

INTRODUCED: December 11, 2017

AN ORDINANCE No. 2017-246

To authorize the special use of the property known as 225 Plazaview Road for the purpose of a two-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 8 2018 AT 6 P.M.

WHEREAS, the owner of the property known as 225 Plazaview Road, which is situated in an OS Office-Service District, desires to use such property for the purpose of a two-family detached dwelling, which use, among other things, is not currently allowed by section 30-450.1 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JAN 8 2018 REJECTED: _____ STRICKEN: _____

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 (2015), 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 225 Plazaview Road and identified as Tax Parcel No. C006-0286/036 in the 2017 records of the City Assessor, being more particularly shown on a plat entitled “Improvements on Lot 15, Block 1, Section One ‘A,’ Green Acres Subdivision, City of Richmond, Virginia,” prepared by Balzer and Associates, Inc., and dated April 27, 2017, 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 two-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “225 Plazaview,” prepared by Computerized Drafting, LC, dated May 15, 2017, and last revised December 2, 2017, 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 use of the Property shall be a two-family detached dwelling, substantially as shown on the Plans.

(b) Four off-street parking spaces shall be provided as shown on the Plans.

§ 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 (2015), 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 (2015), 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 (2015), 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 (2015), 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.

City of Richmond

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

Item Request

File Number: 2017-515

O & R REQUEST

4-7273

NOV 20 2017

Office of the
Chief Administrative Officer

RECEIVED

NOV 20 2017

OFFICE OF CITY ATTORNEY O & R Request

DATE: November 20, 2017

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor *LS 12/6/17*
(This is no way reflects a recommendation on behalf of the Mayor.)

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

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning *PLD 11-20-17*

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

RE: To authorize the special use of the property known as 225 Plazaview Road for the purposes of permitting the construction of a two-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 225 Plazaview Road for the purposes of permitting the construction of a two-family detached dwelling, upon certain terms and conditions.

REASON: The applicant is requesting a special use permit to authorize the construction of a two-family detached residential use. The current zoning of the property is OS - Office-Service, which does not permit two-family detached residential use. 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 January 8, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consist of a single parcel measuring 9,000 SF or .2 acres of vacant land. The property is located in the Belt Center neighborhood in the Midlothian Planning District.

The City of Richmond's current Land Use Plan designates a land use category for the subject property as Single-Family (Low density). Primary uses for this category are "...single-family detached dwellings at densities up to seven units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-1, R-2, R-3, R-4, and R-5. (p. 133)

The Master Plan recommends a Town Center Strategy for the properties along and near the Belt Boulevard corridor which are "...intended to serve as a vibrant center of activity, among a mixture of uses within a modern, well designed urban context. With roadway and transit connections to Downtown and the rest of the City and metropolitan area, the Town Center offers an opportunity for a focal point for south Richmond, with a mixture of higher density residential, office, retail, entertainment, and public uses." (p.221)

Properties to the east, south and west of the subject property are a located within the same OS - Office Service District. Properties to the north are located within the B-3 Business General District, along Belt Boulevard. A mix of residential, office, and commercial, land uses are found in the vicinity, with some public-open space and institutional land uses as well.

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: \$300 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: December 11, 2017

CITY COUNCIL PUBLIC HEARING DATE: January 15, 2018

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, January 8, 2018

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, Map

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646-5734

PDR O&R No. 17-49



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.richmond.gov/>

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: 225 Plazaview Road Date: 7-1-17
 Tax Map #: C0060286036 Fee: \$300.00
 Total area of affected site in acres: 0.0425

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

Zoning

Current Zoning: OS
 Existing Use: Duplex

Proposed Use

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

Existing Use: Duplex

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: Gregory Gerald Green

Company: GG GREEN Properties

Mailing Address: 3078 French Hill Dr

City: Powhatan State: VA Zip Code: 23139

Telephone: (804) 804-920-9614 Fax: ()

Email: Greg@dgelectrical.com

Property Owner: GG Green Properties

If Business Entity, name and title of authorized signee: Gregory Green / Owner

(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: Same

City: _____ State: _____ Zip Code: _____

Telephone: () Fax: ()

Email: _____

Property Owner Signature: *Gregory Green*

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)

Applicants Written Report

Special Use Permit Application

7-1-17

Attention: Mr. Jonathan Brown
Jonathan.Brown@RICHMOND.Gov
646-5734

Subject: 225 Plazaview Rd, Richmond Va 23224
Tax Map #c0060286036

Please receive this letter from Gregory Gerald Green of "GG GREEN Properties" as the applicant's written report for the requested special use permit

The neighborhood in which the property is located is named "green acres" and the address is 225 Plaza View Rd. 23224

I am proposing to re build a two family home on an existing foundation. The property was previously used as a two family home however due the current zoning status OS it does not qualify for residential.

