



Legislation Text

File #: ORD. 2020-203, **Version:** 2

To amend Ord. No. 90-15-31, adopted Feb. 26, 1990, as previously amended by Ord. No. 96-169-163, adopted Jun. 24, 1996, Ord. No. 99-428-2000-16, adopted Jan. 24, 2000, Ord. No. 2003-246-253, adopted Sept. 8, 2003, and Ord. No. 2014-75-54, adopted Apr. 28, 2014, which authorized a special use of the property known as 428 North Boulevard, to permit exterior and interior modifications for museum and library purposes, upon certain terms and conditions.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 90-15-31, adopted February 26, 1990, as previously amended by Ordinance No. 96-169-163, adopted June 24, 1996, Ordinance No. 99-428-2000-16, adopted January 24, 2000, Ordinance No. 2003-246-253, adopted September 8, 2003, and Ordinance No. 2014-75-54, adopted April 28, 2014, be and is hereby amended and reordained as follows:

§ 1. That the property[, a parcel of land] known as[, numbered and designated] 428 [N:] North Arthur Ashe Boulevard (Virginia Historical Society), located at the southwest corner of [N:] North Arthur Ashe Boulevard and Kensington Avenue, being more completely described on the plat entitled [~~Existing Conditions on a 6.377 Acre Parcel of Land Being the Virginia Historical Society Lying on the South Line of Kensington Avenue between N. Boulevard and N. Sheppard Street at 428 N. Boulevard, City of Richmond, VA,~~] prepared by ~~Gene Watson & Associates, P.C.~~ and dated June 11, 2012, a copy of which is attached to and made a part of this amendatory ordinance is hereby authorized to be used for purposes of exterior and interior modifications for museum, library and mobile food business uses, substantially as shown on sheets A1.0A, A1.0B, A1.1B, A2.0 Part A, A2.0 Part B, C1.0, C4.0, L101 through L106, L201 through L203, L302 and L303, of the plans entitled “Virginia Historical Society, Story of Virginia Campaign Renovations,” prepared by Glavé & Holmes Architecture, with sheets C1.0, A2.0 Part A, A2.0 Part B, A1.0A, A1.0B and A1.1B dated October 25, 2013, sheet C4.0 being dated November 15, 2013, and sheets L101 through L106, L201 through 203, and L302

through ~~L303~~ being dated November 15, 2013, and last revised December 23, 2013] “Virginia Museum of History and Culture - Capital Improvements,” prepared by Glavé & Holmes Architecture, dated July 20, 2020, and last revised August 14, 2020, and the plans entitled “Schematic Site Plan, Virginia Museum of History & Culture,” prepared by Glavé & Holmes Architecture, and dated August 14, 2020, copies of which are attached to and made a part of this amendatory ordinance.

§ 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, or its successor in fee simple title, a building permit, substantially in accordance with the plans referred to above, copies of which are attached to and made a part of this amendatory ordinance, for the aforementioned purposes, subject to the following terms and conditions:

(a) That the owner of the property shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations adopted pursuant thereto, applicable to the land and buildings, except as otherwise provided in this ordinance;

(b) That no fewer than [~~one hundred nineteen (119)~~] 179 parking spaces shall be provided on site substantially as shown on the plans attached to this ordinance. The on-site parking area and access aisles shall be paved with a dust-free, all weather surface and parking spaces shall be delineated. The parking spaces shall be screened from view from public streets and adjacent properties through the maintenance of existing vegetation or by other measures as may be required by the detailed landscaping plan required by subsection (e), below. The parking deck located on the abutting property to the south may also be used for parking for the subject property, if signs that identify, in a conspicuous manner, the availability and location of the parking deck are provided on the property. The parking spaces within the deck located on the abutting property to the south need not be individually designated. The parking spaces and access isles within the deck may be

substandard in their dimensions;

(c) [That no fewer than seventy (70) parking spaces shall be provided off site at a surface parking lot located in the 500 block of North Colonial Avenue. Such parking shall be available exclusively for the museum or nonaccessory office use located on the subject property during its hours of operation with the exception of Wednesday evenings after 6:00 p.m. and Sunday mornings prior to 1:00 p.m. Signage shall be provided on the subject property that identifies, in a conspicuous manner, the availability and location of the off-site parking. A formal lease agreement assuring the continued availability of the surface parking lot shall be submitted to the Zoning Administrator and the City Attorney for review and approval before a certificate of use and occupancy for the exterior and interior modifications shown in the plans attached to this amendatory ordinance may be issued;

~~(d)~~ That use of the building shall be as a library and museum with accessory gift shop sales and café, and accessory classroom and educational space, with the option of [up to 11,500 square feet of] nonaccessory office space [~~on the third floor of the south wing addition~~] and the option of nonaccessory archival storage space and archival laboratory space in the building. [The occupancy of the building shall be limited to 650 individuals at any given time until such time that all the following conditions are met:

- (1) The parking deck located on the abutting property to the south is available for use by the general public or, if not available to the general public, a formal lease or written agreement assuring the continued availability of the parking spaces within the parking deck for the use of the property shall be submitted to the Zoning Administrator and the City Attorney for review and approval;
- (2) The parking deck located on the abutting property to the south is available for use during the hours of operation of the subject property;
- (3) Signage that identifies, in a conspicuous manner, the availability and location of the parking deck is provided on the subject property; and
- (4) For any museum event, the attendance of which would increase the total occupancy of the

museum to an excess of 650 persons at one time, the parking deck located on the abutting property to the south shall be available for use by the individuals visiting the museum.

The parking spaces within the deck located on the abutting property to the south need not to be individually designated. The parking spaces and access isles within the deck may be substandard in their dimensions. The maximum occupancy of the building shall in no case exceed that permitted by applicable building and fire codes.];

(e) That landscaping shall be provided and existing vegetative material be retained substantially as depicted on the plans [~~attached to this ordinance~~] referenced in Section 1 of this amendatory ordinance;

(f) 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 as not to be visible from adjacent properties and public streets;

(g) That 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;

(h) 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 or buildings shall be provided by the owner at its sole cost and expense so as not to adversely affect or damage adjacent properties or public streets and the use thereof;

(i) That permanent identification of the [~~premises~~] property shall be limited to one free-standing sign located along North Arthur Ashe Boulevard near Kensington Avenue not exceeding [twenty-four] 24 square feet in area, one free-standing sign at the vehicular entrance to the property from Kensington Avenue not exceeding 24 square feet in area, and one [wall-mounted] free-standing sign [on the north face of the building] at the vehicular entrance to the property from Museum Lane, along the southern boundary of the property not exceeding [sixteen (16)] 24 square feet in area [at substantially the location shown on the plans attached to Ordinance No. 2003-246-253, adopted September 8, 2003]. The final design and location of any such signs

shall be ~~[subject to the review]~~ reviewed and ~~[approval]~~ approved ~~[of]~~ by the Director of Planning and Development Review, subject to the applicable provisions of Chapter 30, Article IX, Division 4 of the Code of the City of Richmond (2015), as amended, and any certificates of appropriateness granted by the Commission of Architectural Review prior to the effective date of this amendatory ordinance, or on or after such effective date;

(j) That any exterior alterations and site improvements shall be subject to the provisions of any applicable Old and Historic Overlay district regulations and any approvals granted by the Commission of Architectural Review;

(k) 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 any of the provisions of this ordinance and does not terminate such use or comply with such provisions within ~~[sixty]~~ 60 days after written notice so to do has been given to the owner by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void;

(l) That application for the building permit to construct the exterior and interior modifications shown in the plans attached to this amendatory ordinance shall be made within ~~[twenty-four (24)]~~ 24 months from the effective date of this amendatory ordinance, which building permit shall expire and shall become null and void if any necessary construction is not commenced within ~~[one hundred eighty (180)]~~ 180 days from the date of the building permit, or if construction is suspended or abandoned for a period of ~~[one hundred eighty (180)]~~ 180 days at any time after such construction is commenced, as provided in the applicable provisions of the Virginia Uniform Statewide Building Code, and if application for the building permit is not made within ~~[twenty-four (24)]~~ 24 months from the effective date of this amendatory ordinance or should the building permit expire and become null and void after the expiration of the ~~[twenty-four (24)]~~ 24 month time period for making application for the building permit, the privileges granted by this amendatory ordinance shall terminate and the special use permit shall become null and void;

(m) That 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;

(n) That any encroachments existing, proposed on the plans attached to this ordinance 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;

(o) That in all other respects, the use of the properties shall be in accordance with the applicable underlying zoning regulations; and

(p) That the area of the subject property designated on the plans attached to [~~this ordinance~~]] Ordinance No. 2014-75-54, adopted April 28, 2014, as “Food Truck Court” shall be used no more than twice a week by no more than ten mobile food businesses, subject to the following conditions:

(1) For purposes of this ordinance, the term “mobile food business” means a business that (i) is operated from other than public property or a public street or alley, (ii) does not operate from a fixed location, but is mobile and operates from one or more locations on an intermittent basis, and (iii) either serves or prepares and serves food or beverages from a truck, another motorized vehicle or a trailer on wheels, including accessory appurtenances such as chairs, tables, grills and generators, when such truck, vehicle, trailer and appurtenances are readily movable from one location to another.

(2) The sale of non-food or non-beverage items shall be limited to items that are incidental to the primary business of food or beverage sales.

(3) Mobile food businesses may be operated only from 6:00 p.m. to 9:00 p.m. during the days of operation of the “Food Truck Court” and shall be removed from the subject property during the periods of time during which they may not be operated. The operator or the designee thereof shall be present at all times during which the mobile food business is located on the subject property.

(4) A mobile food business shall not be located within any required yard, within five feet of

any driveway, public sidewalk, utility box, handicapped ramp, building entrance or exit, or similar feature, or within 15 feet of any fire hydrant. The requirements of this subdivision shall apply to the vehicle or trailer from which the mobile food business is operated as well as its associated customer waiting, sales and service areas and other permitted accessory facilities.

