



## Legislation Details (With Text)

**File #:** ORD. 2016-193    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** Adopted

**File created:** 12/29/2015    **In control:** City Council

**On agenda:** 7/25/2016    **Final action:** 7/25/2016

**Title:** To authorize the special use of the properties known as 5702 and 5706 Grove Avenue for the purpose of allowing the construction of buildings with features that do not meet all requirements of the applicable underlying zoning regulations, upon certain terms and conditions.

**Sponsors:** Mayor Jones (By Request)

**Indexes:** Special Use Permit

**Code sections:**

**Attachments:** 1. Ord. No. 2016-193, 2. Staff Report, 3. Location Map, 4. Application & Applicant's Report, 5. Final Plans, 6. Survey, 7. Traffic Impact Analysis, 8. Letters of Opposition, 9. Letters of Opposition Post 7/13/2016, 10. Letters of Support, 11. Ord. No. 2016-193, 12. Letters of Support Post 7/13/2016, 13. Letters of Support to Councilman Baliles, 14. Letters of Opposition to Councilman Baliles, 15. Save Libbie & Grove Letter, 16. Save Libbie & Grove Petition, 17. Libbie, Granite and Westview Avenues Neighborhood Civic Association Letter, 18. Westhampton Citizens Association Survey Results, 19. Westhampton Merchants Association Letter, 20. 20160725\_Formal\_2016-193-Public Hearing Handout\_Jennifer Mullen.pdf, 21. 20160725\_Formal\_2016-193-Public Hearing Handout\_Ethel Powell.pdf

Date	Ver.	Action By	Action	Result
7/25/2016	1	City Council	adopted	
7/18/2016	1	Planning Commission	recommended for approval	Pass
6/27/2016	1	City Council	introduced and referred	

To authorize the special use of the properties known as 5702 and 5706 Grove Avenue for the purpose of allowing the construction of buildings with features that do not meet all requirements of the applicable underlying zoning regulations, upon certain terms and conditions.

### O & R Request

**DATE:** June 1, 2016    **EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** Dwight C. Jones, Mayor (Patron: Mayor, by Request)  
**(This in no way reflects a recommendation on behalf of the Mayor.)**

**THROUGH:** Selena Cuffee-Glenn, Chief Administrative Officer

**THROUGH:** P. Lee Downey, Deputy Chief Administrative Officer for Economic Development and Planning

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

**RE:** To authorize the special use of the properties known as 5702 Grove Avenue and 5706 Grove Avenue for the purpose of a mixed-use development with nonconforming features in the UB-PO1 - Urban Business Zoning District (Grove/Libbie Parking Overlay District), upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To authorize the special use of the properties known as 5702 Grove Avenue and 5706 Grove Avenue for the purpose of a mixed-use development with nonconforming features in the UB-PO1 - Urban Business Zoning District (Grove/Libbie Parking Overlay District), upon certain terms and conditions.

**REASON:** The applicant is proposing a mixed-use development with features that do not meet the requirements of the underlying zoning district, including setbacks and building height. A special use permit is therefore 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 April 4, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property is located within the block bound by Grove Avenue, Granite Avenue, York Road, and Libbie Avenue in the Westhampton neighborhood of the Far West planning district (Libbie/Grove Service Area) and is comprised of a total of 1.64 acres (71,220 SF). Specifically, the subject property consists of two contiguous parcels: 1. a 0.32 acre (13,939 SF) parcel of land (5702 Grove Avenue) improved with a corner surface parking area and one-story office building, constructed in 1950, per tax assessment records, and located at the northwest corner of the intersection of Grove and Granite Avenues, and 2. a 1.315 acre (57,281 SF) parcel of land (5706 Grove Avenue) improved with an existing movie theater, constructed in 1938, per tax assessment records, and rear surface parking area, with frontage on Grove Avenue, Granite Avenue, and York Road.

The subject property is located in the UB-PO1 - Urban Business Zoning District (Grove/Libbie Parking Overlay District) that encompasses much of the shopping district at the intersection of Libbie and Grove Avenues. Properties to the north and east are located in the R-4 - Single-Family Residential Zoning District. A mix of commercial, office, and residential land uses are present in the immediate vicinity of the subject property.

According to the Zoning Ordinance, "the intent of the UB - Urban Business District is to encourage business areas with a densely developed pedestrian-oriented urban shopping character, compatible with adjacent residential neighborhoods, and with minimal disruption from vehicle-oriented land uses and features that would detract from a safe, convenient and economically viable pedestrian environment. The district is intended to promote continuity of storefront character along principal street frontages, with minimum interruption by driveways and vehicle traffic across public sidewalk areas. The regulations within the district are intended to preserve the predominant scale and character of existing urban shopping areas, promote retention of existing structures and encourage that new development be compatible with such existing areas and structures."

The City of Richmond's Master Plan recommends Community Commercial land use for the subject property. Primary uses in this category "include office, retail, personal service and other commercial and service uses, intended to provide the shopping and service needs of residents of a number of nearby neighborhoods or a

section of the City. As compared to Neighborhood Commercial, this category includes a broader range of uses of greater scale and intensity, with greater vehicular access and orientation, but that are also compatible with nearby residential areas (p. 134).

As a guiding land use principle for the Far West planning district, the Master Plan states “appropriate infill development (where possible) should be of similar density and use to what currently exists in the surrounding area” (p. 180).

In March 2010, the Department of Planning and Development Review initiated, at the request of then 1st District Council Representative Bruce Tyler, a Master Plan Amendment study with a public meeting among residents, stakeholders, and City staff to discuss the future of land use and zoning in the Libbie, Patterson, and Grove Avenue area. As a result of this meeting, a study area was established which included the subject property.

Three subsequent public meetings and two additional public hearings led to the adoption by City Council on February 13, 2012, of Ord. No. 2012-8-15 containing numerous amendments to the Master Plan for the Libbie, Patterson, and Grove Avenue corridors. While the land use recommendations contained in the Master Plan were amended for many properties within the larger study area, the Community Commercial designation for the Libbie-Grove shopping district that includes the subject property was reaffirmed during this recent Master Plan amendment process. During the public participation process, the vast majority of residents, property owners, and business owners voiced their satisfaction regarding the current pattern of development for this area and their desire to see the character of the area as a small-scale, commercial and shopping district be maintained.

In areas designated for Community Commercial land use, the Master Plan specifically recommends B-2, UB, and UB-2 zoning districts. All three recommended zoning districts permit the type of development currently found in the Libbie-Grove Service Area. In addition, the maximum building height permitted is 35 feet in the B-2 district, 28 feet in the UB district, and three stories in the UB-2 district.

**FISCAL IMPACT / COST:** The Department 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:** \$2,400.00 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** June 27, 2016

**CITY COUNCIL PUBLIC HEARING DATE:** July 25, 2016

**REQUESTED AGENDA:** Regular

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, July 18,

2016

**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.:** None.

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

**ATTACHMENTS:** Draft Ordinance, Application Form, Applicant's Report, Plans, Survey and Map

**STAFF:** Matthew J. Ebinger, AICP, Senior Planner  
Land Use Administration (Room 511)  
646-6308

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: