



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2016-193: To authorize the special use of the properties known as 5702 and 5706 Grove Avenue for the purpose of allowing the construction of buildings with features that do not meet all requirements of the applicable underlying zoning regulations, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: July 18, 2016

PETITIONER

Jennifer D. Mullen, Roth Doner Jackson Gibbons Conclin, PLC

LOCATION

5702 and 5706 Grove Avenue

PURPOSE

To authorize the special use of the properties known as 5702 and 5706 Grove Avenue for the purpose of allowing the construction of buildings with features that do not meet all requirements of the applicable underlying zoning regulations, upon certain terms and conditions.

SUMMARY & RECOMMENDATION

The subject property is located within the block bound by Grove Avenue, Granite Avenue, York Road, and Libbie Avenue in the Westhampton neighborhood of the Far West planning district (Libbie/Grove Service Area) and is comprised of a total of 1.64 acres (71,220 SF). The property is zoned in the UB Urban Business District and the PO-1 Grove/Libbie Parking Overlay District. The City of Richmond's Master Plan recommends Community Commercial land use for the property.

The applicant is proposing a mixed-use development containing approximately 36,600 square feet of commercial, office, and restaurant space and no more than 12 residential dwelling units, within Building 1 (5706 Grove Avenue) and Building 2 (5702 Grove Avenue). The development would not meet the height requirements of the underlying zoning district. A special use permit is therefore required.

Staff finds that the proposed mix of uses for the development would be supported by the underlying UB Urban Business zoning designation of the subject property, would be consistent with the Community Commercial land use recommendation of the Master Plan, and would be consistent with the existing mix of uses in the area.

Staff further finds that the proposed development would redevelop a vacant theater building and an underutilized corner parcel currently improved with a parking area, without the need for a special request to allow additional density of development on the property. The proposed design elements, including building materials, fenestration, and differentiation of the building facades,

are in keeping with the character of the area, and the existing parking area along York Road will be improved with screening and landscaping.

The height of Building 1, at 38 ft 11.875 in, would be consistent with the height of the existing Westhampton Theater building. The height of the existing building at 5702 Grove Avenue would remain at one story. The maximum height of Building 2 at 37 ft 10.5in is less than three feet higher than the maximum height permitted by-right in the adjacent R-4 Single-Family Residential Zoning District located north and east of the building along Granite Avenue. The proposed step-backs of the third floors of Building 1 and Building 2 reduces the scale of the development and will help mitigate the visual impact of the height of the buildings.

Staff notes that the three-story height maximum of the development is generally consistent with the Master Plan in that the B-2 Community Business district allows for a maximum height of 35 feet and three-story buildings are permitted in the UB-2 Urban Business district. Both of these zoning districts are recognized as appropriate zoning designations for properties with a Community Commercial land use recommendation in the Master Plan.

Staff further finds that the proposed third story would not create a development situation in which the property would contain a number of dwelling units or amount of square footage of nonresidential use that would require more parking spaces than what is required by the underlying zoning. The parking requirements pertaining to the UB Urban Business District and the Grove/Libbie Parking Overlay District (PO-1) would be met, and bicycle parking for use by residents and patrons or employees would be provided.

Staff further finds that the proposed development would improve the pedestrian experience in the area by closing the property's two vehicular entrances to Grove Avenue (which would also limit potential conflict points for vehicular traffic), reducing the width of the property's entrance to Granite Avenue, installing sidewalk and a tree lawn with street trees along Granite Avenue, installing a sidewalk along York Road, and installing crosswalks at York Road east of Libbie Avenue and at Granite Avenue north of Grove Avenue.

Staff, in conjunction with the Department of Public Works, further finds that the development would pose an acceptable impact on the existing traffic conditions in the area, as indicated in the Traffic Impact Analysis. Furthermore, the proposed development would not tend to create greater congestion than a by-right two-story development of similar intensity that does not need special approval.

Staff further finds that with the conditions of the ordinance, the safeguards contained within the City Charter, relative to the granting of special use permits, are met as the proposed special use that authorizes the development would not be detrimental to the safety, health, morals and general welfare of the community involved; would not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved; would not create hazards from fire, panic or other dangers; would not tend to overcrowding of land and cause an undue concentration of population; would 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 would not interfere with adequate light and air. Staff therefore recommends approval of the proposed special use permit.

FINDINGS OF FACT

Site Description

The subject property is located within the block bound by Grove Avenue, Granite Avenue, York Road, and Libbie Avenue in the Westhampton neighborhood of the Far West planning district (Libbie/Grove Service Area) and is comprised of a total of 1.64 acres (71,220 SF). Specifically, the subject property consists of two contiguous parcels:

1. A 0.32 acre (13,939 SF) parcel of land (5702 Grove Avenue) improved with a corner surface parking area and one-story office building, constructed in 1950, per tax assessment records, and located at the northwest corner of the intersection of Grove and Granite Avenues.
2. A 1.315 acre (57,281 SF) parcel of land (5706 Grove Avenue) improved with an existing movie theater, constructed in 1938, per tax assessment records, and rear surface parking area, with frontage on Grove Avenue, Granite Avenue, and York Road.

Proposed Use of the Property

The applicant is proposing a mixed-use development consisting of two buildings containing a total of no more than 12 residential dwelling units (eight in Building 1; four in Building 2) and a total of approximately 36,573 square feet of other uses permitted in the UB Urban Business District, such as commercial, office, and restaurant uses (20,050 SF in Building 1; 16,523 in Building 2).

The height of both Building 1 and Building 2 is limited to three stories. More specifically, the height of Building 1 is 38 ft 11.875 in from mean grade to the top of roof deck, with an additional 1 ft 6 in parapet. The height of Building 2 is 37 ft 10.5 in from mean grade to the top of roof deck, with an additional 1 ft 6 in parapet.

The third floor of Building 1 is stepped back 11 ft to 14 ft 0.5 in from the lower floors at the front of the building along Grove Avenue, and 9 ft 11.75 in to 10 ft 1.375 in from the lower floors at the rear of the building.

The third floor of Building 2 is stepped back 7 ft 4.875 in from the lower floors at the front of the building along Grove Avenue, and 7 ft 5.5 in from the lower floors at the rear of the building. Portions of the third floor of Building 2 are stepped back 5 ft 8 in and 6 ft 4 in from the lower floors along Granite Avenue.

At ground level, Building 1 is setback from the property line along the Grove Avenue right-of-way to accommodate patio space and an entry court. Building 2 extends to the property line along Granite Avenue, with a proposed encroachment into the right-of-way along a

portion of Granite Avenue and Grove Avenue to accommodate an elevated sidewalk and pedestrian amenity/patio space.

A landscaped, gated parking area containing 104 on-site parking spaces is also proposed on the property. The nonresidential uses within the development are being categorized as a Shopping Center and are following the parking requirement for Shopping Centers specified by the UB-PO1 overlay. The development is utilizing the shared parking provision of Sec. 30-710.2:3(a) of the Zoning Ordinance regarding three of the on-site parking spaces. Seven on-street parking spaces along Grove Avenue are able to be credited towards the development, pursuant to Sec. 30-710.2:3(d) of the Zoning Ordinance.

Other site improvements include short-term bicycle parking for no fewer than 12 bicycles and secure bicycle storage for use by the dwelling units. A loading zone to the rear of the buildings, as well as screened recycling dumpster and screened trash compactor, would also be included on the site.

Several improvements to City right-of-way would accompany the proposed use of the property, some of which were recommended by the Traffic Impact Analysis dated May 23, 2016 and prepared by VHB. Improvements including closing the property's two entrances to Grove Avenue; re-striping on-street parking spaces on Grove Avenue abutting the property; modifying the property's entrance to Granite Avenue; the installation of a sidewalk, tree lawn, and street trees along Granite Avenue; the installation of a sidewalk along York Road; and the installation of crosswalks at York Road east of Libbie Avenue and at Granite Avenue north of Grove Avenue.