(5) A mobile food business shall not be located or operated in any manner as to impede, endanger or interfere with pedestrian or vehicular traffic on the property or the adjacent public street. The requirements of this subdivision shall apply to the vehicle or trailer from which the mobile food business is operated as well as its associated customer waiting, sales and service areas and other permitted accessory facilities.

(6) Electric power serving a mobile food business may be provided only by a generator that is located in, is attached to or is an integral part of the vehicle or trailer from which the business is operated or by a temporary connection to a fixed power supply in accordance with applicable code provisions.

(7) No amplified sound shall be permitted in conjunction with a mobile food business that is audible beyond the boundaries of the property.

(8) Toilet facilities for patrons of a mobile food business shall be provided in accordance with applicable code provision and may be provided by facilities located within another use on the property. In any case where portable toilets are provided, they shall be removed from the lot when the mobile food business is not in operation.

(9) All signage related to a mobile food business shall be attached flat to the vehicle, trailer or permitted accessory appurtenance from which the business is operated, and no freestanding signs shall be permitted.

(10) At least one covered trash container for use by patrons shall be provided for each mobile food business. The site of the mobile food business shall be kept sanitary, neat and clean at all times,

and free from accumulation of leftover food and beverages, used eating and drinking utensils, and litter.

The operator of the mobile food business shall be responsible for cleaning up any trash or litter on the site emanating from the mobile food business.

§ 4. That the privileges granted by this amendatory 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)~~] 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~~] 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 property 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 real estate 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, and Ordinance No. 90-15-31, adopted February 26, 1990, as previously amended by Ordinance No. 96-169-163, adopted June 24, 1996, Ordinance No. 99-428-2000-16, adopted January 24, 2000, Ordinance No. 2003-246-253, adopted September

8, 2003, and Ordinance No. 2014-75-54, adopted April 28, 2014, shall continue in force and effect except as modified by this amendatory ordinance.

O & R Request

DATE: August 17, 2020

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. 90-15-31 adopted Feb. 26, 1990, as previously amended by Ord. No. 96-169-163, adopted Jun. 24, 1996, Ord. No. 99-428-2000-16, adopted Jan. 24, 2000, and Ord. No. 2003-246-253, adopted September 8, 2003, and Ord. No. 2014-75-54, adopted April 28, 2014, which authorized a special use of the property known as 428 North Boulevard, to permit exterior and interior modifications for museum and library purposes and to permit mobile food businesses, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend Ord. No. 90-15-31 adopted Feb. 26, 1990, as previously amended by Ord. No. 96-169-163, adopted Jun. 24, 1996, Ord. No. 99-428-2000-16, adopted Jan. 24, 2000, and Ord. No. 2003-246-253, adopted September 8, 2003, and Ord. No. 2014-75-54, adopted April 28, 2014, which authorized a special use of the property known as 428 North Boulevard, to permit exterior and interior modifications for museum and library purposes and to permit mobile food businesses, upon certain terms and conditions.

REASON: The subject property is located in the R-6 Single-Family Attached Residential District. Museums and libraries not operated by a government agency are not permitted uses in this zoning district. The museum was constructed in 1913 and became a legally nonconforming use when the zoning was changed to the R-6 district in 1976. A special use permit and subsequent amendments authorized expansions to the museum and library in 1990, 1996, 2000, 2003, and 2014. The applicant is requesting a new amendment to the special use permit to authorize additional exterior and interior modifications of the museum and library uses. The new amendment will also note the name change of North Boulevard to North Arthur Ashe Boulevard.

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 5, 2020, meeting.

BACKGROUND: The subject property is a private museum and library located within The Museum District

neighborhood which in turn is in the Near West Planning District. The subject property is also located within the Boulevard National Historic District, the Boulevard City Old & Historic District, and the R-6 Single-Family Attached Residential District.

The previous amendments to the existing special use permit authorized a number of modifications and expansions the museum and library facilities. The proposed amendment request includes the following: Revise the property address to 428 N. Arthur Ashe Boulevard; Allow modifications and expansion of the current museum and library facilities; Increase the on-site parking to no fewer than 179 spaces; Delete section 3c of the authorizing ordinance that requires the provision of off-site parking.

The City of Richmond's Master Plan designates the subject property for institutional land use. Primary uses include institutional uses such as places of worship, private schools, universities, museums, hospitals, and other care facilities. Typically this land use category depicts larger scale uses, while small-scale uses of this type are incorporated within the predominant surrounding land use designations (p 135.)

The properties to the east, across Arthur Ashe Boulevard, are located in the R-48 Multifamily District. Properties to the north, across Kensington Avenue, are located in the R-6 Single-Family Attached, R-48 Multifamily, and R-73 Multifamily Residential zoning districts. The properties to the west and south are located in the R-6 Single-Family Attached zoning 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: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: September 14, 2020

CITY COUNCIL PUBLIC HEARING DATE: October 12, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, October 5, 2020

AFFECTED AGENCIES: Office of Chief Administration 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 and Narrative, The Plans, Map, Letter of Concern.

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: