

INTRODUCED: September 13, 2021

AN ORDINANCE No. 2021-256

To authorize the special use of the property known as 706 Libbie Avenue for the purpose of an office use, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 11 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 706 Libbie Avenue, which is situated in a R-4 Single-Family Residential District, desires to use such property for the purpose of an office use, which use, among other things, is not currently allowed by section 30-408.1 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 11 2021 REJECTED: _____ STRICKEN: _____

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 706 Libbie Avenue and identified as Tax Parcel No. W021-0188/007 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “Survey Showing Improvements on Property Located at 706 Libbie Avenue, City of Richmond, Virginia,” prepared by Bruce Robertson Land Surveying, P.C., and dated November 18, 2020, 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 an office use, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Lancaster Office Building, 706 Libbie Avenue, Richmond, VA 23226,” prepared by HG design studio, dated March 24, 2021, and last revised May 20, 2021, and entitled “New Office Building for: Lancaster Custom Builder, 706 Libbie Avenue - - Richmond, Va. 23226,” prepared by Mark White, LLC, dated December 20, 2019, and last revised February 19, 2021, hereinafter referred to, collectively, 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 office use, substantially as shown on the Plans.

(b) A minimum of four parking spaces shall be provided on the Property, substantially as shown on the Plans.

(c) A minimum of three bicycle racks shall be provided on the Property.

(d) All building materials and site improvements, including, but not limited to, building finishes and landscaping, shall be substantially as shown on the Plans.

(e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(f) Signs on the Property shall be limited to (i) one freestanding sign substantially as shown on the Plans and (ii) signs permitted in all districts, pursuant to section 30-505 of the Code of the City of Richmond (2020), as amended.

§ 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.

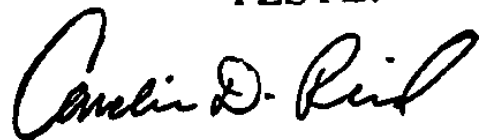
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

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

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Carolin D. Reed". The signature is written in a cursive, flowing style.

City Clerk

City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Item Request File Number: PRE.2021.764

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, Dept. of Planning and Development Review



RE: To authorize the special use of the property known as 706 Libbie Avenue for the purpose of an office use, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 706 Libbie Avenue for the purpose of an office use, upon certain terms and conditions.

REASON: The applicant is requesting to authorize the special use of the property known as 706 Libbie Avenue for the purpose of constructing a new two story office building with accessory parking. The property is located in an R-4 Single Family Residential District, which does not permit the proposed office use. Additionally, feature requirements of the R-4 District, including parking and yards (setbacks) are not met for the proposed office building. Therefore, a special use permit is necessary to authorize the proposed office building.

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 consists of a single parcel of land that has a lot area of 8,145 square feet (0.187 acres) and is currently vacant. The property is located in the Westhampton neighborhood at the southwest corner of Libbie Avenue and Kensington Avenue.

The subject property is located within the R-4 Single Family Residential District. The proposed office use is not permitted in the R-4 Single Family Residential District, and the yards (setbacks) and parking for the proposed office building do not meet the requirements of the R-4 Single Family Residential District.

Richmond 300 recommends a future land use of “Community Mixed Use” for the property. The development style recommended for Community Mixed Use is development that generally complements the existing context with continuance or enhancement of the gridded street pattern to increase connectivity. The intensity recommended for Community Mixed Use is two to six story buildings, based on street widths and depending on the historic context and stepping down in height adjacent to residential areas, as necessary. New buildings that are taller than historic buildings should stepback from the build to line after matching the height of the predominant cornice line of the block. Ground floor uses should engage and enliven the street, with windows, doors, storefronts and other features that allow transparency and interaction between the building and the street. The primary uses recommended for Community Mixed Use are retail/office/personal service, multi-family residential, cultural, and open space. Pedestrian, bicycle, and transit access must be prioritized and bike parking should be provided.

The property is also within the Westhampton Neighborhood Node, which envisions new development on underdeveloped parcels to be in a manner that complements and enhances to existing village scale feel of the area. The portion of Grove Avenue that this property fronts on is designated as both a “Great Street” and a “Major Mixed Use Street” on Richmond 300’s “Great Streets and Street Typologies Map.”

Single family uses are located to the west, south, and east of the subject property. A surface parking area is located to the north of the subject property.

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

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



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- special use permit, new**
- special use permit, plan amendment**
- special use permit, text only amendment**

Project Name/Location

Property Address: 706 Libbie Avenue 23226 Date: 11/18/2020
 Tax Map #: W021V188007 Fee: \$ 1800.00
 Total area of affected site in acres: .179

(See **page 6** for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R4
 Existing Use: NONE/VACANT LOT

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

OFFICE - SMALL / LIGHT
 Existing Use: NONE

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Robert Lancaster

Company: Lancaster Custom Builder Inc.
 Mailing Address: P.O. Box 18372
 City: Richmond State: VA Zip Code: 23226
 Telephone: (804) 784-9898 Fax: ()
 Email: robert@lancastercustombuilder.com

Property Owner: Lancaster Custom Builder Inc

If Business Entity, name and title of authorized signee: Robert Lancaster VP

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: P.O. Box 18372
 City: Richmond State: VA Zip Code: 23226
 Telephone: (804) 784-9898 Fax: ()
 Email: robert@lancastercustombuilder.com

Property Owner Signature: [Signature]

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)



City of Richmond Virginia
Land Use Department

November 18th, 2020

RE: SUP for 706 Libbie Avenue

Applicant Report:

We are proposing light office use for our property at 706 Libbie Avenue that will house our business operations. Our homebuilding business builds and improves the finest homes in the Richmond Virginia area. Our office consists of 5 company employees inclusive of the two owners. We would hire one extra administrative assistant to act as on office manager of the building, bringing our future total to six employees. Of those 6 employees, only 3 would be in the office for the most or part of their day. The other three are field workers that do not see the office daily. As for traffic, our employees do not leave cars at the office at night. We have only 2, true, full-time office employees. Our client meetings are generally done at our client's property. Our hours are 8AM to 5PM Monday thru Friday, and we do not have deliveries or store materials on site. Our traffic impact will be minimal at best.

We intend for this office to be a showcase of our work. The building is designed to be a residential home that will keep and distinguish the residential nature of the area including having the fit and finish of a million-dollar home. Our exterior, landscaping, and drive will keep in style with the residential appearance of the building and mimic neighboring homes. There will be no significant signage or lighting that would differentiate us from neighborhood. The building will increase the property value of the neighboring homes because of the aesthetic appeal and amount of money that will be invested into the building. There are similar residential looking office buildings on Libbie closer to Grove, but ours will be new and feature newer, nicer materials and design elements that will distinguish it from other buildings and create a beautiful entrance to the Avenues from the Patterson Avenue intersection.

We are confident that our office will be a net positive impact on the neighborhood, and we will set design expectations for future development.



design studio

5701 grove avenue richmond virginia 23226
804.740.7500 www.hg.net

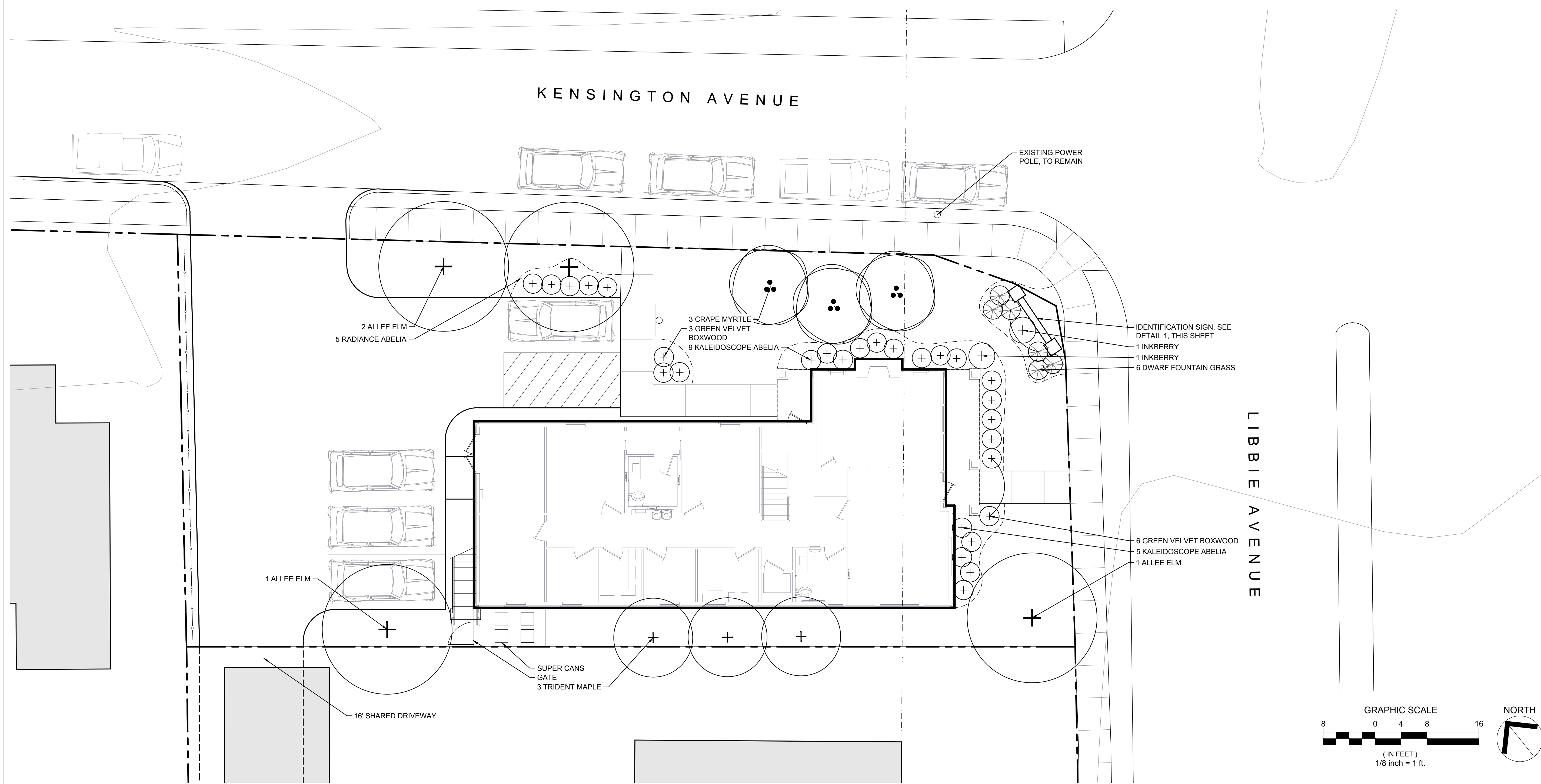
land planning | civil engineering
landscape architecture



1 ENTRANCE SIGN

1"=1'-0"

KENSINGTON AVENUE



LANCASTER OFFICE BUILDING

706 Libbie Avenue
RICHMOND VA 23226

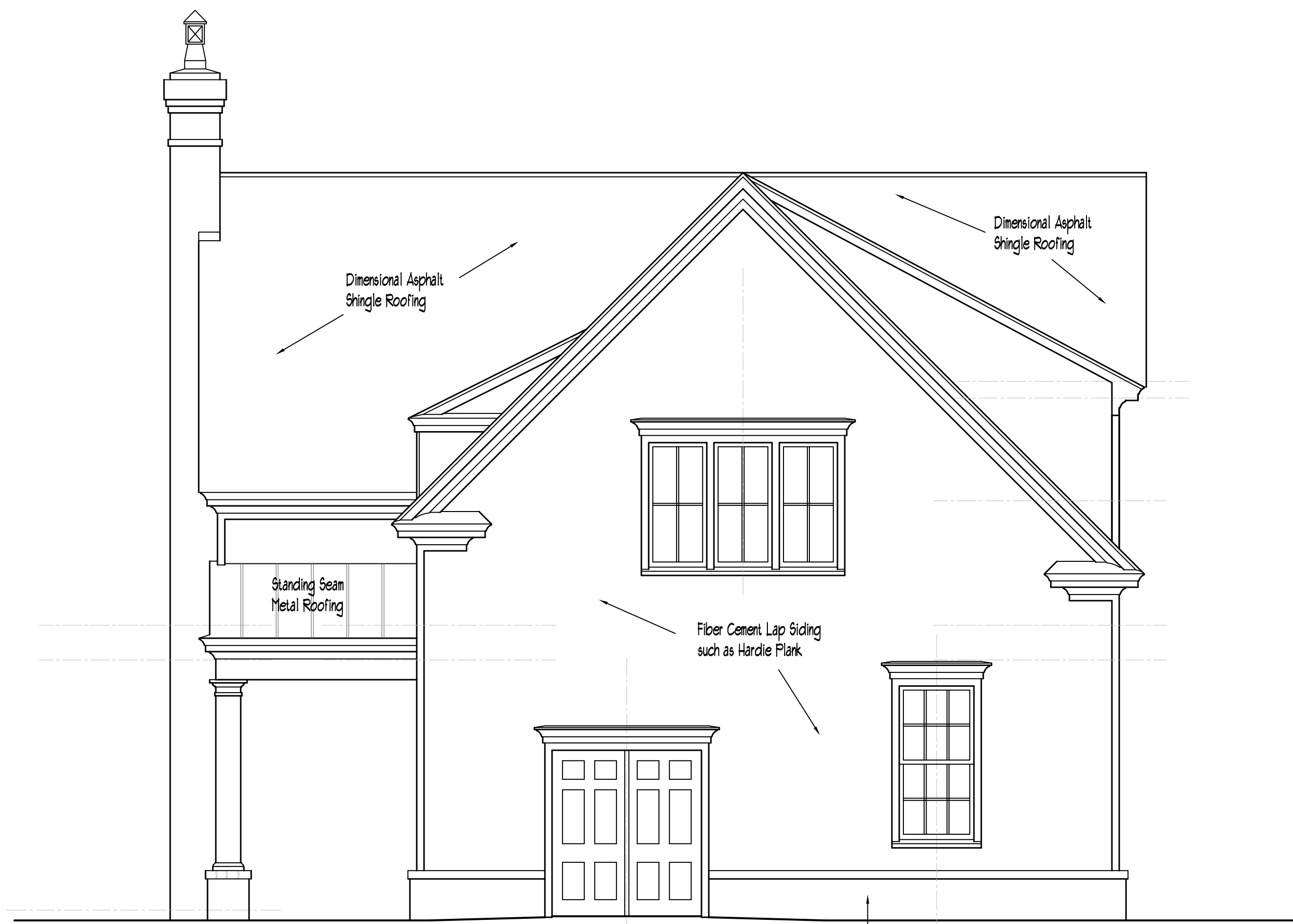
REVISIONS:

No.	Description	Date
1.	CITY COMMENTS	05/20/2021

SITE LAYOUT AND PLANTING PLAN

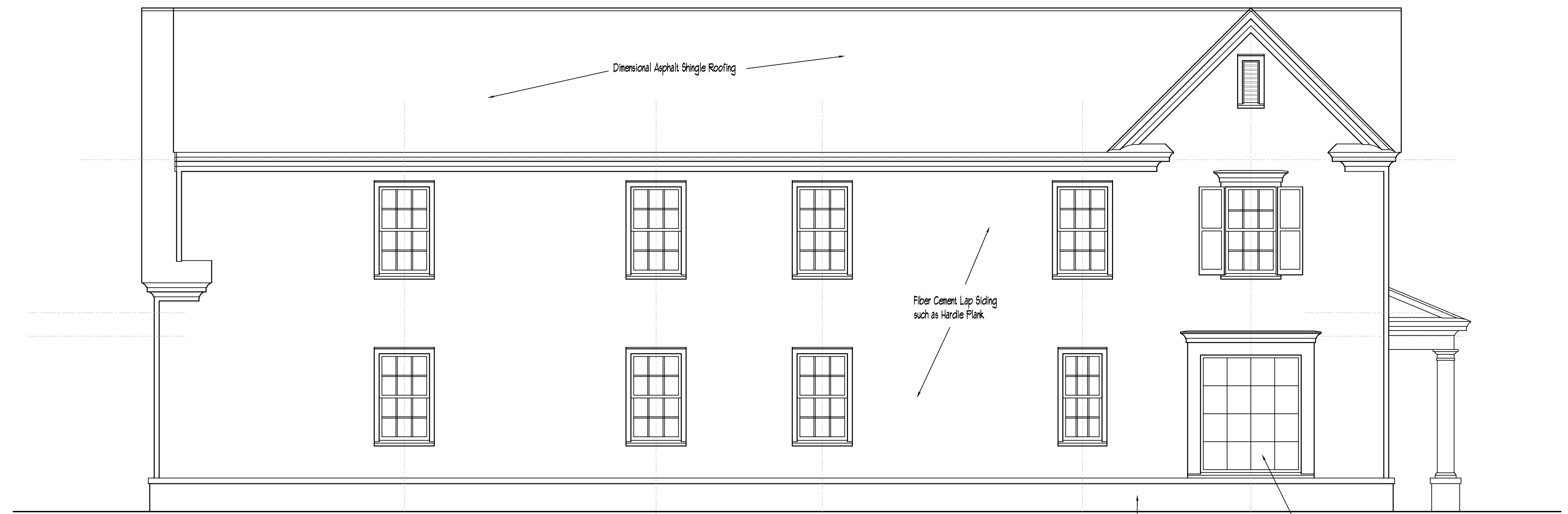
Designed By:	RJB
Drawn By:	JCG
Checked By:	RJB
QA/QC By:	RJB
Date:	MARCH 24, 2021
Project Number:	19118.00
Sheet Number:	L1.00

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Rear Elevation

1/4" = 1'-0"



Left Side Elevation

1/4" = 1'-0"



Front Elevation

(Libbie Avenue Elevation)

1/4" = 1'-0"



Right Side Elevation

(Kensington Avenue Elevation)

1/4" = 1'-0"

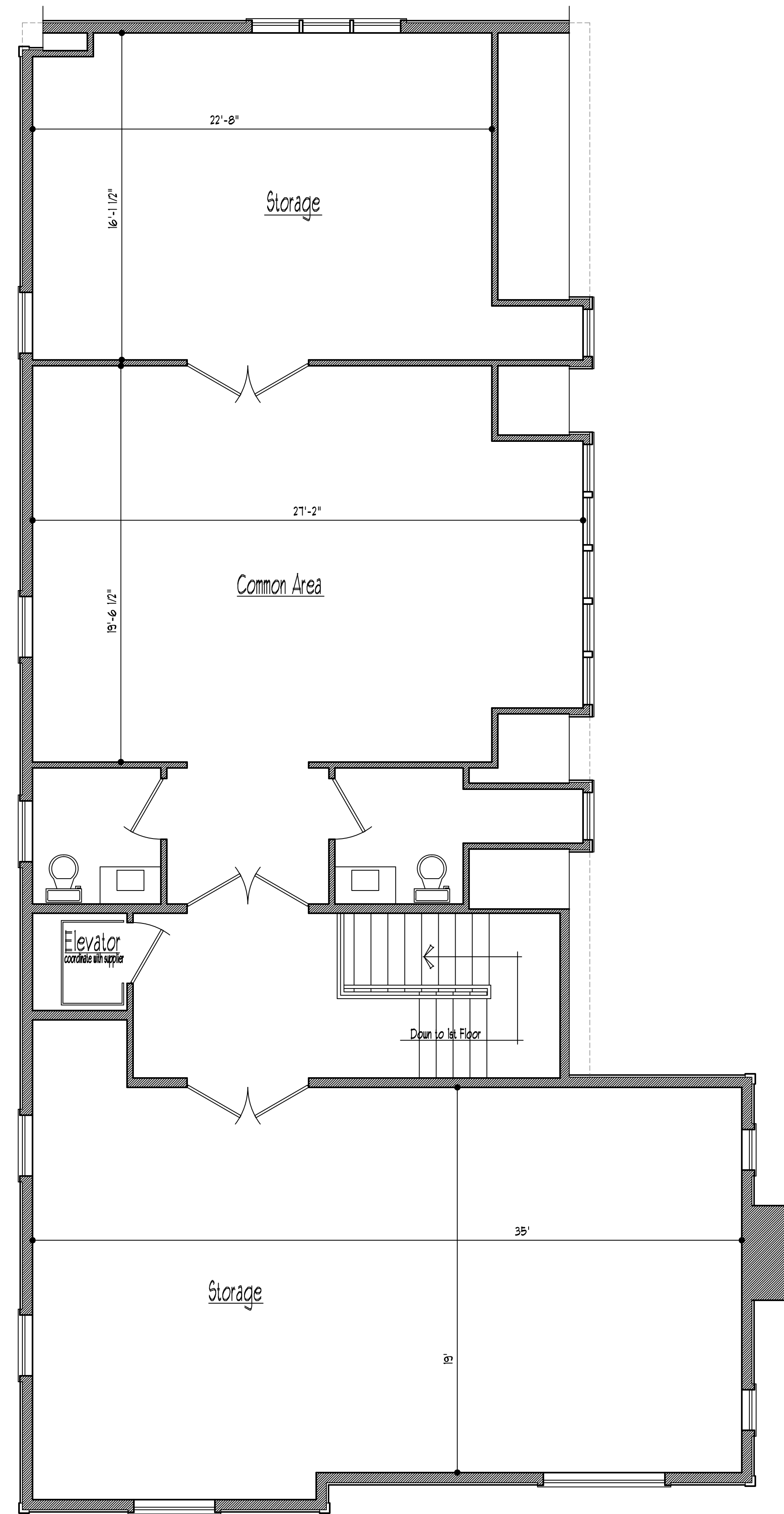
Mark White, LLC
 architectural / residential design
 503 Libbie Ave., suite 1b
 Richmond, Virginia 23226
 804/432-6688 markwhitelc@gmail.com
 markwhitearchdesign.com

12/20/2019
 2/10/2020
 2/2/2021
 2/19/2021

New Office Building for:
 Lancaster Custom Builder
 106 Libbie Avenue -- Richmond, Va. 23226

Review -- 2/19/2021

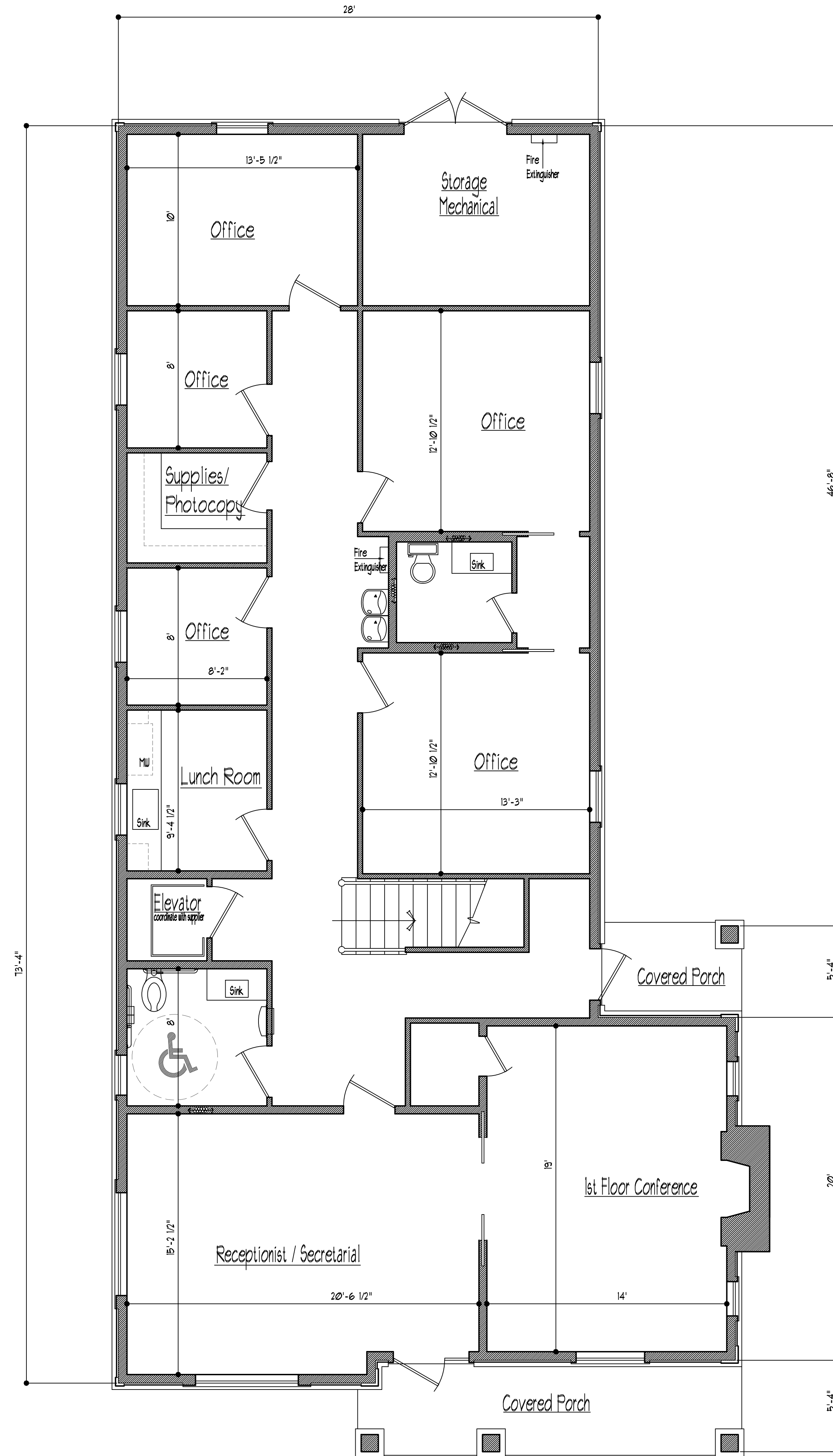
Preliminary Concept "B"



Proposed Second Floor Plan

1/4" = 1'-0"

9'-1 1/2" ceiling height



Proposed First Floor Plan

1/4" = 1'-0"

10'-1 1/2" ceiling height

Square Feet

First Floor	3000
Second Floor	2010
Total	5010

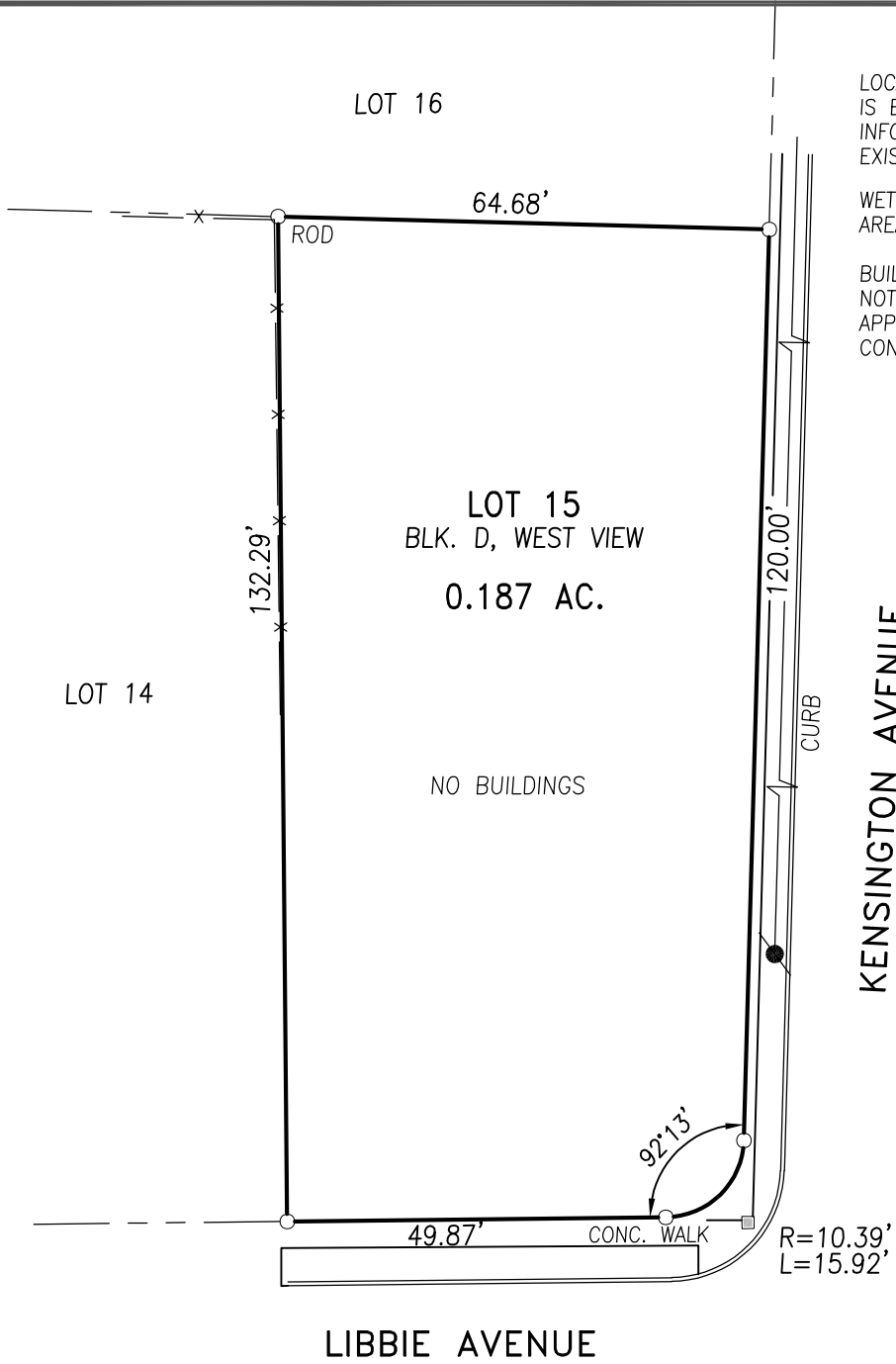
Review -- 2/19/2021

Preliminary Concept "B"

Mark White, LLC
 architectural / residential design
 503 Libbie Ave., suite 1b
 Richmond, Virginia 23226
 804/432-6688 markwhitelc@gmail.com
 markwhitearchdesign.com

12/20/2019
 2/10/2020
 2/2/2021
 2/19/2021

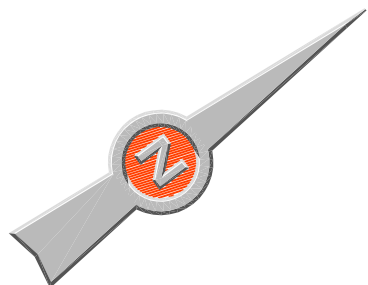
New Office Building for:
 Lancaster Custom Builder
 106 Libbie Avenue -- Richmond, Va. 23226



LOCATION OF U/G UTILITIES SHOWN ON THIS MAP IS BASED ON FIELD OBSERVATION AND RECORD INFORMATION. ADDITIONAL U/G UTILITIES MAY EXIST OTHER THAN THOSE SHOWN.

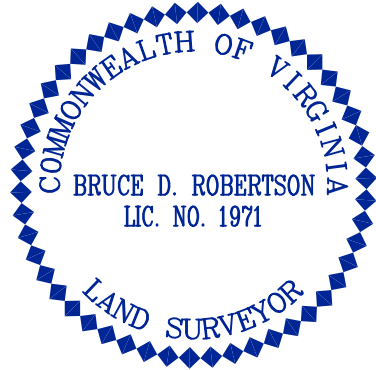
WETLANDS (IF ANY) AND RESOURCE PROTECTION AREA LIMITS ARE NOT SHOWN ON THIS SURVEY.

BUILDING SETBACKS OR OTHER ZONING CONDITIONS NOT DETERMINED FOR THIS MAP. COMPLIANCE WITH APPLICABLE ZONING ORDINANCES SHOULD BE CONFIRMED PRIOR TO CONSTRUCTION.



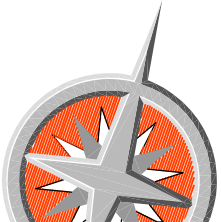
KENSINGTON AVENUE

This plat was prepared without the benefit of a title report and may not, therefore, indicate all easements or conditions affecting subject property.



**SURVEY SHOWING IMPROVEMENTS
ON PROPERTY LOCATED AT
706 LIBBIE AVENUE
CITY OF RICHMOND, VIRGINIA**

This is to certify that on 11/16/20
I made an accurate field survey of the premises shown hereon, that all improvements and easements known or visible are shown hereon, that there are no encroachments by improvements either from adjoining premises or from subject premises upon adjoining premises other than as shown hereon.



Bruce Robertson Land Surveying, P.C.

P.O. Box 35311 Richmond, Virginia Phone (804)218-2801

Date: 11/18/20
Scale: 1"=25'

JN 20040