



## Legislation Text

File #: ORD. 2021-360, Version: 1

To authorize the special use of the property known as 3300 Broad Rock Boulevard for the purpose of a farmer's market, upon certain terms and conditions, and to repeal Ord. No. 99-50-55, adopted Mar. 8, 1999, and Ord. No. 99-370-00-9, adopted Jan. 10, 2000. (9<sup>th</sup> District)

WHEREAS, the owner of the property known as 3300 Broad Rock Boulevard, which is situated in a B-2 Community Business District, desires to use such property for the purpose of a farmer's market, which use, among other things, is not currently allowed by section 30-436.1 of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 3300 Broad Rock Boulevard and identified as Tax Parcel No. C008-0745/002 in the 2021 records of the City Assessor, being more particularly shown on a site plan entitled "Stormwater Retrofits, 2<sup>nd</sup> Baptist Church, Chesapeake Bay Foundation, Richmond Virginia," prepared by Civil & Environmental Services, LLC, and undated, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby

permitted to be used for the purpose of a farmer’s market, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Proposed Farmers Market,” prepared by an unknown preparer, and undated, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

- (a) The Special Use of the Property shall be as a farmer’s market, substantially as shown on the Plans.
- (b) The location of sales and display booths associated with the Special Use shall be limited to the location labeled as “Footprint” on the Plans.
- (c) The hours of operation of the Special Use shall be limited to Saturdays and Wednesdays only, and shall end by no later than 8:00 p.m.
- (d) Live or recorded music may be provided in conjunction with the Special Use, and shall be limited to those times when the Special Use is in operation as provided in subsection (c) of this section.
- (e) A minimum of 50 off-street parking spaces shall be made available for the Special Use during the hours of operation of the Special Use as provided in subsection (c) of this section.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

- (a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.
- (b) 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 other property or public streets and the use thereof.
- (c) 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.
- (d) Any encroachments existing, proposed on the 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 (2020), as amended, and all future amendments to such laws.
- (e) In all other respects, the use of the Property shall be in accordance with the applicable

underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

- (a) 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 Property have been paid.
- (b) The Owner 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.
- (c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) 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 (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 (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner 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. **Implementation.** 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 the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Repeal of Prior Ordinances.** That Ordinance No. 99-50-55, adopted March 8, 1999, and Ordinance No. 99-370-00-9, adopted January 10, 2000, be and are hereby repealed.

§ 8. **Effective Date.** This ordinance shall be in force and effect upon adoption.

### O & R Request

**DATE:** November 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, Chief Administrative Officer

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

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

**RE:** To authorize the special use of the property known as 3300 Broad Rock Boulevard for the purpose of a farmer's market, upon certain terms and conditions, and to repeal Ord. No. 99-370-00-9, adopted on January 10, 2000, and Ord. No. 99-50-55, adopted on March 8, 1999.

**ORD. OR RES. No.**

**PURPOSE:** To authorize the special use of the property known as 3300 Broad Rock Boulevard for the purpose of a farmer’s market, upon certain terms and conditions, and to repeal Ord. No. 99-370-00-9, adopted on January 10, 2000, and Ord. No. 99-50-55, adopted on March 8, 1999.

**REASON:** The applicant is requesting to authorize the special use of the property known as 3300 Broad Rock Boulevard for the purpose of using a small portion of the parking area as a farmer’s market. The property is located in a B-2 Community Business District. The proposed farmer’s market use meets the definition of a flea market in the zoning ordinance, which is not permitted in the B-2 District.

**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 3, 2022, meeting.

**BACKGROUND:** The subject property consists of 6.5 acres and is improved with a church that has a finished floor area of approximately 50,000 square feet. The building was originally constructed as a grocery store.

The property is located in a B-2 Community Business District, which does not permit the proposed farmer’s market use, which meets the definition of “flea market” in the zoning ordinance of “an activity conducted outside an enclosed building and which involves the retail sale of new or used merchandise by one or more vendors operating from stalls, stands, vehicles or other spaces which are rented or otherwise made available to such vendors.”

Richmond 300 recommends a future land use of “Community Mixed Use” for the property. The primary uses envisioned for Community Mixed Use are retail/office/personal service, multi-family residential, cultural, and open space. Secondary uses are single-family houses, institutional and government. The development style envisioned varies depending on historical densities and neighborhood characteristics. Future development should generally complement the existing context. Uses may be mixed horizontally in several buildings on a block or vertically within the same building. Developments should continue or introduce a gridded street pattern to increase connectivity. Ground floor uses are envisioned to engage with and enliven the street through windows, doors, storefronts and other features that allow transparency and interaction between building and street. The recommended intensity is buildings ranging from 2-6 stories, based on street widths and depending on historic context and stepping down in height adjacent to residential areas, as necessary. New buildings that are taller than historical buildings should step back from the build-to line after matching the height of the predominant cornice line of the block. Pedestrian, bicycle and transit access must be prioritized, and parking areas should be located within the structure or to the rear of buildings and require screening; shared parking requirements are encouraged.

The property is also located within a micro node, which is described as a “notable place within a neighborhood that generally provides goods and services to the immediate residents but may also attract visitors.

Multifamily use is located to the north, a shopping center and warehouses are located to the south, vacant land is located to the west, and a variety of commercial uses are located to the east of the subject property, across Broad Rock Boulevard. The property and properties to the north, south and east are located in the B-2 Neighborhood Business District. Properties to the west are located in both the RO-1 Residential Office District and the B-2 Community Business 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

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** December 13, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** January 10, 2022

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
January 3, 2021

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

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Repeal Ord. No. 99-370-00-9, adopted on January 10, 2000, and Ord. No. 99-50-55, adopted on March 8, 1999

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

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

**STAFF:** Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646-5648

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: