

INTRODUCED: March 14, 2016

AN ORDINANCE No. 2016-093

To authorize the special use of the property known as 2804 Idlewood Avenue for the purpose of permitting non-medical professional office use, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 11 2016 AT 6 P.M.

WHEREAS, the owner of the property known as 2804 Idlewood Avenue, which is situated in a R-53 Multifamily Residential District, desires to use such property for the purpose of non-medical professional office use, which use, among other things, is not currently allowed by section 30-418.1 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 create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: APR 11 2016 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 2804 Idlewood Avenue and identified as Tax Parcel No. W000-1240/030 in the 2016 records of the City Assessor, being more particularly shown on a plan entitled “2804 Idlewood Ave SUP#9811, Layout Plan, Near West District, City of Richmond, Virginia,” prepared by Balzer and Associates, Inc., and dated December 9, 2015, 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 non-medical professional office use, hereinafter referred to as “the Special Use,” substantially as shown on the plan entitled “2804 Idlewood Ave SUP#9811, Layout Plan, Near West District, City of Richmond, Virginia”, prepared by Balzer and Associates, Inc., and dated December 9, 2015, hereinafter referred to as “the Plans,” a copy of which is 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 non-medical professional office use located in the existing building fronting on Idlewood Avenue, substantially as shown on the Plans.

(b) The hours of operation for the office use shall be Monday through Friday, 8:00 a.m. to 5:00 p.m.

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

(d) No more than seven employees shall be employed on the Property.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) 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.

(b) 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.

(c) 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.

(d) 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 or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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

Intracity Correspondence

Pre Introduction to Council: PRE. 2016-42

RECEIVED

FEB 17 2016

File Number: PRE. 2016-42

OFFICE OF CITY ATTORNEY

To authorize the special use of the property known as 2804 Idlewood Avenue for the purpose of permitting non-medical office use, upon certain terms and conditions.

O & R Request

O & R REQUEST

DATE: January 27, 2016 **EDITION:** 1 **FEB 1 2016**
TO: The Honorable Members of City Council **4-4608**
THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request) *[Signature]*
(This in no way reflects a recommendation on behalf of the Mayor.) Chief Administration Office
THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *[Signature]* City of Richmond
THROUGH: P. Lee Downey, Deputy Chief Administrative Officer for Economic Development and Planning *[Signature]*
FROM: Mark A. Olinger, Director, Department of Planning and Development Review *[Signature]*
SUBJECT: To authorize the special use of the property known as 2804 Idlewood Avenue for the purpose of permitting professional office use (non-medical), upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 2804 Idlewood Avenue for the purpose of permitting professional office use (non-medical), upon certain terms and conditions.

REASON: The applicant is proposing to establish a professional office use, within a single-family detached dwelling. The subject property is located in an R-53 Multi-Family Residential zoning district and it's adjacent to the Boulevard City Old and Historic District. The existing R-53 does not permit office uses and therefore a special use permit is 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 March 21, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is located on the north side of Idlewood Avenue near the intersection of Idlewood Avenue and a public alley that runs from north to south between Idlewood Avenue and West Cary Street. The property consists of one parcel with a land area of 6,535 square feet, which is improved with a circa 1924 two-story single-family house. The existing

structure is located across a public alley from the Sigma Phi Epsilon Fraternity National Headquarters. The applicant proposes converting the existing single-family home into an office use (non-medical). Recent growth of the fraternity and its programs has imposed a need to increase the headquarters' office space. The property's proximity to the existing Sigma Phi Epsilon National Headquarters makes it ideal for the office use expansion. In addition, the proposed use is not permitted in the R-53 zoning district therefore a special use permit is required.

All surrounding properties are located in the R-48 and R-53, Multi-Family Residential districts and the R-6 Single-Family Residential district and the Boulevard City Old and Historic District. The predominant land uses on the 2800 and 2900 blocks of Idlewood are single-family and two-family detached residential dwellings, multi-family with up to 20 per acre and office uses. Multi-family dwelling units are located directly to the west of the subject property and an office use is located directly to the east across the public alley.

The City of Richmond's Master Plan designates the subject property along Idlewood for Single Family (Medium Density) land use. Primary uses in this category are single-family and two-family dwellings at densities of 8 to 20 units per acre. Typical zoning classifications that may accommodate this land use category include R-53A, R-6 and R-48.

FISCAL IMPACT: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 22, 2016

CITY COUNCIL PUBLIC HEARING DATE: March 28, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, March 14, 2016

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 ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Survey, Plans

STAFF: Leigh V. Kelley, Planner II, Land Use Administration (Room 511) 646-6384



Direct Dial 804 420 6615
plloyd@williamsmullen.com

September 16, 2015

VIA EMAIL AND HAND DELIVERY

City of Richmond Department of Planning and Development Review
City Hall, 900 East Broad Street, Room 511
Richmond, Virginia 23219
Attn: Ms. Lory Markham

RECEIVED
SEP 18 2015
LAND USE ADMINISTRATION

Re: Special Use Permit Application Concerning 2804 Idlewood Avenue, Located in the City of Richmond, Virginia, and being TMP W000-12400/30 (the "Property")

Ladies and Gentlemen:

On behalf of the applicant, Sigma Phi Epsilon Educational Foundation (the "Foundation"), a 501(c)(3) non-profit entity whose mission is to provide support for the educational and leadership programs of Sigma Phi Epsilon Fraternity (the "Fraternity"), we submit the enclosed application for a special use permit concerning the captioned Property. This letter shall serve as the Applicant's Report.

The following application materials are enclosed:

1. Special Use Permit Application form;
2. Application Fee by check made out to City of Richmond in the amount of \$1,800.00;
3. Site Improvements Concept Plan (6 x full sets and 3 x 11" by 17"); and
4. Topographic and Improvement Survey (1 x full-size and 1 x 11" by 17").

Background

The Fraternity was founded at the University of Richmond in 1901, and its headquarters have been in Richmond continuously, in several locations, since that time. Since 1981, the Fraternity has occupied the former Baskervill mansion, located at 310 South Boulevard. The headquarters property is comprised of offices with approximately 38 employees, including five (5) Foundation staff, pursuant to an existing special use permit (Ord. 2013-106-108, amending 2001-23-32).

Recent growth of the Fraternity and its programs has imposed a need to increase the Foundation's capacity for fundraising and program development, thus requiring the creation of new positions with the Foundation. Due to capacity constraints at the headquarters property, the Foundation identified the subject Property as the ideal solution for its expected growth. The independent structure will afford Foundation staff sufficient autonomy, adequate room for meetings and visitor activity, and

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Page 2

proximity to the Fraternity headquarters for overall staff interface and sharing of facilities. When the subject Property came on the market earlier this year, the Foundation, with a generous contribution from an alumnus, moved to acquire the Property, which closed in July of this year.

The subject Property is comprised of approximately 0.15 acres (6535 sq. ft.), presently zoned R-53, and the existing use of the Property is as a single-family home.

Proposed Use

This immediate prior owner acquired the Property in early 2015, when it was thoroughly renovated as a single family residence, converting it from a prior multi-family use. The Foundation proposes to utilize the building substantially as-is, with no material additions or changes to the footprint. Specifically, the Foundation proposes to customize the furniture, fixtures and equipment on the interior for the office occupancy, and to hardscape and landscape the site as illustrated on the concept plan (enclosed).

The new Foundation building will be occupied by 5-7 full time staff, working primarily Monday through Friday, 8:00 am to 5:00 pm. At busy times, there may be some evening or weekend work. There may also be alumni visitors commensurate with meetings or fundraising events - utilizing reception space in this building or the Headquarters building. In addition to the SUP request for office occupancy, the Foundation requests consideration for the second floor use of the Master Bedroom as a guest quarters for visiting alumni. While such use is not desired by the Foundation at this time, the use may be desired in the future should the need develop.

The Foundation's use of the Property will be compatible with existing uses in the surrounding area, for the following reasons:

- Use of the Property for office has a negligible impact on the surrounding properties, given the higher density, multifamily residential uses in the immediate vicinity.
- The building is ancillary to an existing office use within the adjacent headquarters property, which has played a positive role in the community for several decades.
- All parking for staff will be accommodated on the subject Property and on the adjacent headquarters property.
- All exterior trash receptacles will be adequately screened from view.

The proposed application is consistent with the City Charter Conditions, as follows:

1. The proposed use will not "be detrimental to the safety, health, morals, and general welfare of the community involved." The office occupancy will be by adult employees, working in a professional environment. No hazardous, illegal or unsavory activities are anticipated, or will be tolerated by the Foundation or Fraternity.

2. The proposed use will not "tend to create congestion in streets, roads, alleys, and other public ways and places in the area involved." The Foundation staff typically will remain on-site, arriving and

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Page 3

leaving during regular office hours. Other groups for meetings will be infrequent, and often after hours or on weekends, when parking is available at the headquarters property.

3. The proposed use will not "create hazards from fire, panic or other dangers." The professional office occupancy will be the 5-7 staff referenced, and meeting groups will be relatively small. The building will retain a residential kitchen, for staff use or for catering of Foundation events within the building.

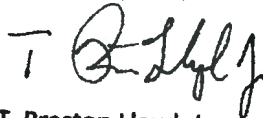
4. The proposed use will not "tend to cause overcrowding of land and an undue concentration of population." The existing building/footprint will not be increased in size (or torn down to build parking or multi-family as allowed in R-53.) Except for meeting events, the regular staff occupancy is no more than a large family.

5. The proposed use 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." As a professional office, the proposed use will have no impact on schools - either by adding children or by its activities. Consumption of domestic water and sewage will likely be less than a single family occupancy, and the building will utilize existing connections. Storm water impacts from proposed exterior site improvements will comply with applicable federal, state and local regulations, and will be mitigated by paving design & materials.

6. The proposed use will not "interfere with adequate light and air." The Foundation proposes no changes to the footprint or height of the existing building. The physical appearance of the structure, designed for residential uses, will remain consistent with the dimensions of the site and buildings to the north and west.

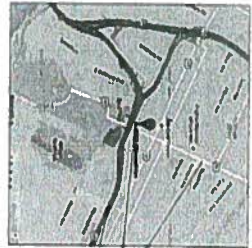
Please confirm when this Application is deemed complete by your office. Thank you in advance for your kind assistance.

Very truly yours,

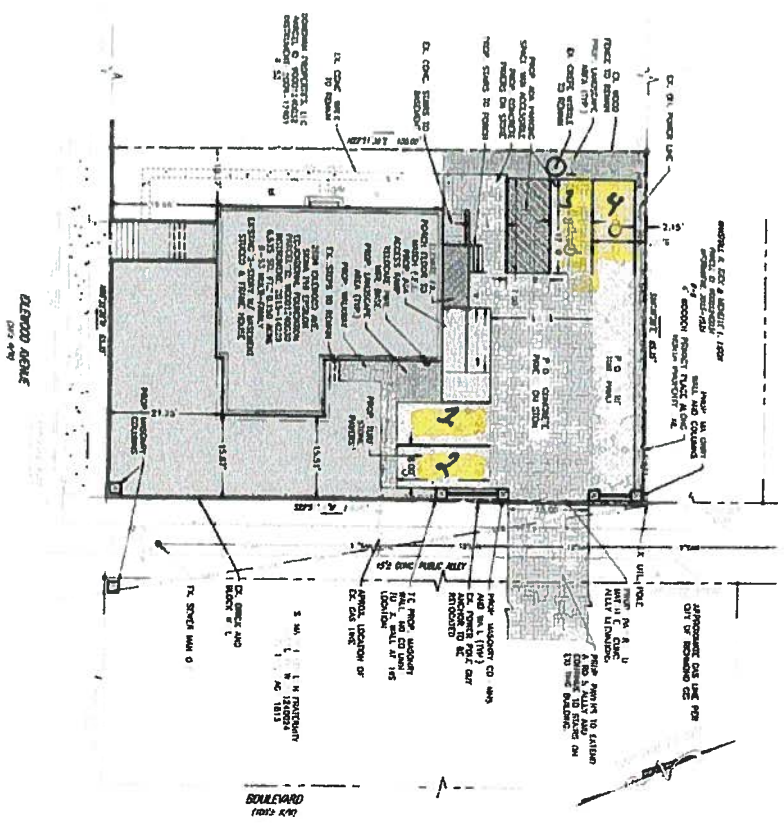


T. Preston Lloyd, Jr.

cc. Jonathan J. Kucera, Architect (via email to jkucera2@verizon.net)
Brian C. Warren, Jr., Sigma Phi Epsilon Educational Foundation (via email to brian.warren@sigep.net)



VICINITY MAP
 NORTH BOULEVARD
 SITE
 135



GENERAL NOTES

1. ACCESS: SEE GENERAL NOTES
2. SEE: SEE GENERAL NOTES
3. SEE: SEE GENERAL NOTES
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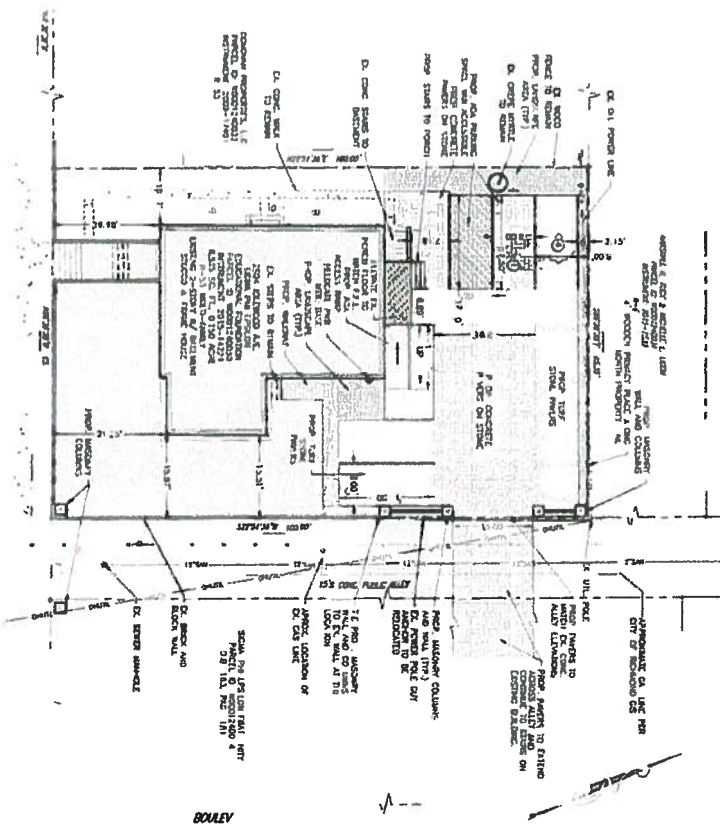
2804 IDLEWOOD AVE SUP#9811
 LAYOUT PLAN
 NEAR WEST DISTRICT
 CITY OF RICHMOND, VIRGINIA



DESIGNED BY: D.L.
 CHECKED BY: C.S.
 56150092.00
 C1



VICINITY MAP
SCALE: 1" = 100'



GENERAL NOTES

1. ADDRESS: 2804 Idlewood Avenue, City of Richmond, Virginia
2. OWNER: City of Richmond, Virginia
3. PROJECT: 2804 Idlewood Avenue, Richmond, Virginia
4. CONTRACT NO.: 2015-0000000000000000
5. CONTRACT DATE: 08/11/2015
6. CONTRACT VALUE: \$1,000,000.00
7. CONTRACTOR: [Name]
8. ARCHITECT: [Name]
9. DATE: 08/11/2015
10. THE ARCHITECT'S RESPONSIBILITY IS TO PROVIDE ARCHITECTURAL DOCUMENTS IN ACCORDANCE WITH THE CITY OF RICHMOND SPECIFICATIONS AND THE VIRGINIA BUILDING CODE. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER.
11. THE ARCHITECT'S RESPONSIBILITY IS TO PROVIDE ARCHITECTURAL DOCUMENTS IN ACCORDANCE WITH THE CITY OF RICHMOND SPECIFICATIONS AND THE VIRGINIA BUILDING CODE. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER.
12. THE ARCHITECT'S RESPONSIBILITY IS TO PROVIDE ARCHITECTURAL DOCUMENTS IN ACCORDANCE WITH THE CITY OF RICHMOND SPECIFICATIONS AND THE VIRGINIA BUILDING CODE. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER.
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14. THE ARCHITECT'S RESPONSIBILITY IS TO PROVIDE ARCHITECTURAL DOCUMENTS IN ACCORDANCE WITH THE CITY OF RICHMOND SPECIFICATIONS AND THE VIRGINIA BUILDING CODE. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER.

2804 IDLEWOOD AVE SUP#9811
LAYOUT PLAN
 NEAR WEST DISTRICT
 CITY OF RICHMOND, VIRGINIA



DATE: 08/11/2015
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DESIGNED BY: [Name]
 PROJECT NO.: 2804 IDLEWOOD AVE SUP#9811
 SCALE: AS SHOWN
 58150092.00

9811



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/>

RECEIVED
SEP 10 2015

LAND USE ADMINISTRATION

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 SIGMA PHI EPSILON

Project Name: EDUCATIONAL FOUNDATION HEADQUARTERS Date: SEPT. 10, 2015

Property Address: 2804 IRLEWOOD AVE., RICHMOND, VA Tax Map #: W0001240030

Fee: \$ 1800.00 Total area of affected site in acres: 0.15 A. (6535 SF)
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning
Current Zoning: R-53

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

Existing Use: SINGLE FAMILY HOME

Is this property subject to any previous land use cases?

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

OFFICES FOR FOUNDATION STAFF
(SEE APPLICANT'S REPORT)

Applicant/Contact Person: JONATHAN J. KUCERA

Company: JONATHAN J. KUCERA, ARCHITECT

Mailing Address: 10820 RAMSHORN ROAD

City: MIDDLETON State: VA Zip Code: 23113

Telephone: (804) 272-0430 398-8757 c. Fax: (804) 272-1950

Email: jkucera2@verizon.net

Property Owner: SIGMA PHI EPSILON EDUCATIONAL FOUNDATION

If Business Entity, name and title of authorized signee: BRIAN C. WARREN, JR., CEO

(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: 310 SOUTH BOULEVARD

City: RICHMOND State: VA Zip Code: 23220

Telephone: (804) 612-1410 814-5029 c. Fax: (804) 359-8140

Email: brian.warren@snep.net

Property Owner Signature: B C W -

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)