

INTRODUCED: June 11, 2018

AN ORDINANCE No. 2018-183

To amend and reordain Ord. No. 84-77-67, adopted Apr. 24, 1984, which authorized the use of the property known as 5901 Patterson Avenue and 804 Maple Avenue for the purpose of medical office use, to authorize the use of the property for office and personal service uses, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JULY 23 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 84-77-67, adopted April 24, 1984, be and is hereby amended and reordained as follows:

§1. That the [~~real estate,~~] property known as 5901 Patterson Avenue and 804 Maple Avenue, located at the southwestern corner of the intersection of Patterson and Maple Avenues, being more completely described [~~as follows: beginning at a point in a curve to the right of the intersection of Patterson and Maple Avenues and extending with said curve a distance of 19.0 feet, more or less, and then extending 111.85 feet in a southern direction along the west line of Maple Avenue; thence extending 121.15 feet in a western direction along a~~

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JULY 23 2018 REJECTED: _____ STRICKEN: _____

~~property line; thence extending 120.0 feet in a northern direction along a property line; thence extending 90.0 feet in an eastern direction along the south line of Patterson Avenue to the point of beginning]~~ on the survey entitled “ALTA/NSPS Land Title Survey Showing Improvements on 5901 Patterson Avenue, City of Richmond, Virginia,” prepared by Wayne K. Toy, and dated November 13, 2017, is hereby permitted to be used for the purpose of [medical] office [use 1, said property being as shown on altered plat of Lot 7, Block A, Section B, West View, Richmond, Virginia, revised October 17, 1983, attached to the draft of this ordinance], uses, including barber shops and beauty salons, substantially as shown on the plans referred to in section 2 of this amendatory ordinance and attached to this amendatory ordinance.

§ 2. That the Commissioner of Buildings is hereby authorized to issue to the owner of said ~~[real estate]~~ property, or successor or successors in fee simple title, a permit to occupy the property for such purpose, substantially in accordance with the plot plan or drawing entitled: “Lot 7 Blk. A Sect. B West View, Richmond, ~~[VA²]~~ VA,” prepared by George M. Stephens, Jr., CLS, dated November 14, 1980, and last revised October 17, 1983, a copy of which is attached to Ord. No. 84-77-67, adopted April 24, 1984, as amended by the plans entitled “5901 Patterson Avenue,” prepared by AES Consulting Engineers, and dated February 7, 2018, and the plans entitled “5901 Patterson Avenue,” prepared by 510 Architects, and dated February 13, 2018, copies [copy] of which [is] are attached to [the draft of] this amendatory ordinance. The Commissioner of Buildings may issue a building permit, if required, for the modification of the structure herein authorized. The special use permit herein authorized by the City, Council[;] shall be transferable to the successor or successors in title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with

the land subject to the following terms and conditions:

(a) That the acceptance of the permit and the exercise of the privileges granted by this ordinance by the owner and successor or successors in title shall constitute a warranty on the part of the owner and successor or successors that title to the land and the building shall be vested in the same person or persons or corporation or both;

(b) That the owner shall be bound by, shall observe, and shall comply with all other laws, ordinances ~~[and],~~ rules, and regulations ~~[adopted pursuant thereto,]~~ applicable to the land and building, except as otherwise provided in this ordinance;

(c) That no more than 12 parking spaces shall be provided as shown on the ~~[attached plan, including the garage]~~ plans attached to this amendatory ordinance;

(d) That ~~[occupancy of the medical office shall not exceed one doctor, plus no more than five employees at one time]~~ site lighting shall be designed and installed so as to concentrate illumination within the bounds of the property and to prevent glare on adjoining properties and streets;

(e) That storm or surface water shall not be allowed to accumulate on the land and adequate facilities for drainage of storm and surface water from the land or building shall be provided and maintained at all times by the owner at his cost and expense so as not to adversely affect or damage adjacent properties or public streets and alleys and the use thereof;

(f) That facilities for the collection of refuse shall be provided in accordance with the requirements of the Department of Public Works, and such facilities shall be so located or screened as not to be visible from adjacent properties and public streets;

(g) That ~~[there shall be no alterations to the site or exterior of the building except for normal repair and maintenance]~~ the building shall not exceed one story in height, substantially

as shown on the plans attached to this amendatory ordinance, and building materials and elevations shall be substantially as shown on the plans attached to this amendatory ordinance;

(h) That ~~[identification]~~ signage shall be limited to ~~[existing signs]~~ signage permitted in the underlying zoning district, the building signage shown on the plans attached to this amendatory ordinance, and the two freestanding signs shown on the plans attached to this amendatory ordinance. The freestanding signs shall not exceed 16 square feet each and shall not exceed four feet in height each;

(i) That ~~[existing healthy trees and other landscaping shown on the attached plan shall be retained]~~ landscaping, fencing, and screening shall be provided as shown on the plans attached to this amendatory ordinance or as otherwise approved by the Director of Planning and Development Review;

(j) That all mechanical equipment serving the property shall be located or screened so as not to be visible from the adjacent public right-of-way;

(k) That bicycle parking for no fewer than five bicycles shall be provided on the property;

(l) That ~~[should the owner use the premises property for any purpose which is not permitted by this ordinance, or fails, refuses or neglects to comply with the provisions of foregoing paragraphs (a) through (i) and does not terminate such use or comply with such provisions within ninety 90 days after written notice so to do has been given to the owner by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void]~~ 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;

~~[(k)]~~ (m) That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the [~~premises~~] property is abandoned for a period of [~~twenty-four~~] 24 consecutive months, use of the [~~real-estate~~] property shall be governed thereafter by the zoning regulations prescribed for the district in which the [~~real-estate~~] property is then situated; and

~~[(h)]~~ (n) That application for a building permit to modify the building, if required, shall be made within [~~six~~] 24 months from the effective date of this amendatory ordinance, which building permit shall expire by limitation and become null and void if the modification of the building is not commenced within [~~one hundred eighty~~] 180 days from the date of the building permit, or if work upon the building is suspended or abandoned for a period of [~~one hundred eighty~~] 180 days at any time after the work is commenced, as provided in [~~Section 8-15 of the Richmond City Code of 1975~~] the Virginia Statewide Building Code. Should application for the building permit not be made within [~~twelve~~] 24 months from the effective date of this amendatory ordinance or should the building permit expire and become null and void, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void. Application for a certificate of occupancy must be made prior to occupancy of the building.

§ 3. This ordinance shall be in force and effect upon adoption.

II. This amendatory 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: PRE.2018.184

RECEIVED

MAY 16 2018

O & R REQUEST

MAY 2 2018

4-7768

Office of the
Chief Administrative Officer

OFFICE OF CITY ATTORNEY

O & R Request

DATE: May 1, 2018

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: Selena Cuffee Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning

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

RE: To amend and reordain Ord. No. 84-77-67, adopted April 24, 1984, which authorized the use of the property known as 5901 Patterson Avenue and 804 Maple Avenue for the purpose of medical office use, to authorize the use of the property for personal service, including barber shops and beauty salons, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To amend and reordain Ord. No. 84-77-67, adopted April 24, 1984, which authorized the use of the property known as 5901 Patterson Avenue and 804 Maple Avenue for the purpose of medical office use, to authorize the use of the property for personal service, including barber shops and beauty salons, upon certain terms and conditions.

REASON: The applicant is requesting to amend an existing special use permit that authorized a medical office to include personal service as a permitted use. The property is located in the R-4 Single-Family Residential zoning district, which does not permit the existing or proposed use. The applicant would like to convert the existing building into a beauty salon and has, therefore, requested an amendment to the existing special use permit.

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 June 18, 2018, meeting. A

letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 13,118 SF or .3 acre parcel of land improved with a 2,944 square foot building constructed, per tax assessment records, in 1950. The building contains a medical office use and is located in the Far West Planning District, at the southwest corner of the intersection of Maple Avenue and Patterson Avenue, a gateway to the Grove-Libbie-Patterson shopping district. A Special Use Permit Ordinance, adopted in 1984, authorized the continued use as a medical office with off-street parking, under certain terms and conditions.

The City of Richmond's current Land Use Plan designates a future land use category for the subject property as Office Transitional. Primary uses for this category include low-to-medium intensity professional, business and administrative offices, and medical and dental clinics that are compatible with adjacent residential uses and serve as separation between residential areas and nearby commercial or other higher intensity land uses or features. The scale and intensity of such office uses may vary depending on the density and type of residential uses they are intended to buffer (Richmond Master Plan, p. 134.)

The intersection of Maple Avenue and Patterson Avenue is designated as a gateway by the Master Plan, which states "gateway treatments at key places should mark entrances to the Grove-Libbie-Patterson shopping district" (p. 183A).

The property is located in the R-4 Single-Family Residential Zoning District. The R-4 district does not permit any commercial uses. In 1984, Council approved a special use permit to authorize the use of a medical office with no more than one physician plus no more than five employees. The property has been in continuous use under these conditions. The proposed amendment would expand permitted uses to personal services. This amendment would allow for the proposed beauty salon.

Surrounding properties are located in the R-4 district, R-53 Multi-Family Residential District, and B-2 Community Business District. A mix of institutional, commercial, and single- and multi-family residential land uses are present in the vicinity.

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: \$1,200 application fee.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: May 29, 2018

CITY COUNCIL PUBLIC HEARING DATE: June 25, 2018

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, June 18, 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.: Amendment to Ordinance No. 84-77-67.

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 18-31



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: 5901 Patterson Avenue Date: February 12, 2018
 Tax Map #: W0210162012 Fee: \$1,200
 Total area of affected site in acres: 0.3 acres

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

Zoning

Current Zoning: R-4

Existing Use: Medical office

Proposed Use

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

Personal service use with accessory parking

Existing Use: Medical office

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: 1984-077-67

Applicant/Contact Person: Lory Markham

Company: Markham Planning

Mailing Address: 2314 West Main Street

City: Richmond State: VA Zip Code: 23220

Telephone: (804) 248-2561 Fax: ()

Email: lory@markhamplanning.com

Property Owner: Dr. Joseph Haddad

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: 5901 Patterson Avenue

City: Richmond State: VA Zip Code: 23226

Telephone: (804) 285-7523 Fax: ()

Email: josbhad@yahoo.com

Property Owner Signature: Joseph Haddad

Authentisign

2/11/2018 5:14:36 PM EST

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)



February 14, 2018

Mr. Mark Olinger, Director
Department of Planning & Development Review
900 East Broad Street, Suite 511
Richmond, VA 23219
Mark.Olinger@richmondgov.com

RE: Applicant's Report for Special Use Permit Amendment Application at 5901 Patterson Avenue

Dear Mr. Olinger,

Please accept this letter as the Applicant's Report for the Special Use Permit (SUP) amendment application for the property at 5901 Patterson Avenue. With this application the property owner, Dr. Joseph Haddad, and Spy Rock Real Estate, LLC as contract purchaser for the property are petitioning the City Council to amend an existing special use permit that authorizes a medical office to authorize general offices and personal services.

Site

The property is located in the Far West Planning District at the southwest corner of Patterson and Maple Avenues. The property has a land area of 13,118 square feet and is zoned in an R-4 Single-Family Residential District. This property is improved with a one-story building with 2,944 square feet of finished living area constructed in 1950. Located to the east of the property are numerous business uses along Patterson Avenue; to the north is the former Westhampton School, and a multi-family development; to the west on Patterson Avenue and south on Maple Avenue are mostly single-family dwellings.

Zoning and SUP Ordinance Conditions

The property is located in the R-4 Single-Family Residential Zoning District. The R-4 district does not permit any commercial uses. In 1984, Council approved a SUP to authorize the use of a medical office with no more than one physician plus no more than five employees. The property has been in continuous use under these conditions.

Proposal

The current SUP was approved in 1984 when single-physician medical offices were common. However, medical practices have developed to where modern medical offices almost universally consist of groups of physicians. Because of these changes, the restrictions of the 1984 SUP severely limits the continued use of the property. The proposed amendment would expand permitted uses to include

general offices and personal services. This amendment would provide for reasonable flexibility and allow the property to host uses that serve the local neighborhood with limited adverse impact.

While this amendment request seeks to include limited flexibility in the future uses of the property, its immediate use is likely to be as a beauty salon studio hosting independent stylists in a shared space. This innovative concept has proven to be successful in providing neighborhood-level personal service to other communities within the City of Richmond. In order to mitigate any adverse impacts, plans included with this application show an increase in the number of off-street parking spaces to 13 which would exceed the normal zoning requirements of 10 spaces for the personal services, or 9 spaces for medical offices. These plans also show interior and exterior renovations to the building which would improve the appearance and condition of the almost 70-year-old building.

Master Plan

The City's Master Plan recommends Transitional Office land uses for the property including uses that are compatible with adjacent residential uses and serve as separation between residential areas and nearby commercial or other higher density land uses. The property is located across Maple Avenue from various commercial uses in a B-2 Community Business District including a restaurant, a pharmacy, and a hardware store, and is an ideal location to serve as a buffer between these commercial uses and the single-family residential dwellings on Patterson Avenue to the west and Maple Avenue to the south.

City Charter Conditions

This is a unique opportunity to bring new neighborhood services and improve an existing commercial use that has served the community for decades. We trust that you will agree with us that this proposed SUP amendment meets the City Charter criteria for the granting of SUPs as the project 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.

Thank you for your consideration of this application. Please feel free to contact me at lory@markhamplanning.com or (804) 248-2561 if you have any questions or require additional materials to process the application.

Very Truly Yours,



Lory Markham

Enclosures

cc: The Honorable Andreas Addison
Matthew Ebinger, Secretary to the City Planning Commission

SITE STATISTICS

PARCEL AREA: 0.304 AC

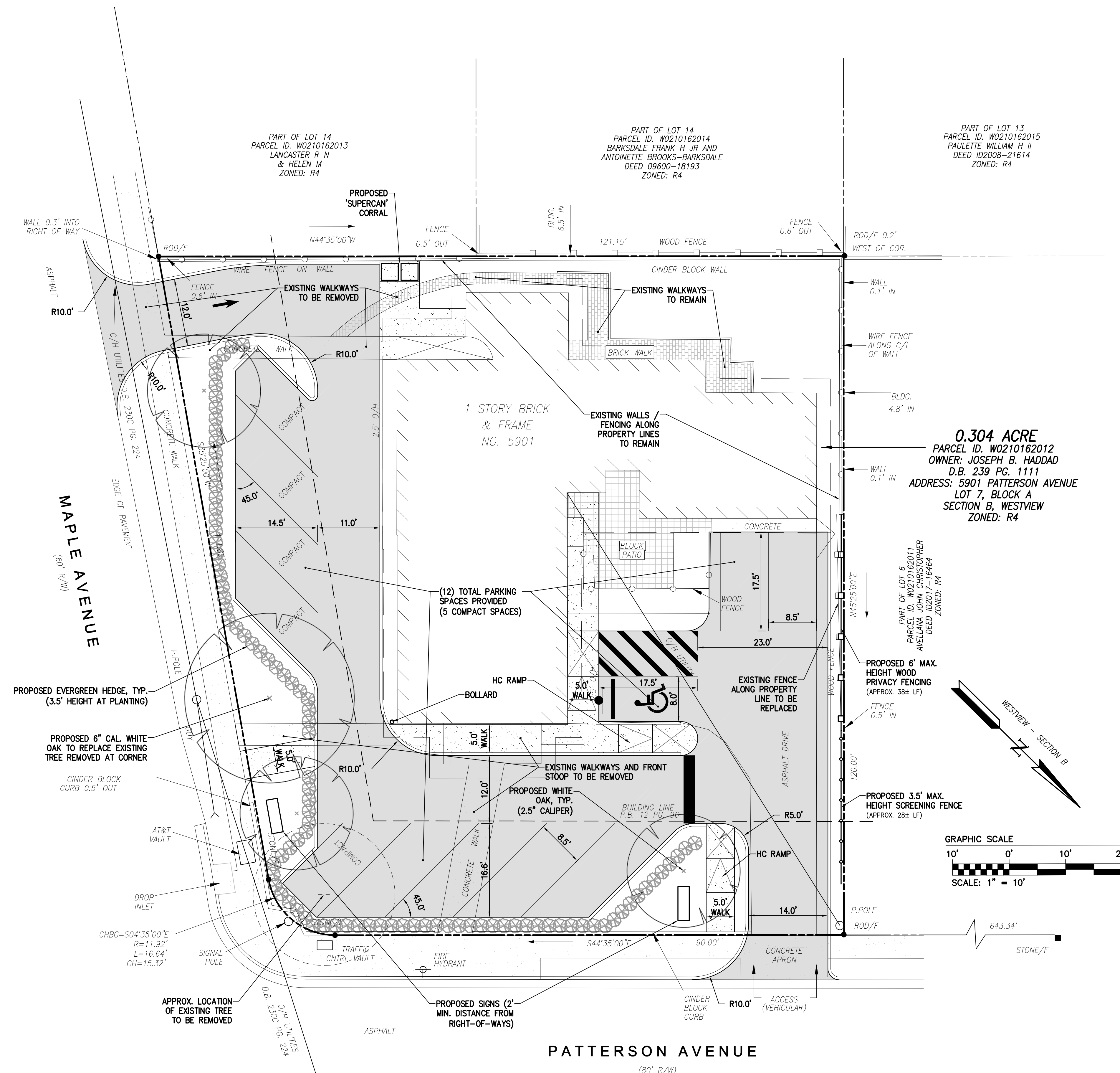
PARCEL ID: W0210162012

EXISTING ZONING: R4

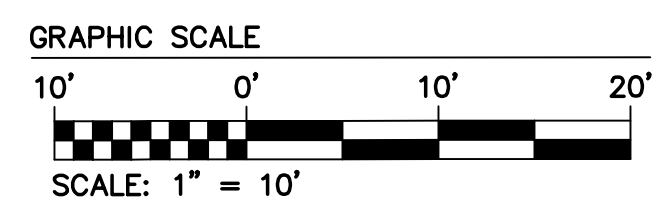
EXISTING USE: OFFICE

PROPOSED USE: HAIR SALON

PROPOSED PARKING SPACES: 12 SPACES
(FIVE (5) COMPACT SPACES AND ONE (1) ADA SPACE)



0.304 ACRE
 PARCEL ID: W0210162012
 OWNER: JOSEPH B. HADDAD
 D.B. 239 PG. 1111
 ADDRESS: 5901 PATTERSON AVENUE
 LOT 7, BLOCK A
 SECTION B, WESTVIEW
 ZONED: R4



Rev.	Date	By	Description

4129 Cox Road, Suite D
 Glen Allen, Virginia 23060
 Phone: (804) 330-8040
 Fax: (804) 330-8940
 www.aesw.com

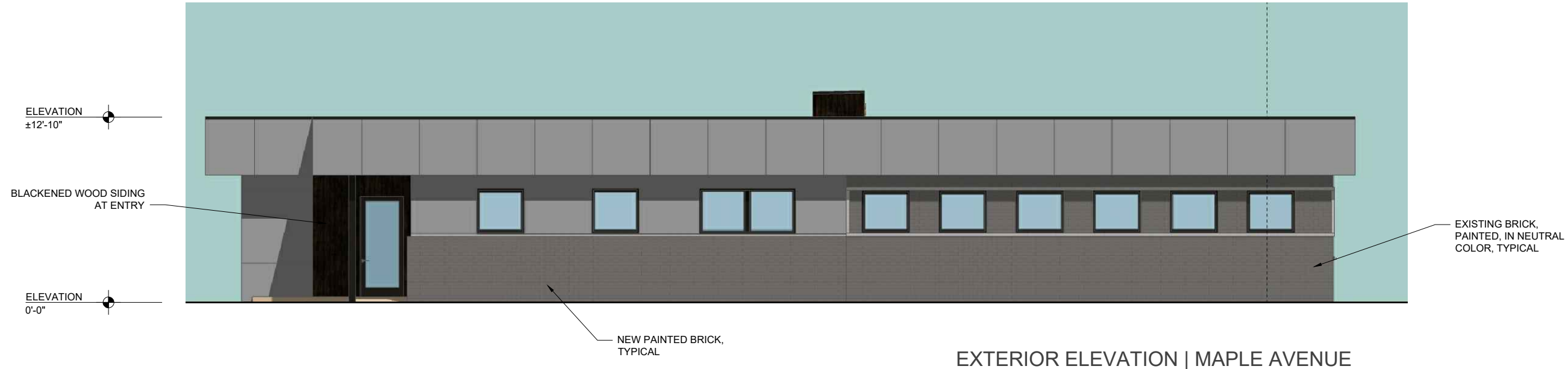
AES
 CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

5901 PATTERSON AVENUE

CITY OF RICHMOND, VIRGINIA

Project Contacts: GRR / KTH
 Project Number: R1637-00
 Scale: 1"=10' Date: 02-07-18
 Sheet Title: CONCEPTUAL LAYOUT PLAN



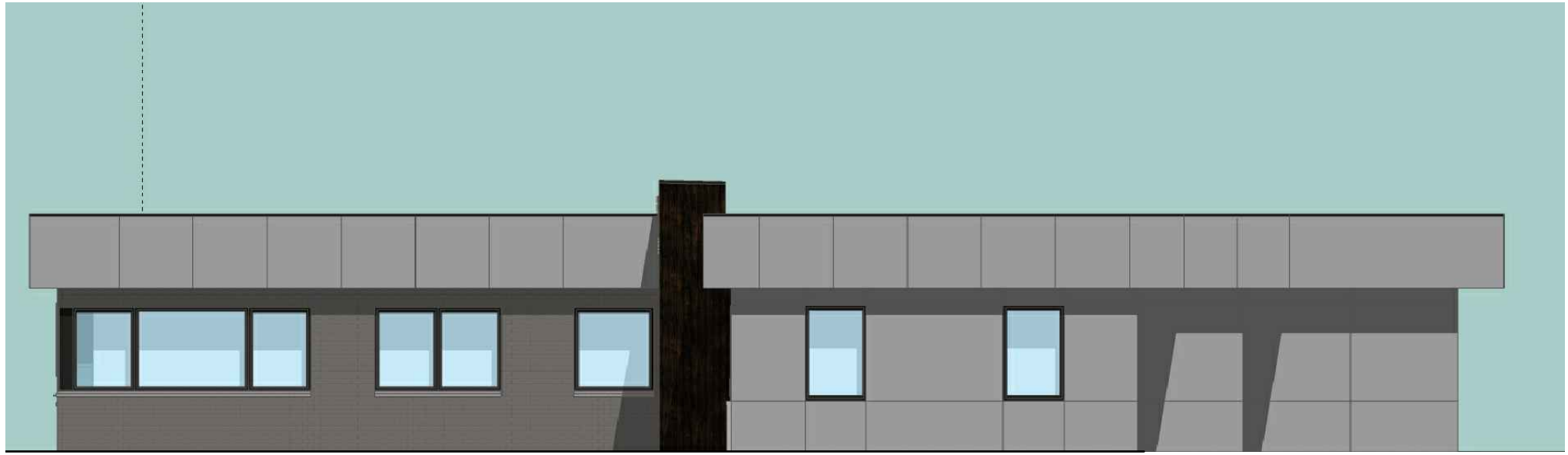
EXTERIOR ELEVATION | MAPLE AVENUE



EXTERIOR ELEVATION | PATTERSON AVENUE

ELEVATION
±12'-10"

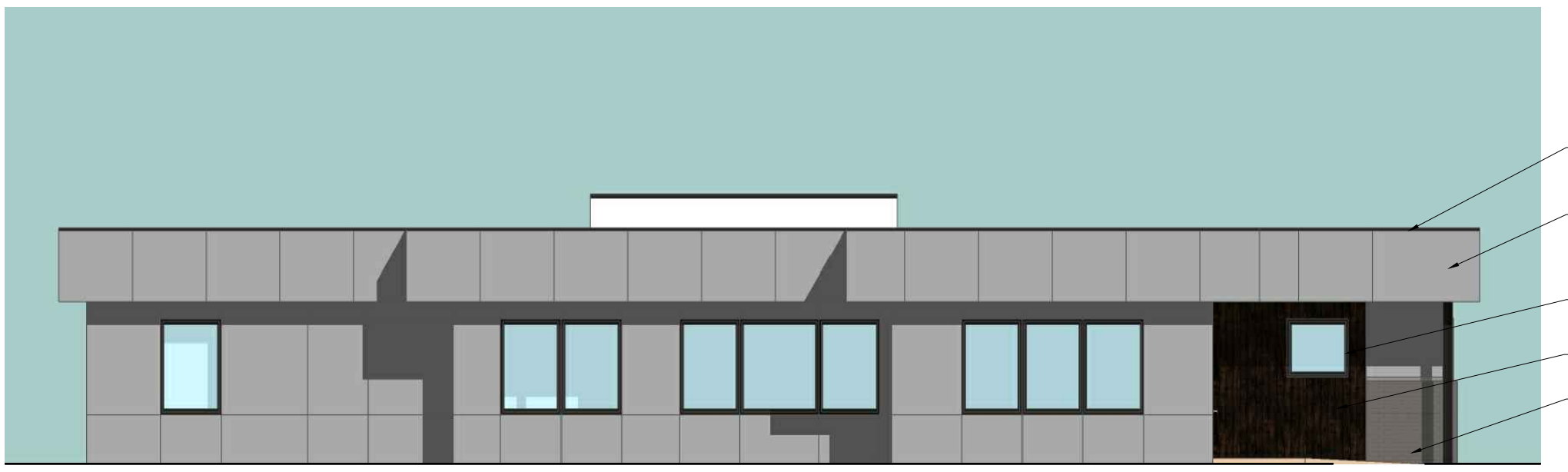
ELEVATION
0'-0"



EXTERIOR ELEVATION | SIDE

ELEVATION
±12'-10"

ELEVATION
0'-0"



EXTERIOR ELEVATION | REAR

- PREFINISHED METAL CAP, TYPICAL
- PANELIZED CEMENTITIOUS SIDING IN NEUTRAL COLORS, TYPICAL
- BLACK ANODIZED STOREFRONT WINDOWS AND DOORS, TYPICAL
- BLACKENED WOOD SIDING AT ENTRY
- NEW PAINTED BRICK, TYPICAL

