

AN ORDINANCE

To authorize the special use of the properties known as 600 and 606 West Grace Street for the purpose of an auto service center, upon certain terms and conditions.

Patron – Mayor Wilder (By Request)

Approved as to form and legality
by the City Attorney

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the properties known as 600 and 606 West Grace Street and identified as Tax Parcel Nos. W000-0299/013, and /017 in the 2008 records of the City Assessor, being more particularly shown on the survey entitled “Uppy’s Belvidere and Grace: Existing Conditions and Demolition Plan”, prepared by Balzer & Associates, and dated January 31, 2008, a copy of which is attached to and made a part of this ordinance, are hereby permitted to be used for an auto service center, substantially as shown on Sheets A102, A103, A202, A203, A209, A301 through A304 of the plans entitled “Uppy’s Convenience Stores Mixed-Use” prepared by BOB Architecture and dated January 31, 2008 and on Sheets C1 through C8 and L1 of the plans entitled “Uppy’s Belvidere and Grace”, prepared by Balzer & Associates, and dated January 31, 2008, copies of which are attached to and made a part of this 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 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 provided in this ordinance.

(b) Application for a building permit for the above referenced plans shall be made within twenty-four (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 application for the building permit 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 time period for making application for the building permit, the privileges granted 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, shall be approved by the Director of Community Development 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) That any encroachments either proposed on the attached plans or contemplated in the future shall be subject to the applicable provisions of the City Code.

(h) An auto service center shall be permitted on the property as part of the proposed mixed-use development and shall be configured substantially as depicted on the attached plans.

(i) No more than four (4) fuel dispensing islands may be constructed on the property, substantially as shown on the attached plans.

(j) The permitted aggregate area of all signs on the south façade of the building shall not exceed one hundred (100) square feet. The permitted aggregate area of all signs on the east façade of the building shall not exceed seventy-five (75) square feet. The permitted aggregate area of all signs on the north façade of the building shall not exceed twenty-five (25) square feet. In addition, one (1) freestanding sign not to exceed twenty-four feet (24') in height and one hundred and five (105) square feet in area shall be permitted substantially as shown on the attached plans.

(k) Sixteen (16) on-site parking spaces shall be provided to serve the use(s) of the properties. An additional nineteen (19) off-street parking spaces shall be provided to serve the use(s) of the properties within a radius of 1,000 feet from the entrances to the building.

(k) Landscaping and streetscape improvements shall be provided, substantially as depicted on the attached plans.

(l) The height of buildings on the property shall not exceed eighty-five feet (85'), substantially as shown on the attached plans.

(m) 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. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 114-1080 of the Code of the City of Richmond (2004), 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) 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.