] plans attached to and made a part of Ordinance No. 2006-130-115, adopted May 22, 2006.

(n) The principal use of the property may be operated on a social service delivery basis, provided that operation of the programs and services provided on the property shall be under the ultimate direction and oversight of a single nonprofit organization established for the purpose of providing services to individuals associated with the commercial use of the property, substantially as described in the applicant's report and management program, a copy of which is attached to [~~this ordinance~~] and made a part of Ordinance No. 2006-130-115, adopted May 22, 2006. The operating organization shall have a Board of Directors substantially as represented in the applicant's report and management program.

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(o) Any encroachments either proposed on the [~~attached~~] plans attached to and made a part of Ordinance No. 2006-130-115, adopted May 22, 2006, 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)~~] (2015), as amended.

(p) In accordance with section 15.2-2286(A)(3) of the Code of Virginia (1950), as amended, this special use permit shall be subject to an automatic review by the City Council upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the City Council, it may either amend or revoke the special use permit after notice and a public hearing as required by section 15.2-2206 of the Code of Virginia (1950), as amended.

§ 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~~] 30-1050.7 through [~~114-1050.11~~] 30-1050.11 of the Code of the City of Richmond [~~(2004)~~] (2015), 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)~~] 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. 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)~~] (2015), as amended, or any other applicable 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 is abandoned for a period of [~~twenty-four (24)~~] 24 consecutive months, 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: December 11, 2019 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor
(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Lenora Reid, Acting Chief Administrative Officer

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

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

RE: To amend and authorize the special use of the property known as 3011 Meadow Bridge Road for the purpose of authorizing commercial uses, which may offer be operated on a social service delivery basis, and an accessory parking area, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend and authorize the special use of the property known as 3011 Meadow Bridge Road for the purpose of authorizing commercial uses, which may offer be operated on a social service delivery basis, and an accessory parking area, upon certain terms and conditions.

REASON: The proposed amendment to this special use is not currently permitted within the underlying zoning ordinance. The applicant wishes to allow for private events that will serve alcohol during certain times of the day and night which was previously prohibited by the previously approved Special Use Permit.

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 3, 2020 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a total of 10,290 SF or .24 acre parcel of land improved

with an institutional building adapted for commercial uses and is currently located in the Highland Terrace neighborhood within the City's North Planning District.

The City's Master Plan recommends three of the parcels to be Neighborhood Commercial (CM NB). Neighborhood Commercial uses consist of "…office, personal service and retail uses, intended to provide the daily convenience shopping and service needs of adjacent neighborhood residents. Such uses are typically small scale and low intensity, have limited hours of operation, involve a high percentage of walk in trade and minimal vehicular traffic, and are especially compatible with adjacent low to medium density residential uses. Typical zoning classifications that may accommodate this land use category: B-1 and UB." (Ibid, 134)

The subject properties are zoned UB PE8 (Urban Business Parking Exempt) District. Adjacent properties are located in the same UB Districts to the north and south. Properties to the east and west are zoned in the R-6 Single Family Attached and the R-5 Single- and Two-Family Residential Districts respectively.

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

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 3, 2020.

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: Ord. No.: 2006 - 130 - 115

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: