



Legislation Text

File #: ORD. 2021-250, **Version:** 2

To amend and reordain Ord. No. 76-301-266, adopted Nov. 22, 1976, as previously amended by Ord. No. 87-265-259, adopted Dec. 21, 1987, Ord. No. 92-81-221, adopted Jun. 23, 1992, and Ord. No. 2018-052, adopted Mar. 26, 2018, which granted authorization for a special use of the property containing 7.564 acres located at the southwest corner of the intersection of Jahnke Road and Blakemore Road, to authorize the use of a portion of the existing shopping center to contain an automated teller machine with exterior access, under certain terms and conditions.

(4th District)

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 76-301-266, adopted November 22, 1976, as previously amended by Ordinance No. 87-265-259, adopted December 21, 1987, Ordinance No. 92-81-221, adopted June 23, 1992, and Ordinance No. 2018-052, adopted March 26, 2018, be and is hereby amended and reordained as follows:

§ 1. That the property containing 7.464 acres located at the southwest corner of the intersection of Jahnke Road and Blakemore Road being more completely described as follows: beginning at the intersection of the south right-of-way line of Jahnke Road and the west right-of-way line of Blakemore Road; thence extending 428.29 feet in a southerly direction along the west right-of-way line of Blakemore Road to a point; thence extending 793.45 feet in a westerly direction along a line of bearing S 73° 15' 05" W to a point; thence extending 432.00 feet in a northerly direction along a line of bearing N 18° 57' 47" W to the south right of way line of Jahnke Road; thence extending 773.10 feet in an easterly direction along the south right of way line of Jahnke Road to the point of beginning, is hereby permitted to be used for a neighborhood shopping center together with accessory off-street parking, substantially in accordance with the site plan, entitled "Parkway Shopping Center", prepared by E. Carlton Wilton, Inc., dated July 25, 1976 (revised September 1, 1976, September 16, 1976, and October 1, 1976) and the elevation drawing, entitled: "Sketch of North Elevation, Parkway Shopping Center", dated July 25, 1976, by E. Carlton Wilton, Inc., which plans are attached to and made a part of Ordinance No. 87-265-259, adopted December 21, 1987[, and authorize the construction of said

~~shopping center and accessory off-street parking~~].

§ 2. That adoption of this ordinance shall constitute the granting of a special use permit for the real estate, which shall be transferable from the owner of the real estate 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 the real estate a building permit in accordance with the above-referenced plans for such purpose, subject to the following terms and conditions:

(a) That the acceptance of the permit and the exercise of the privileges granted by this ordinance by the owner and its successor in title shall constitute a warranty on the part of the owner and its successor that title to the land and all of the buildings will be vested in the same person or corporation;

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

(c) That permitted uses to be located within buildings shown on the above identified plans shall be as specified in the B-1 Neighborhood Business District and set forth in ~~[the]~~ Chapter 30 of the Code of the City of Richmond ~~[(2015)]~~ (2020), as amended; but shall not include service stations. An amusement center specializing in electronic games, and having not more than five pool tables, shall be permitted within the shopping center, provided that it not occupy more than ~~[4025]~~ 4,025 square feet of floor area, substantially as shown on the floor plan entitled, "Exhibit 'A' - Floor Plan - 6327 Jahnke Road", a copy of which is attached to Ordinance No. 92-81-221, adopted June 23, 1992, and is in addition to the plans attached to the drafts of previous ordinances. The hours of operation of the amusement center shall be as specified in section 3-46 of the Code of the City of Richmond ~~[(2015)]~~ (2020), as amended.

A fast food restaurant (take out orders only) may be constructed and may be operated on the property substantially as shown on the site plan, dated June 10, 1987, and revised on August 13, 1987; elevation

drawings, dated June 19, 1987, and last revised on October 16, 1987; and landscape plan, dated October 14, 1987, entitled: “Fast Fox Corporation Jahnke Road Site”, prepared by Hulcher and Associates, Consulting Engineers and Architectural Land Design, Landscape Architects, copies of said plans are attached to the draft of Ordinance No. 87-265-259, adopted December 21, 1987, are in addition to the plans attached to the drafts of previous ordinances;

A restaurant with accessory entertainment and accessory nightclub uses may be operated within the portion of the Shopping Center known as 6335 Jahnke Road, with Tax Parcel No. C005-0603/037 as shown in the 2018 records of the City Assessor, in accordance with the document entitled “63Thirty5 Restaurant Management Plan,” prepared by an unknown preparer, and dated February 21, 2018, and substantially as shown on the plans entitled “6335 Jahnke Road, Tenant Upfit Plans,” prepared by Obsidian, and dated May 26, 2015, copies of which are attached to this ordinance, provided that a platform or stage may be installed within the building located at 6335 Jahnke Road pursuant to the applicable provisions of the Virginia Uniform Statewide Building Code.

An automated teller machine with exterior access may be constructed and operated within a portion of the property known as 6315 Jahnke Road and identified as Tax Parcel No. C005-0603/037 as shown in the 2021 records of the City Assessor, substantially as shown on the plans entitled “Jahnke Road Offsite, 6315 Jahnke Road, Richmond, VA 23225,” prepared by Security Vault Works, dated July 30, 2020, and last revised November 10, 2020, and “P7596 ATM Offsite Jahnke, 6315 Jahnke Rd, Richmond, VA 23225,” prepared by American / Interstate Signcrafters and dated July 30, 2020, hereinafter referred to, together, as the “ATM Plans,” copies of which are attached to this amendatory ordinance. Signage pertaining to the automated teller machine shall be limited to the wall signs and freestanding signs substantially as shown on the ATM Plans.

(d) That permitted signs shall be as specified in the B-1 Neighborhood Business District and set forth in section 30-513 of the Code of the City of Richmond [~~(2015)~~] (2020), as amended. In addition, the

following signs shall be permitted with respect to the Safeway food store; (1) two circular (six feet in diameter) recessed, mosaic, Safeway “S” insignia signs located as shown on the drawing dated December 9, 1977, revised November 30, 1978, marked Exhibit “B”, a copy of which is attached to the draft of Ordinance No. 87-265-259, adopted December 21, 1987, on the front of the building facing north; and (2) one non-illuminated Safeway letter sign (with 20-inch letters) not exceeding 64 square feet in area located as shown on Exhibit “B” attached to the draft of Ordinance No. 87-265-259, adopted December 21, 1987, on the side of the building facing Blakemore Road. Signage for the fast food restaurant shall be subject to the B-1 Neighborhood Business district regulations in effect at the time of adoption which permits a maximum of two signs not exceeding an aggregate area of 46 square feet. In addition, two menu board signs, each not exceeding 26 square feet or 5 feet in height shall be permitted at the locations shown on the plans attached to Ordinance No. 92-81-221, adopted June 23, 1992. Directional signs for the fast food restaurant shall not contain any advertising material;

(e) The required number of parking spaces for the shopping center shall be as specified in Section 30-710.1 of the Code of the City of Richmond [~~(2015)~~] (2020), as amended. This parking requirement may be reduced by 11 parking spaces if the automated teller machine with exterior access is installed as shown in the ATM Plans. All parking areas, access aisles and driveways shall be paved with a dust free, all-weather surface. Parking spaces shall be delineated on the pavement surface.

(f) That driveways shall be located as shown on the above identified site plan and shall be constructed in accordance with the City Driveway Policy standards;

(g) That land shall be dedicated to the City at no cost for the widening of Jahnke and Blakemore Roads as show on the [~~plan~~] plans referenced in § 1 of this ordinance;

(h) That lease agreements for individual stores shall provide that employees be required to park in spaces at the rear of the buildings;

(i) That facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works and such facilities shall be so located or screened as not to be visible from

adjacent properties and public streets, residentially zoned property or public areas within the shopping center;

(j) That evergreen vegetative or opaque structural screening not less than six feet in height shall be provided and maintained along the south and west property lines, but not within twenty-five feet of street lines;

(k) That planting strips not less than twenty-five feet in width shall be provided and maintained along the northern and eastern property lines as shown on the ~~[above identified]~~ plans referenced in § 1 if this ordinance. Such planting strips shall be provided with earthen berms three to four feet in height, except where deletion of such is necessary to provide for retention of existing mature, healthy trees. Landscaping within such planting strips shall be generally as shown on the plans referenced in § 1 if this ordinance and shall also include grass or other suitable ground cover;

(l) That median strips within the shopping center shall be provided with curbing and shall be suitably landscaped with ground cover, shrubs and trees. In addition to the medians shown the ~~[plan]~~ plans referenced in § 1 if this ordinance, similarly landscaped medians shall be provided at the north ends of the parking bays located at each end of the main building. The median situated on the west side of the westernmost driveway shall be broken to enable access to the adjacent parking area. Such median break shall be located in line with the east-west access aisle through the site;

(m) That detailed landscaping plans for planting strips, medians and planting areas adjacent to building shall be as approved by the Director of Planning and Development Review [prior to issuance of building permits] as of the date on which this ordinance becomes effective for portions of the shopping center constructed pursuant to the plans referenced in § 1 of this ordinance. That landscaping shown on the plans for the fast food restaurant (copy of which is attached to the draft of Ordinance No. 87-265-259, adopted December 21, 1987) shall be installed prior to the issuances of a certificate of occupancy;

(n) That outdoor lighting shall be located, directed or shielded so as not to shine directly on adjoining properties or to create a traffic hazard by means of intensity or glare;

(o) That storm or surface water shall not be allowed to accumulate on the land and adequate

facilities for drainage of storm or surface water from the land or buildings shall be provided and maintained at all times by the owner at its costs and expense so as not adversely affect or damage adjacent properties or public streets and alleys and the use thereof;

(p) That final grading and drainage plans shall be approved by the Director of Public Works prior to the issuance of building permits;

(q) That a fire hydrant or fire hydrants shall be provided and maintained by the owner at its cost and expense at a location or locations on the premises designated by the Chief of Fire and Emergency Services and the Director of Public Utilities when such hydrant or hydrants are necessary in their opinion to provide fire fighting facilities;

(r) Access to Jahnke Road and traffic control related thereto shall, during the time construction activity is taking place on that portion of Jahnke Road adjacent to the property, be as approved by the Director of Public Works of the City;

(s) That 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)~~] (2020), 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)~~] (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations;

(t) 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 consecutive months, use of the real estate shall be governed thereafter by the zoning regulations prescribed for the district in which the real estate is then situated; and

(u) That [application for a building permit to erect the building and improvements authorized by Ordinance No. 76-301-266, adopted November 22, 1976, will be made within ninety days from the effective

date of this ordinance, which building permit shall expire by limitation and become null and void if construction on the building is not commenced within one hundred eighty days from the date of the building permit, or if all work is not completed within six (6) months from the effective date of this ordinance, or if construction is suspended or abandoned for period of one hundred eighty days at any time after the work is commenced, as provided in applicable provisions of the Uniform Statewide Building Code. Should application for the building permit not be made within ninety days 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. The Commissioner of Buildings is authorized to issue a certificate of occupancy substantially in accordance with the plans for the restaurant with accessory entertainment and accessory nightclub uses subject to the terms and conditions set forth in this amendatory ordinance. An application for the certificate of occupancy shall be made within 730 calendar days following the date on which this amendatory ordinance becomes effective. If the application for the certificate of occupancy is not made within the time period stated in the previous sentence, this amendatory ordinance and the special use permit granted hereby shall terminate and become null and void] the Commissioner of Buildings is hereby authorized to issue building permits to the Owner in accordance with the ATM Plans. Application for a building permit shall be made within 24 months from the effective date of this amendatory ordinance, which building permit shall expire by limitation and become null and void if construction is not commenced within 180 days from the date of the building permit, or if construction is suspended or abandoned for a period of 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 a building permit not be made within 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 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.

§ 4. 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 12, 2021

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, Acting Chief Administrative Officer

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

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

RE: To amend and reordain Ord. No. 2018-052, adopted March 26, 2018, as previously amended by Ord. No. 76-301-266, adopted Nov. 22, 1976, as previously amended by Ord. No. 87-265-259, adopted Dec. 21, 1987, and Ord. No. 92-81-221, adopted Jun. 23, 1992, granting authorization for a special use of the property containing 7.564 acres located at the southwest corner of the intersection of Jahnke Road and Blakemore Road, to authorize the use of a portion of the existing shopping center to contain an automated teller machine with exterior access, under certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend and reordain Ord. No. 2018-052, adopted March 26, 2018, as previously amended by Ord. No. 76-301-266, adopted Nov. 22, 1976, as previously amended by Ord. No. 87-265-259, adopted Dec. 21, 1987, and Ord. No. 92-81-221, adopted Jun. 23, 1992, granting authorization for a special use of the property containing 7.564 acres located at the southwest corner of the intersection of Jahnke Road and Blakemore Road, to authorize the use of a portion of the existing shopping center to contain an automated teller machine with exterior access, under certain terms and conditions.

REASON: The subject property is located in the R-3 Single-Family Residential District and the existing commercial uses are authorized by a special use permit. An automated teller machine is not a specified permitted use listed in the special use permit nor in the subsequent amendments; therefore, an amendment to the Special Use Permit is 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 October 4, 2021 meeting.

BACKGROUND: The subject property is a 7.56 acre property and contains the Parkway Shopping Center. City records note that the structure was built in 1979 and that the condition of the improvements are normal for its age. The property is located on the southwest corner of the intersection of Jahnke and Blakemore Roads.

The Richmond 300 Master Plan recommends Community Mixed-Uses for the subject property. This designation is described as a cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions.

Development Style: The building size, density, and zoning districts for these areas may vary significantly depending on historical densities and neighborhood characteristics. Future development should generally complement existing context.

Mobility: Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. Driveway entrances are required to be of alleys whenever possible; new driveways are prohibited on priority and principal streets. Parking areas are located within the structure and to the rear of buildings and require screening; shared parking requirements are encouraged.

Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space.

The properties abutting to the east and west contain commercial uses. Abutting to the south is multifamily housing and these properties are located in the same R-3 Single-Family Residential district as the subject property. Across Jahnke Road to the north is the Lucille Brown Middle School on property zoned R-2 Single-Family Residential 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: None

BUDGET AMENDMENT NECESSARY: None

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: September 13, 2021

CITY COUNCIL PUBLIC HEARING DATE: October 11, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, October 4, 2021

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: Application and Narrative, Map, Plans Survey, Draft Ordinance

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: