



SUP-015646-2017

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: 410-414 Libbie Avenue Date: March 31, 2017
Tax Map #: W0210261033 Fee: \$1800.00
Total area of affected site in acres: 0.9 acres

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

Zoning

Current Zoning: RO-1 (SUP)

Existing Use: Office, retail, personal service

Proposed Use

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

Amend signage and parking requirements contained in the SUP

Existing Use:

Is this property subject to any previous land use cases?

Yes No
If Yes, please list the Ordinance Number: Ord No. 72-151-158, as amended by
Ord. No. 87-50-51, as amended by Ord. No. 91-376-92-223

Applicant/Contact Person: Jennifer Mullen, Esq.

Company: Roth Jackson Gibbons Condlin, PLC
Mailing Address: 919 East Main Street, Suite 2110
City: Richmond State: VA Zip Code: 23219-4625
Telephone: (804) 977-3374 Fax: (804) 441-8438
Email: jmullen@rothdonerjackson.com

Property Owner: Jackson River Ventures, LLC

If Business Entity, name and title of authorized signee:

(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: 14 Roslyn Road
City: Richmond State: VA Zip Code: 23226
Telephone: () Fax: ()
Email:

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)

Roth Jackson

Roth Jackson Gibbons Condlin, PLC
Attorneys at Law

Jennifer Mullen
(804) 977-9974 (direct)
jmullen@rothjackson.com

April 11, 2017

BY HAND DELIVERY

Mr. Matthew Ebinger
City of Richmond
Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, Virginia 23219

Re: Special Use Permit Amendment: 410-414 Libbie Avenue

Dear Matthew:

This letter shall serve as the Applicant's Report accompanying the application for a Special Use Permit Amendment (the "SUP Amendment") in order to authorize a modification to the signage and parking requirements for the property known as 410, 412 and 414 Libbie Avenue (the "Property"). The Property is located on the west side of Libbie Avenue between York Road and Guthrie Avenue and is identified as Parcel No. W021-0261/033 in the City Assessor's records.

The Property is zoned RO-1. The use of the property and signage and parking associated therewith were authorized pursuant to a Special Use Permit (Ord. No. 72-151-158) originally authorized by City Council on July 24, 1972 as amended several times, most recently by Ord. No. 1991-376-92-223 (the "SUP") approved by City Council on June 2, 1992. The SUP authorized certain B-1 commercial uses, which are not permitted by the underlying RO-1 zoning, and defined specific permitted signage and parking for the Property. A recent inspection by the Zoning Administration in conjunction with a Zoning Confirmation Letter request revealed minor non-compliance with the authorized signage and parking. The SUP Amendment would modify the signage permitted and parking required by the SUP in order to better reflect site conditions and the needs of existing and future tenants.

The Property contains approximately 0.9 acres of lot area and is improved with two buildings, one located at 410-412 Libbie Avenue (Building 1) and the other located at 414 Libbie Avenue (Building 2). Building 1 is a two-story commercial structure that was constructed in 1974 pursuant to the SUP approval. It contains approximately 17,000 square feet of floor area, including 4,872 square feet of basement area, and is occupied by a mix of retail, office, and personal service uses. Building 2 is a two-story structure that was constructed in 1947 as a single-family dwelling and subsequently converted for commercial use pursuant to the SUP. It

contains 1,380 square feet of floor area and is occupied by a personal service use (tailor and garment alteration and repair).

The SUP authorized very specific signage for the Property. The ordinance text identified each individual permitted sign and included a detailed signage plan which depicted the permitted signs and with which substantial conformance is required. This specificity worked for the initial tenant mix. However, as evidenced by the past amendment of the SUP and the recent non-compliance, this level of detail has understandably caused difficulty over time given the changing occupancy and tenant mix. The SUP contemplated diverse uses and multiple tenants by permitting a range of B-1 uses that could change from time to time as the market demanded. Unfortunately, the permitted signage is static and inflexible by comparison.

In order to address this issue and accommodate the needs of the site, the SUP Amendment would amend the SUP text in order to remove the existing signage standards and substitute new, more flexible custom signage standards. These new standards would be similar with those found in the Urban Business zoning classification. As is typical in the UB district, permitted sign types would generally include wall signs, projecting signs, suspended signs, awning and canopy signs and freestanding signs. In terms of sign area, the below table indicates the breakdown of the comparative areas which would be permitted for the Property by the UB district and the SUP Amendment. The proposed signage is generally reflective of the signage existing on the property today and is generally consistent with UB signage guidelines. The overall permitted signage that is proposed would be slightly less (22 square feet) in total area than would be permitted for the Property by the UB district guidelines. In contrast to the UB District, which would permit individual signs, including building mounted signage, up to 32 square feet in area, the SUP Amendment would limit individual signs to an area of 18 square feet. An additional free standing sign is proposed. However, at approximately four and six square feet each, the two proposed freestanding signs would be significantly smaller in area than the one 32 square foot sign that would be permitted in the UB district.

Proposed and UB District Signage Area Comparison			
<i>Permitted Signage (Shopping Center/More Than One Building on a Lot)</i>			
Building	Building Frontage	Sign Area Permitted UB	The SUP Amendment
Building 1 (Large)	98'	98 Square Feet	122 Square Feet
Building 2 (Small)	34'	34 Square Feet	10 Square Feet
Total (Both Buildings)		132 Square Feet	132 Square Feet
<i>Freestanding Signage Permitted (Shopping Center, in addition to the above)</i>			
		UB District	The SUP Amendment
Number of Signs		1 sign	2 signs
Free Standing Sign Area		32 Square Feet	10 Square Feet Total
<i>Total Sign Area</i>			
		UB District	The SUP Amendment
		164 Square Feet	142 Square Feet

The SUP required 54 off street parking spaces for the use of the Property. In order to meet the needs of the site a trash collection area (dumpster and enclosure) has been installed at the rear of the building at 414 Libbie Avenue. This reduced the number of off street parking spaces provided to 52 spaces. The SUP Amendment would amend the SUP text in order to address this issue by reducing the number of required parking spaces to 52. Operationally speaking, this existing parking arrangement has been more than adequate in meeting the demands of the mix of tenants permitted by the SUP.

The properties to the north and across Libbie Avenue to the east are also zoned RO-1 and are occupied as professional and medical offices. Further to the north are properties fronting on Libbie Avenue which are zoned R-4 but have been authorized for commercial use by special use permits. The properties to the south are located within the Grove and Libbie UB-PO1 commercial service area and are occupied by a variety of commercial uses including a grocery store/pharmacy on the abutting parcel. The properties to the west are zoned R-4 and are occupied by single-family dwellings, a number of which were authorized by special use permit in order to permit the development of substandard lots.

The Master Plan Land Use Plan, as amended by Ord. No. 2012-8-15 (the "Master Plan Amendment") recommends "Mixed Use" for the Property and other properties fronting on Libbie to the north and east. Additional text guidance contained in the Master Plan Amendment and applicable to the Property specifies that "expansion of the Libbie/Grove Service Center should occur north on those parcels that front Libbie Avenue to Kensington Avenue as shown on the land use map. As shown on the amended Land Use Plan, mixed use is appropriate for those parcels and an Urban Business Classification is the recommended zoning classification for this area." The properties to the south are designated "Community Commercial" while residential properties to the west are designated "Single-Family (Low Density)".

The following are factors indicted in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- ***Be detrimental to the safety, health, morals and general welfare of the community involved.***

The proposed SUP Amendment will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed SUP Amendment is consistent with the recommendations of the Master Plan and would not change the existing use of the Property which has met this test in the past.

- ***Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.***

The proposed SUP Amendment will not result in significant traffic impacts to nearby residential neighborhoods. There would be no change to the existing use of the Property.

- ***Create hazards from fire, panic or other dangers.***

The Property has been developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- ***Tend to overcrowding of land and cause an undue concentration of population.***

The proposed SUP Amendment will not impact the existing building configuration and will not tend to over crowd the land or create an undue concentration of land.

- ***Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.***

The special use permit would not adversely affect the above referenced City services. To the contrary, the SUP Amendment would help insure the continued viability of the Property. The Property provides positive fiscal (tax) benefits that enhance the City's ability to provide these services to the surrounding community.

- ***Interfere with adequate light and air.***

The proposed SUP Amendment will not impact the existing building configuration and will not impact the light and air available to adjacent properties.

This request conforms to the recommendations of the recent Master Plan Amendment. As it stands, the use of the Property according to the SUP is arguably less intense than that which is currently recommended by the Master Plan. Restaurants and food store uses, which would otherwise be appropriate for the property according to the recommendations of the Master Plan, are restricted by the SUP. This limits the intensity of the Property's use, including parking demand, in comparison to what is suggested by the Master Plan. In terms of permitted signage, given the specific text guidance concerning the appropriateness of an Urban Business classification for the Property, the use of UB standards to address signage is warranted. While modified slightly to address the specific needs of the site, the proposed SUP Amendment would provide for signage standards which, overall, are more restrictive than the UB standards.

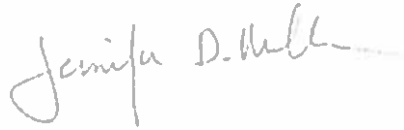
The current SUP conditions and the proposed signage limitations and required parking would ensure continued compatibility with surrounding uses. Approval of the SUP Amendment would allow for a more flexible signage standard that will address the needs of both the current and future use of the property. That flexibility will help meet the demands of the market and

Mr. Matthew Ebinger
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insure the continued viability of the Property. This will allow for the continued use of the property consistent with the recommendations of the Master Plan and in a manner that is compatible with the surrounding properties.

Thank you for your time and consideration of this request. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer D. Mullen". The signature is written in dark ink and is positioned above the printed name.

Jennifer D. Mullen

Enclosures

cc: The Honorable Andreas D. Addison