The neighborhood is 85% residential "conservatively". A mix of owner occupied homes, residential rentals and a few small businesses.

I personally cannot fathom in anyway shape or form that this re built home converted back to residential use could possibly contribute to any of the issues listed on the application form for special use permit number 3. A – F

I feel that re building this residential house on the existing foundation will bring value to the adjoining home owner's properties as we eliminate a vacant property & re build a nice home that matches all of the others on the street.

I would like to thank you all for your consideration and your time spent on this matter. If you should have any questions or concerns please feel free to call me.

Sincerely,

Greg G Green
Greg@dgelectrical.com
804-920-9614

To: Jonathan Brown

From: G & L properties, Owners of 229 Plazaview Dr

Subject: Letter from next door neighbor – Special use permit concerning rebuilding a residential structure at 225 Plaza View Rd, Richmond Va 23224

To whom it may concern, I am aware of the plan Mr Greg Green of GG Green Properties has for the property adjoining my property. I understand that he would like to re build the home next door that used to be there. The lot has set vacant for some time and it would be nice to have the home restored to its original condition, Not only would it make my property look better to have a new home built next door but I feel it would be good for the whole neighborhood.

If you have any questions or would like to discuss this matter further please feel free to contact me.

Sincerely

Lynn Green

804-920-9615

To: Jonathan Brown

From: Sue Springston, owner of 221 plazaview Rd

Subject: Letter from next door neighbor -- Special use permit concerning rebuilding a residential structure at 225 Plaza View Rd, Richmond Va 23224

To whom it may concern, I am aware of the plan Mr Greg Green of GG Green Properties has for the property adjoining my property. I understand that he would like to re build the home next door that used to be there. The lot has set vacant for some time and it would be nice to have the home restored to its original condition. If you have any questions or would like to discuss this matter further please feel free to contact me.

Sincerely

Sue Springston

804-233-8930

To: Jonathan Brown

From: Jack Dutton of Dutton equipment

Subject: Letter from next door neighbor – Special use permit concerning rebuilding a residential structure at 225 Plaza View Rd, Richmond Va 23224

To Whom It May Concern, I am aware of the plan Mr Greg Green of GG Green Properties has for the property in the green acres neighborhood. I understand that he would like to re build the residential structure that used to be there. My business is located in the neighborhood and As a business owner I feel that the mixture of residential properties compliments my business. In most modern communities you see neighborhoods where people work & live. The lot has set vacant for some time and it would be nice to have the home restored to its original condition. If you have any questions or would like to discuss this matter further please feel free to contact me.

Sincerely

Jack Dutton

804-514-3900

N/F
Orifice

N/F
Old Dominion
Restaurants, Inc.

Corner Inaccessible
(High Voltage Fence)

S62°19'00"E 60.00' Rod(f)

Adjoinder Shed
1.5' Over

Shed

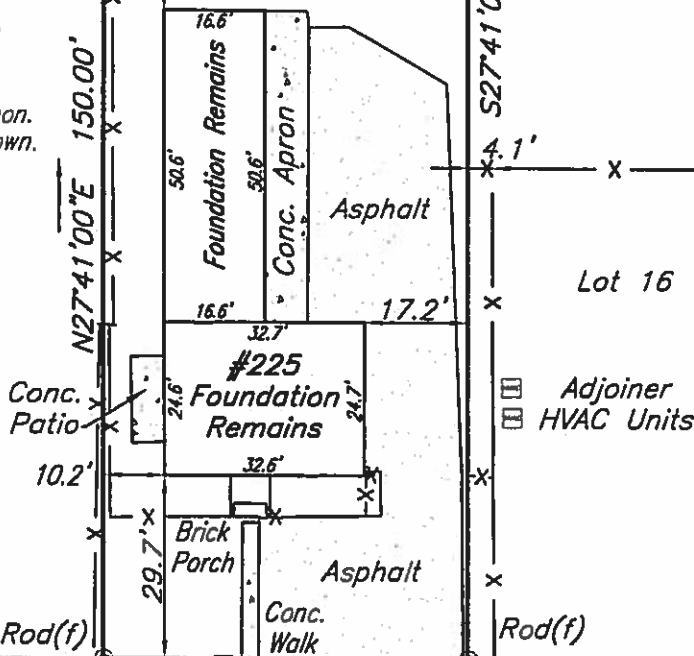
P.B.: 8
P.C.: 102-CCC

This is to certify that this plat or map was prepared under my direction from an actual field survey without the benefit of a title report. Unless otherwise noted, to the best of my knowledge and belief all visible evidence of improvements, easements and apparent encroachments are shown hereon. Not all easements may be shown. All utilities are underground.

Lot 15
Block 1
0.207 Acre

Lot 14

Lot 16



Adjoinder
HVAC Units

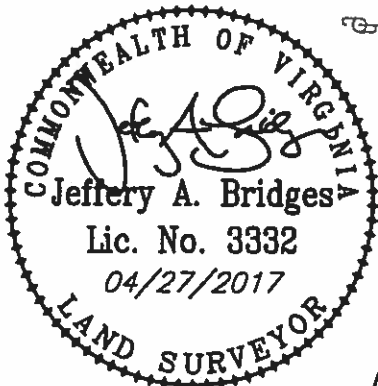
Rod(f)

Rod(f)

Water
OH Meter
OHUTIL

240.00' to the
W/L of Berkley
Road (Ext'd)

PLAZAVIEW ROAD
50' R/W



Improvements on
LOT 15, BLOCK 1, SECTION ONE 'A'
GREEN ACRES SUBDIVISION
City of Richmond, Virginia

DATE: 04/27/2017

SCALE: 1"=30'

JOB NO: 55170339.HS

Pur: Davis & Green Electrical

CHK: JAB

DWG: DSH

• PLANNERS • ARCHITECTS • ENGINEERS • SURVEYORS •

15871 City View Drive Suite 200 • Midlothian, Virginia 23113 • Phone (804) 794-0571 • Fax (804) 794-2635



J:\170305\565 1716\55170339.HS\DRAWING\55170339.HS.DWG

Applicants Written Report

Special Use Permit Application

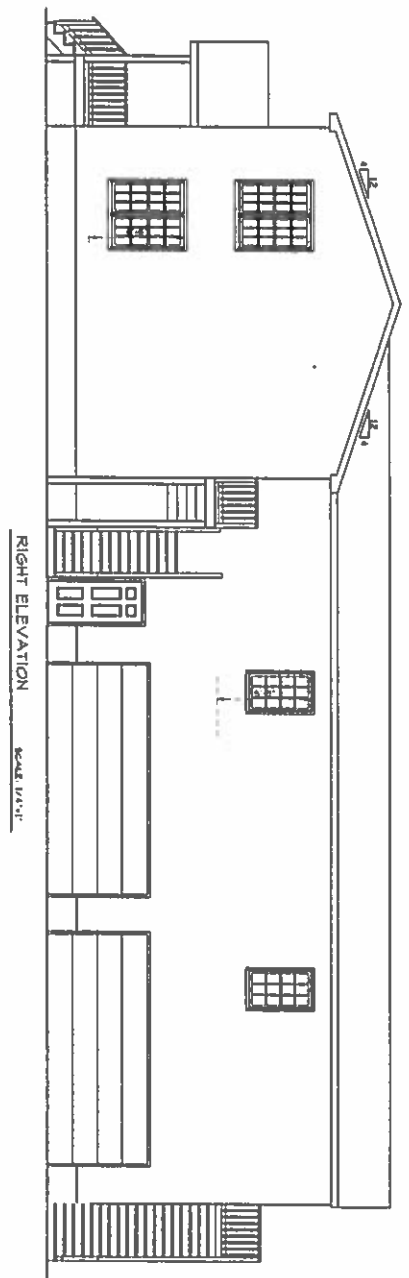
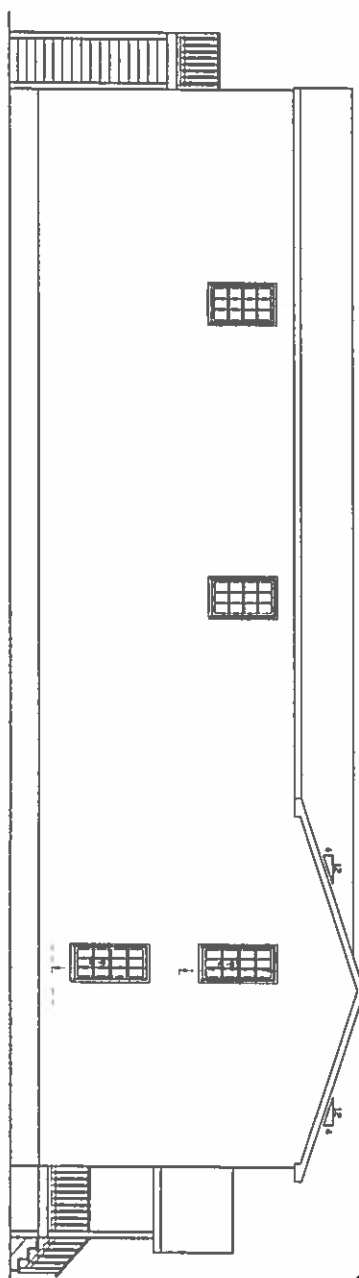
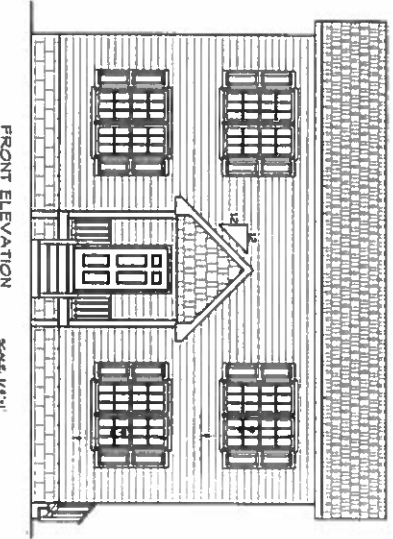
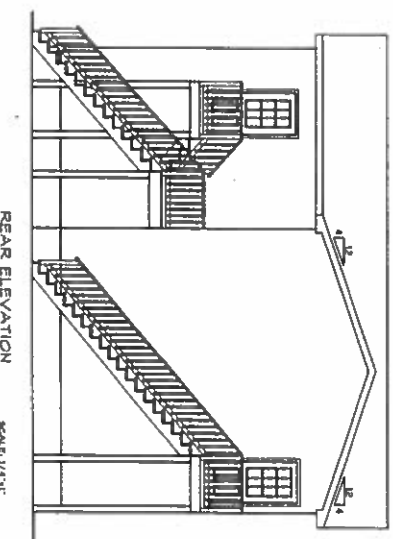
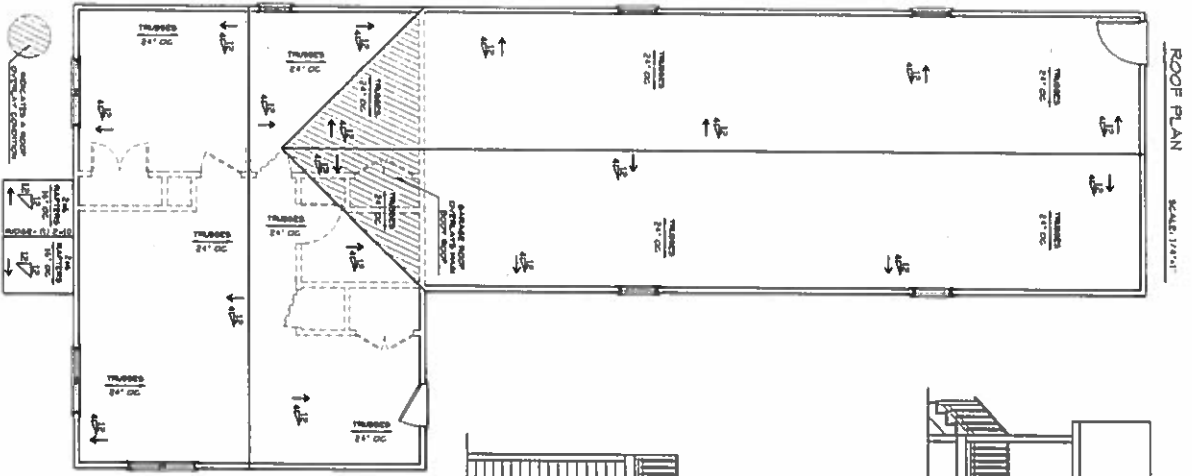
Attention: Mr. Jonathan Brown
Jonathan.Brown@RICHMOND.Gov
646-5734

Subject: Street View of Plazaview Rd, Richmond Va 23224
Tax Map #c0060286036



Sincerely,

Greg G Green
Greg@dgelectrical.com
804-920-9614

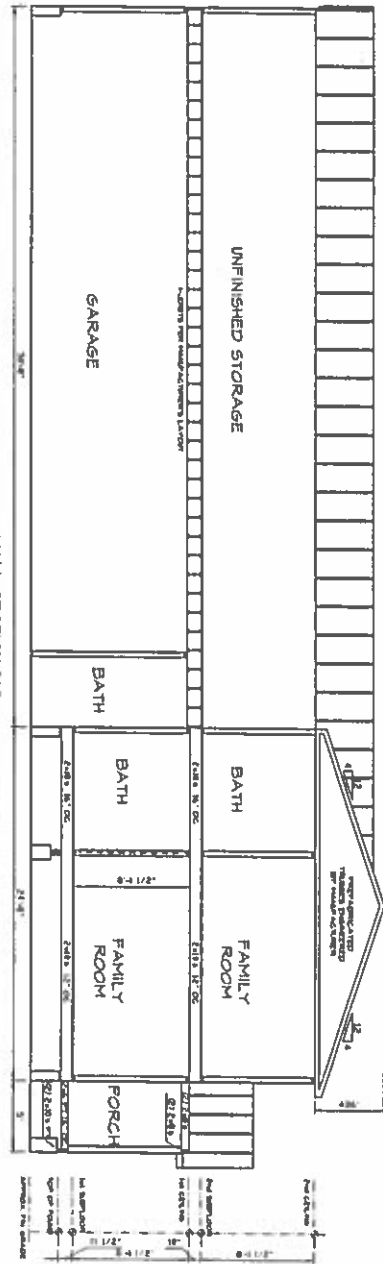


TOTAL EFFICIENCY
PO BOX 13691
RICHMOND, VA 23225
804-920-9614

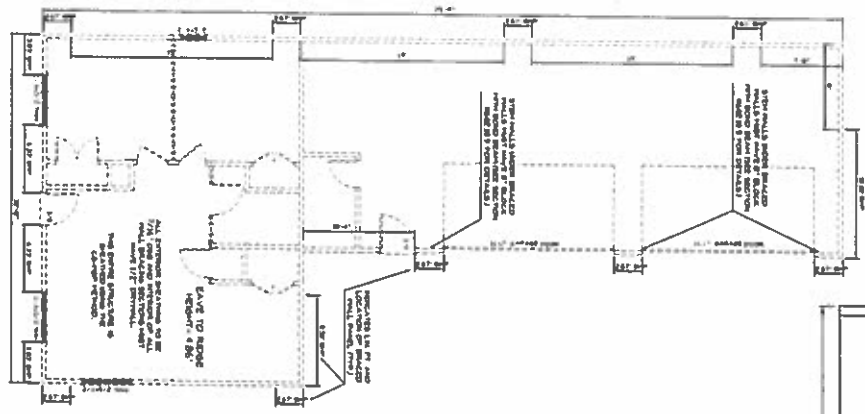
225 PLAZAVIEW

Computerized Drafting, LC
Bobby Marks
8811 Brook Road
Richmond, VA 23225
Phone 804-339-9594

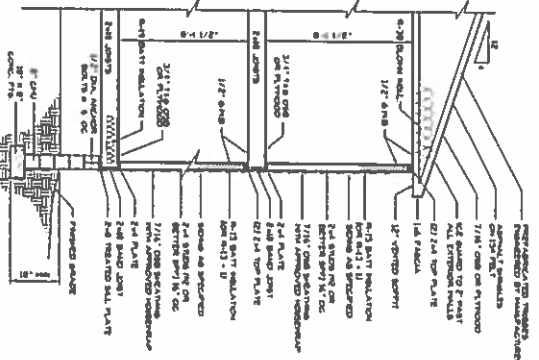
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DATE: 5-13-17
JOB NO.: 1318
REVISIONS:
DATE: 12-2-17
PAGE: 1 OF 4



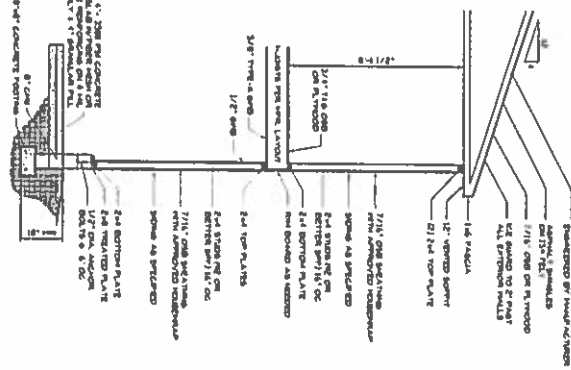
WALL SECTION "A" SCALE 1/4"=1'



WALL BRACING PLAN SCALE 3/8"=1'



WALL SECTION (TYP.)



GARAGE WALL SECTION (TYP.)

TOTAL EFFICIENCY
 PO BOX 13691
 RICHMOND, VA 23225
 804-920-9614

225 PLAZAVIEW

Computerized Drafting, LC
 Dobby Marks
 1121 S. Bland Road
 Richmond, VA 23225
 804-920-9614

DRAWN BY: BH
DATE: 3-15-87
JOB NO: 1318
REVISION:
DATE: 12-2-17
PAGE: 3 OF 4

