

INTRODUCED: September 14, 2020

AN ORDINANCE No. 2020-204

To amend and reordain Ord. No. 83-67-66, adopted Apr. 25, 1983, as amended by Ord. No. 95-244-274, adopted Nov. 13, 1995, which authorized the use of the property known as 5607 Grove Avenue, for the purpose of a dance studio and the use of the existing building for office purposes, to allow exterior façade modifications, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 12 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 83-67-66, adopted April 25, 1983, as amended by Ordinance No. 95-244-274, adopted November 13, 1995, is hereby amended and reordained as follows:

§ 1. That the [~~real estate, containing 14,969 square feet, more or less,~~] property known as 5607 Grove Avenue[~~, located on the south right of way line of Grove Avenue east of Granite Avenue,~~] and identified as Tax Parcel No. W020-0186/014 in the [~~1995~~] 2020 records of the City

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 12 2020 REJECTED: _____ STRICKEN: _____

Assessor, [~~being more completely described as follows: beginning at a point on the south right of way line of Grove Avenue, said point being 55.00 feet east of the east right of way line of Granite Avenue; thence fronting 100.00 feet in an easterly direction along the south right of way line of Grove Avenue to a point; thence extending 171.58 feet in a southerly direction along a line parallel to the east right of way line of Granite Avenue to a point; thence extending 95.50 feet in a westerly direction along a line perpendicular to the east right of way line of Granite Avenue to a point, said point being 52.52 feet east of the east right of way line of Granite Avenue; thence extending 141.91 feet in a northerly direction along a line parallel to the east right of way line of Granite Avenue to the point of beginning~~], is hereby permitted to be used for office purposes, said property being as shown on the copy of the plat entitled “ALTA / NSPS Land Title Survey, Survey Showing Improvements on Property Located at 5607 Grove Avenue, City of Richmond, Virginia,” prepared by Bruce Robertson Land Surveying, P.C., dated January 2, 2020, and last revised January 7, 2020, which is attached to and made a part of this amendatory ordinance, and the plat prepared by Foster & Miller, Certified Surveyors, dated August 24, 1976, attached to ordinance No. 83-67-66, adopted April 23, 1983, with accessory parking substantially as shown on the revised copy of such plat dated October 16, 1995, entitled “Additional Parking Plan” with revisions prepared by Charles A. Cohen, M.D., a copy of which is attached [~~hereto~~] and made a part of [~~this amendatory ordinance~~] Ordinance No. 95-244-274, adopted November 13, 1995, as modified by the plans entitled “Proposed Modifications to Building Exterior,” prepared by HG design studio, and dated June 22, 2020, and the Plans entitled “HDCVA Office - 5607 Grove Ave,” prepared by HG design studio, and dated May 1, 2020, hereinafter to together as “the Plans,” copies of which are attached to and made a part of this amendatory ordinance.

§ 2. That adoption of this ordinance shall constitute the granting of a special use permit for the [~~real-estate~~] property, which shall be transferable from the owner of the [~~real-estate~~]

property to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue the owner of the said ~~[real-estate]~~ property a building permit in accordance with the above-referenced plans and drawings for such ~~[purpose(s)]~~ purpose, subject to the following terms and conditions:

(a) Reserved;

(b) That the owner of the property shall be bound by, 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) [The application for a building permit for the conversion of the building for office purposes shall be made within twenty four months from the effective date of this ordinance, which building permit shall expire by limitation and become null and void if construction is not commenced within one hundred eighty days from the date of the building permit, or if construction is suspended or abandoned for a period of one hundred eighty days at any time after the work is commenced, as provided in applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within twenty four months from the effective date of this 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;~~

~~(d)~~ That the use of the property shall be limited to professional, business and administrative offices, medical and dental clinics, ~~[and/or]~~ and studios of writers, designers and artists engaged in the graphic arts;

~~(e)~~ (d) That a minimum of eight ~~[(8)]~~ parking spaces shall be provided substantially as shown on the ~~[attached plans]~~ plat entitled "ALTA / NSPS Land Title Survey, Survey Showing Improvements on Property Located at 5607 Grove Avenue, City of Richmond, Virginia," prepared by Bruce Robertson Land Surveying, P.C., dated January 2, 2020, and last revised January 7, 2020,

which is attached to and made a part of this amendatory ordinance. The parking area, access aisles, and alley access to the parking area shall be paved with a dust-free, all weather surface and parking spaces shall be delineated on the pavement surface;

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

~~[(g)]~~ (f) ~~[There shall be no exterior alterations or additions to the existing building except for normal repair and maintenance]~~ Reserved;

~~[(h)]~~ (g) 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 buildings shall be provided by the owner at its cost and expense so as not to adversely affect or damage adjacent properties or public streets and the use thereof;

~~[(i)]~~ (h) All ~~[existing]~~ landscaping, screening and fencing shall be retained and maintained, except as indicated on the ~~[attached]~~ plat attached to Ordinance No. 95-244-274, adopted November 13, 1995, as modified by the plan entitled “HDCVA Office - 5607 Grove Ave.,” prepared by HG Design, and dated May 1, 2020, a copy of which is attached to and made a part of this amendatory ordinance, and additional fencing shall be provided as necessary to screen the parking area in accordance with the ~~[attached]~~ plans attached to Ordinance No. 95-244-274, adopted November 13, 1995;

~~[(j)]~~ (i) That identification of the premises shall be limited to one sign, not exceeding six square feet in area, mounted flat on a vertical surface of the building;

~~[(k)]~~ (j) The final grading and drainage plans shall be approved by the Director of ~~[Community Development]~~ Public Utilities prior to the issuance of building permits.

§ 4. 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 all applicable terms and conditions, and does not terminate such use or comply with such terms and conditions within

[~~sixty~~] 60 days after written notice to do so has been given by the Zoning Administrator, the privileges granted by this ordinance shall terminate and this special use permit shall become null and void, unless an application for a special use amendment is filed with the Director of the Department of [~~Community~~] Planning and Development Review, which shall stay the [~~sixty-day~~] 60-day period. Failure to comply with the terms of this ordinance shall constitute a violation of [~~§32-1080~~] section 30-1080 of the Code of the City of Richmond[~~,1993~~] (2015), as amended, or other applicable [~~provision~~] provisions of the Code of the City of Richmond (2015), as amended.

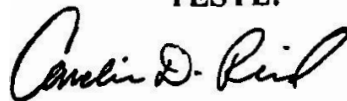
§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when the use of the [~~premises~~] property is abandoned for a period of [~~twenty-four consecutive~~] 24 consecutive months, use of the [~~real-estate~~] property shall be governed thereafter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

§ 6. This amendatory ordinance shall be in force and effect upon adoption[~~,and Ordinance No. 83-67-66, except as modified herein shall continue in force~~].

II. This amendatory ordinance shall be in force and effect upon adoption.

A TRUE COPY:

TESTE:



City Clerk

City of Richmond

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

Item Request

File Number: PRE.2020.221


O & R Request

DATE: June 29, 2020

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)  7/17/2020
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning FROM: Mark A. Olinger, Director, Department of Planning and Development Review 

RE: To amend Ord. No. 1995-244-274, adopted November 13, 1995, which authorized the use of property known as 5607 Grove Avenue, for the purpose of allowing exterior façade modifications, upon certain terms and conditions

ORD. OR RES. No

PURPOSE: To amend Ord. No. 1995-244-274, adopted November 13, 1995, which authorized the use of property known as 5607 Grove Avenue, for the purpose of allowing exterior façade modifications, upon certain terms and conditions.

REASON: The SUP authorized by Ord. No. 1995-244-274 authorized an office use in the R-4 Single-Family Residential District. Section 3(g) of the ordinance limits states that "there shall be no exterior alterations or additions to the existing building except for normal repair and maintenance." The amendment request seeks to remove line item Section 3(g) from Ord. No. 1995-244-274.

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 September 8, 2020, meeting.

BACKGROUND: The 14,399 square foot (0.331 acre) property is located in the R-4 Single-Family Residential district. The subject property is governed by Special Use Permit Ordinance 95-244-274 which was an amendment to Ordinance No. 83-67-66. As amended, the Special Use Permit allows office uses on the property upon certain terms and conditions. Among these conditions was a condition stating that exterior modifications shall not be permitted. The applicant wishes to install a total of six new windows on two elevations of the building where currently no windows exist. The placement of four of these windows will necessitate modifications of the approved landscape plan. A proposed new landscape plan has been provided.

The City of Richmond's Master Plan designates the subject property for Transitional Office uses. Primary uses are 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. Typical zoning classifications that may accommodate this land use category: RO-1 and RO-2.

Across Grove Avenue, to the north, are professional offices on properties located in the R-4 Single-Family Residential District. The adjacent properties to the east and west also contain professional offices on property located in the R-4 Single-Family Residential Districts. The professional offices are enabled by Special Use Permits for each property. Adjacent to the south is a single-family dwelling on property located in the R-4 Single-Family Residential District.

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: July 27, 2020

CITY COUNCIL PUBLIC HEARING DATE: September 14, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
September 8, 2020

AFFECTED AGENCIES: Office of Chief Administration 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: David Watson, Senior Planner, Land Use Administration, 804-646-1036



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.richmondva.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 5607 Grove Avenue Date
Tax Map # W0200186014 Fee \$1,200.00
Total area of affected site in acres:

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

Zoning

Current Zoning R-4

Existing Use Office

Proposed Use

(Please include a detailed description of the proposed use in the required application report)

Office with windows facing Grove Avenue and parking area

Existing Use Office without windows facing Grove Avenue and parking area

Is this property subject to any previous land use cases?

Yes



No



If Yes, please list the Ordinance Number 62-278-241, 63-255-176, 83-67-66, 95-244-274

Applicant/Contact Person: T. Preston Lloyd, Jr.

Company Williams Mullen

Mailing Address 290 South 10th Street, Suite 1600

City Richmond State VA Zip Code 23219

Telephone (804) 420 6615 Fax (804) 420 6507

Email pilloyd@williamsmullen.com

Property Owner: 5607 Grove Avenue, LLC

If Business Entity name and title of authorized signee Will Allen, Manager

Order and/or persons executing and attesting the execution of this Application on behalf of the Company certifies that the signatory is a duly authorized, authorized and empowered to sign (execute or attest)

Mailing Address 5607 GROVE AVENUE

City RICHMOND State VA Zip Code 23226

Telephone Fax

Email wallen@hdcva.com

Property Owner Signature: /s/ T. Preston Lloyd, Jr., a Special Limited Power of Attorney

The named address is telephone number... Faxed or photocopied signatures will not be accepted.

NOTE: This application requires that you file the application with the City of Richmond...

WILLIAMS MULLEN

Direct Dial: 804 420 6615
ployd@williamsmullen.com

May 8, 2020

VIA E-MAIL

City of Richmond Department of Planning and Development Review
Land Use Administration Division
Attn: Mark A. Olinger, Director

Re. **Special Use Permit Amendment for 5607 Grove Avenue**

Ladies and Gentlemen:

This firm is counsel to 5607 Grove Avenue, LLC (the "Applicant"), on whose behalf we submit the enclosed materials referenced on Exhibit A (collectively, the "Application") to amend the special use permit in effect for certain property owned by the Applicant pursuant to Section 30-1050.1 *et seq.* of the Code of the City (the "Code"). The proposed amendment would authorize certain exterior improvements to the existing structure on the Applicant's property, specifically the addition of four windows. This letter will serve as the Applicant's Report.

Property

The subject property, presently owned by 5607 Grove Avenue, LLC, is 0.331 acres, more or less, located in the Westhampton neighborhood near the intersection of Libbie and Grove Avenues, and is comprised of the tax parcel described immediately below (the "Property").

Address	Tax Parcel ID	Acreage	Existing Zoning
5607 Grove Avenue	W0200186014	0.331	R-4

Current Use & Zoning District Regulation

The Property, designated as R-4 Residential District on the Zoning Map of the City, is currently comprised of a brick building constructed in 1963 and currently used as an office, pursuant to the special use permit enacted as Ordinance No. 1995-244-274 (the "1995 SUP"). Nearby properties are designated as R-4 and Urban Business, as shown on the Zoning Map excerpt at right.



zoning district. The Urban Business district does not impose a blanket restriction on exterior improvements such as the proposed improvements here. Likewise, the R-4 zoning district does not impose such scrutiny on improvements to neighboring residential properties. As such, the Property is subject to a much higher level of regulation regarding exterior improvements than similarly situated properties in the Westhampton neighborhood.

Conformance with Master Plan

The City of Richmond's Master Plan recommends Community Commercial land use for the subject Property. Primary uses in this category include office uses. In addition, the Master Plan specifically recommends B-2, UB, and UB-2 zoning districts in areas designed for Community Commercial land use. While the Applicant is not requesting a rezoning at this time, the proposed amendment is consistent with the by right uses in the recommended zoning districts B-2, UB, and UB-2, and will facilitate the uses of the Property contemplated by the Master Plan.

Conclusion

The proposed special use permit amendment would support a commercial use specifically recommended for the Property in the City's Master Plan. The proposed improvements will create a more modern and inviting office workspace, which will advance the land use policy priorities of City Council evidenced in the Master Plan. The proposed improvements are consistent with the character of the surrounding properties and will conserve the value of land, buildings and structures, while encouraging the most appropriate use of the subject Property, as required by Section 17.12 of the Charter of the City.

Based on the foregoing, the proposed use on the Property meets the criteria set forth in the Charter of the City of Richmond that the Application is not (i) 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 cause overcrowding of land and 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 matter. Please confirm your determination that the Application has been received and deemed complete by your office, and kindly contact us should you have any questions or require additional materials.

Very truly yours,

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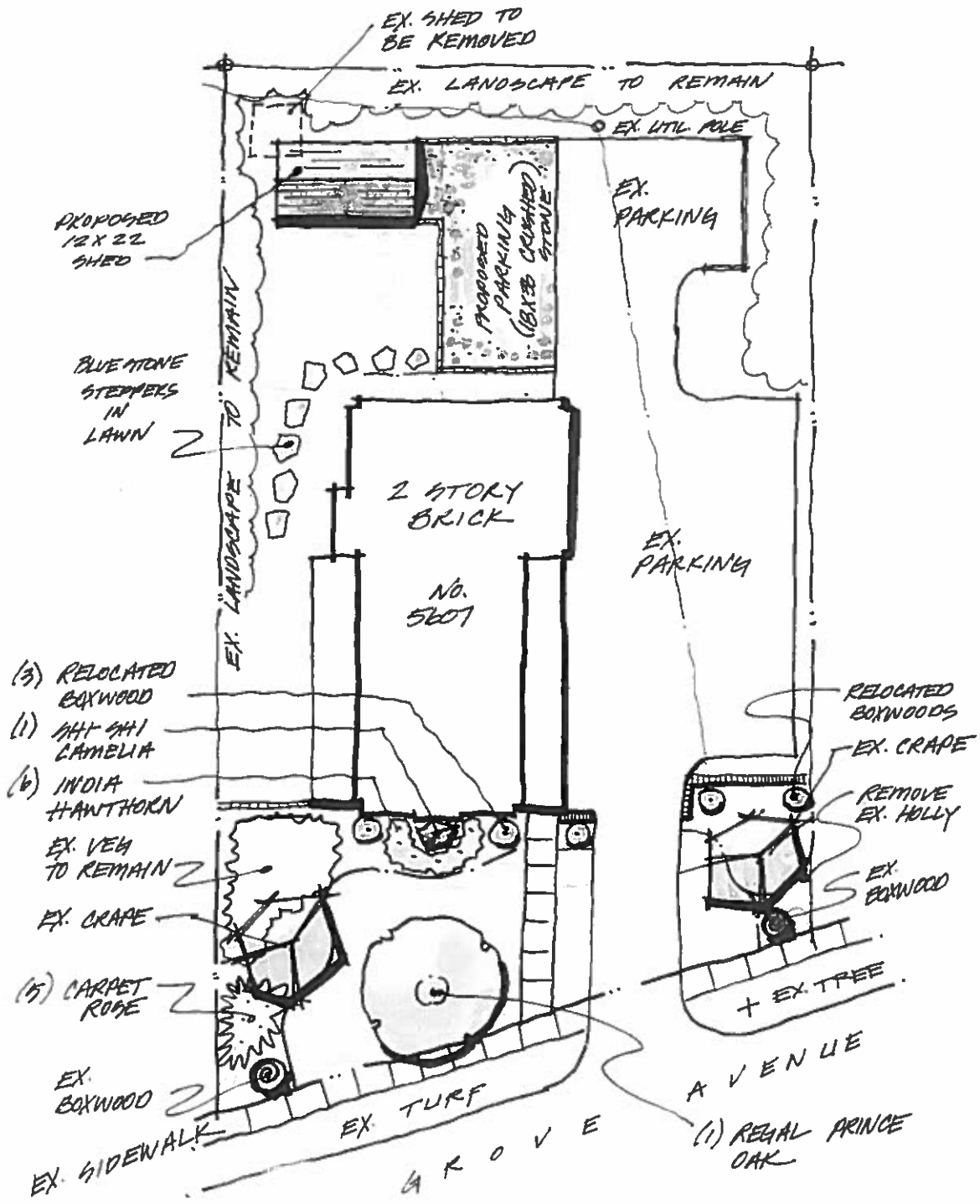
T. Preston Lloyd, Jr.

Enclosures

EXHIBIT A
APPLICATION MATERIALS

In connection with the proposed Special Use Permit Amendment Application for 5607 Grove Avenue (Tax Parcel No. W0200186014), the following materials are enclosed:

1. Special Use Permit Amendment Application form.
3. Survey of present conditions, prepared by Bruce Robertson Land Surveying, P.C., dated January 2, 2020, as last revised January 7, 2020;
4. Conceptual Landscape Plan, titled "HDCVA OFFICE - 5607 GROVE AVE." prepared by HG Design Studio, dated May 1, 2020.
5. Land Use Special Power of Attorney from 5607 Grove Avenue, LLC; and
5. Check made payable to City of Richmond in the amount of \$1,200.00.



HDcVA OFFICE - 5607 GROVE AVE

HG DESIGN

1/16" = 1'-0"
5/1/2020

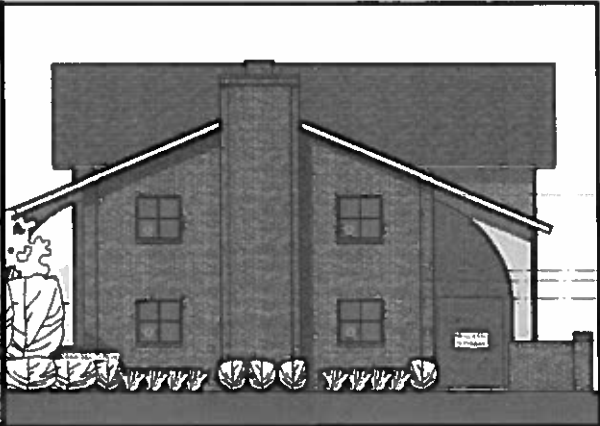


Application for Special Use Permit Amendment | 5607 Grove Avenue

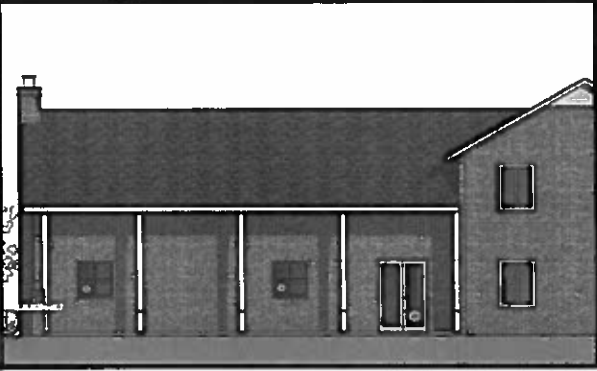
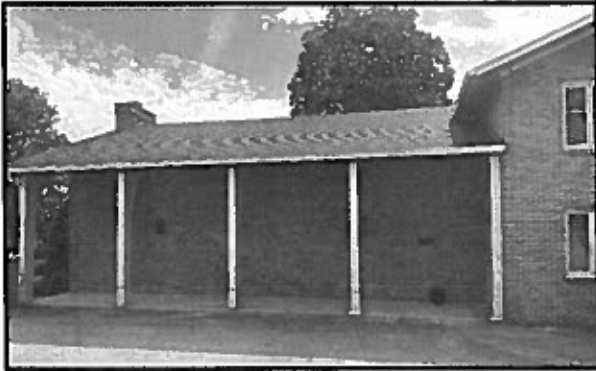
Proposed Modifications to Building Exterior



Existing



Proposed



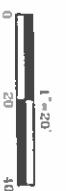
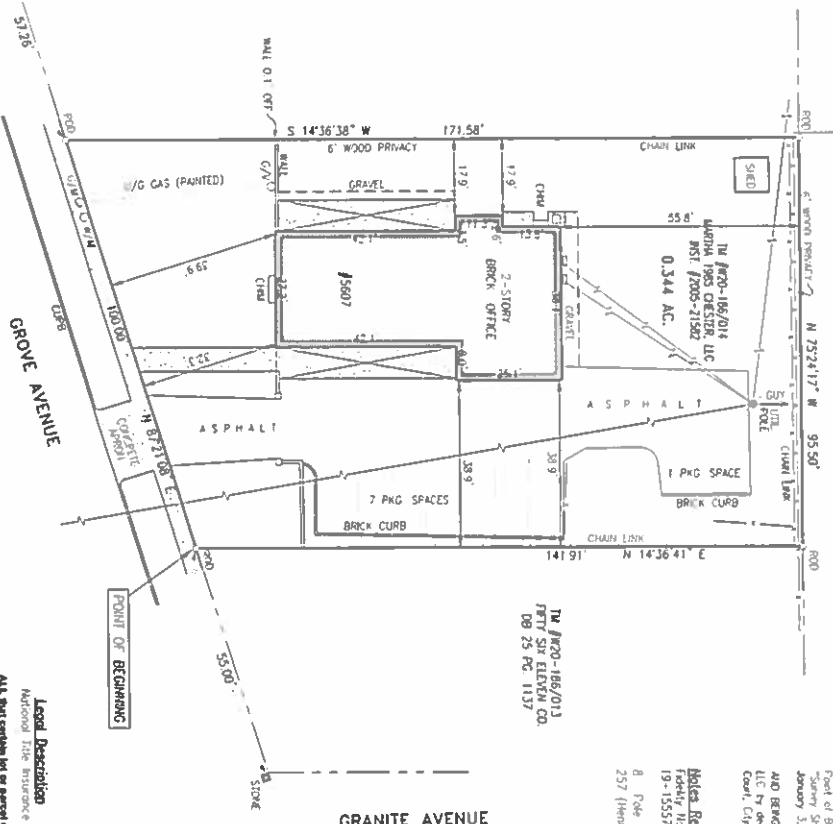
Dated June 22, 2020
Prepared by HG Design Studio



TA #20-186/016
MIL F. THOMAS
MSR # 98-22224

TA #20-186/012
PETER & MARTHA BREL
MSR #07-37510

TA #20-186/013
FRTT S&T ELECTRA CO.
DB 25 PC 1137



As Surveyed Legal Description
5607 Grove Avenue, Tax Map #20-0186/014

As that certain lot or parcel of land, known as 5607 Grove Avenue, being located in the City of Richmond, Virginia and more particularly described as follows:
Beginning at a land rod on the South line of Grove Avenue, said rod being 55.00' in an easterly direction from the East line of Grove Avenue, there, containing in an easterly direction, along the South line of Grove Avenue N 87° 21' 08" E, a distance of 100.00' to a rod, thence S 1° 36' 38" W, a distance of 171.58' to a found rod, thence, N 75° 24' 17" W, a distance of 95.50' to a found rod, thence, N 1° 36' 41" E, a distance of 141.91' to a found rod, the Point of Beginning, and containing 0.344 Acres of 26.000 square meters, being 30.000 square meters less 0.000 square meters, being 5607 Grove Avenue, Parcel #20-0186/014, as shown on the attached plat, and being more particularly described as follows:
A/D BEING, in all respects, the same property conveyed to Martha 1985 Christie, LLC by deed recorded as Instrument #2005-21503 in the Clerk's Office, Circuit Court, City of Richmond, Virginia

Notes Regarding Schedule B, Part I:
Fidelity National Title Insurance Company, Commitment No. 19-15557

B. Fee line easement to C&D Telephone Co. DB 243-C, pg 257 (Hebron Co.) cannot be plotted and is not shown on Survey

GRANITE AVENUE

Legal Description

All that certain lot or parcel of land, known as 5607 Grove Avenue, being and being in the City of Richmond, Virginia, and more particularly described as follows:
Beginning at a point on the South line of Grove Avenue distant therefrom 55 feet in an easterly direction from the East line of Grove Avenue, thence in an easterly direction along the South line of Grove Avenue 180 feet to a rod, thence a southerly direction 171.58 feet to a rod, thence in a westerly direction a distance of 95.50 feet to a rod, thence on a bearing of N 87° 21' 08" E, a distance of 141.91 feet to a found rod, the Point of Beginning, and containing 0.344 Acres of 26.000 square meters, being 30.000 square meters less 0.000 square meters, being 5607 Grove Avenue, Parcel #20-0186/014, as shown on the attached plat, and being more particularly described as follows:
A/D BEING, in all respects, the same property conveyed to Martha 1985 Christie, LLC, by deed from Catherine A. Cahoon, widow, by deed dated June 26, 2004, and recorded on July 1, 2004, in the Clerk's Office, Circuit Court, City of Richmond, Virginia, as Instrument No. 2004-15189.

Notes:

Subject property is not located on a special local zoning area as shown on RMA #31012900020, published by FEMA on 05/21/2014, 2:00Z 2004. Area of subject property is 0.344 Acres or 14,970 sq ft. Area of lot floor building footprint: 2,075 sq ft. There are 8 parking spaces located on subject property. Subject property has direct access to Grove Avenue a described public right of way. The location of underground utilities shown on this plat is based on records information & field observation. Other utilities may exist other than those shown. There was no evidence of utility mooring or continuation subject outlined on subject property observed at the time of this survey.

There was no evidence of pending or proposed changes or encroachments along the public streets of right of way adjoining subject property observed at the time of this survey. There was no evidence of abandonment of actions observed at the time of this survey.

The property shown hereon is the same property as described in Fidelity National Title Insurance Company Commitment No. 19-15557.

The boundary lines of subject property are contiguous with boundary lines of adjoining properties without gaps or overlaps.

Certification

I, Fidelity National Title Insurance Company, 5607 Grove Avenue, LLC, 695 1st Street, LLC and Erik Bani, as successors and/or assigns, do hereby certify that the map or plat on which this survey was made in accordance with the Minimum Standards Detail Requirements for ALTA/MSL Land Title Surveys, as promulgated and revised by ALTA on 10/27/2010 and contract items 1, 2, 3, 4, 7a, 7b, 7c(1), 9, 9.1, 11, 16, 17, 18, 19 and 19a of Table A thereof, the said map was completed on 12/07/19.



Date of Plat: 12/7/20
Bruce Robertson
Member No. 15,191 VA

Bruce Robertson Land Surveying, P.C.
P.O. Box 20311 - Richmond, VA 23233 - Phone: (804) 634-2800

ALTA/NSPS LAND TITLE SURVEY
SURVEY SHOWING IMPROVEMENTS
ON PROPERTY LOCATED AT
5607 GROVE AVENUE
CITY OF RICHMOND, VIRGINIA

Date: 12/7/20
Scale: 1" = 20'

Revisions: 1/7/20
JUN 19 17

Sheet 1 of 1