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, retail, personal service and other commercial and service uses, intended to provide the shopping and service needs of residents of a number of nearby neighborhoods or a section of the City". As compared to Neighborhood Commercial, this category includes a broader range of uses of greater scale and intensity, with greater vehicular access and orientation, but that are also compatible with nearby residential areas (p. 134).

In areas designated for Community Commercial land use, the Master Plan specifically recommends B-2, UB, and UB-2 zoning districts. All three recommended zoning districts permit the type of development currently found in the Libbie/Grove Service Area. In addition, the maximum building height permitted in these districts is 35 feet in the B-2 district, 28 feet in the UB district, and three stories in the UB-2 district.

As a guiding land use principle for the Far West planning district, the Master Plan states "appropriate infill development (where possible) should be of similar density and use to what currently exists in the surrounding area" (p. 180).

Zoning & Ordinance Conditions

The subject property is located in the UB-PO1 - Urban Business Zoning District (Grove/Libbie Parking Overlay District)

According to the Zoning Ordinance, “the intent of the UB Urban Business District is to encourage business areas with a densely developed pedestrian oriented urban shopping character, compatible with adjacent residential neighborhoods, and with minimal disruption from vehicle oriented land uses and features that would detract from a safe, convenient and economically viable pedestrian environment. The district is intended to promote continuity of storefront character along principal street frontages, with minimum interruption by driveways and vehicle traffic across public sidewalk areas. The regulations within the district are intended to preserve the predominant scale and character of existing urban shopping areas, promote retention of existing structures and encourage that new development be compatible with such existing areas and structures.”

The special use permit ordinance would impose numerous conditions on the property, including:

The use of the Property shall conform to the principal and accessory uses permitted in the UB Urban Business District, including a maximum of 12 dwelling units. Portions of the second and third floors of the buildings may contain residential use, but no portion of the first floors of the buildings shall contain residential use.

No fewer than 104 on-site parking spaces shall be provided for the Special Use. The layout of the parking area and improvements thereof shall be substantially as shown on the Plans, provided that, at the Owner’s request, the Director of Planning and Development Review may approve a layout that is not substantially as shown on the Plans but that is otherwise consistent with the SUP and Zoning Ordinances.

Signage on the Property shall be substantially as shown on the Plans, provided that, at the Owner’s request, the Director of Planning and Development Review may approve signage that is not substantially as shown on the Plans but that is otherwise consistent with the SUP and Zoning Ordinances.

All building materials, fenestration, differentiation of the building facades and site improvements, including lighting, fencing, and landscaping, shall be substantially as shown on the Plans, provided that, at the Owner’s request, the Director of Planning and Development Review may approve such features that are not substantially as shown on the Plans but that are otherwise consistent with the SUP and Zoning Ordinances.

Outdoor lighting shall be located, directed or shielded so as not to shine directly on adjoining properties or to create a traffic hazard by means of glare or similarity to or confusion with traffic signals, warning lights or lighting on emergency vehicles.

Operations of the non-residential outdoor patio or dining uses open to the public shall cease by no later than 11:00 p.m. daily.

All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

Short-term bicycle parking for no fewer than 12 bicycles and secure bicycle storage for use by the dwelling units shall be provided on the Property, generally as shown on the Plans, provided that, at the Owner’s request, the Director of Planning and Development Review may approve bicycle parking and storage that is not generally as shown on the Plans but that is otherwise consistent with the SUP and Zoning Ordinances.

Prior to the issuance of any final certificate of occupancy for the buildings, landscaping shall be provided on the Property substantially as shown on the Plans, provided that, at the Owner's request, the Director of Planning and Development Review may approve landscaping that is not substantially as shown on the Plans but that is otherwise consistent with the SUP ordinance, and Zoning Ordinance, and provided that, if the Director of Planning and Development Review determines that additional time is required for the next appropriate planting season in order to meet the requirements of this subsection, the final certificate of occupancy for the buildings may be issued before the provision of the required landscaping is complete.

All building setbacks shall be substantially as shown on the Plans. The third floor of the buildings shall be stepped back from the lower floors on the buildings substantially as shown on the Plans.

The height of the buildings shall not exceed three stories as shown on the Plans.

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.

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.

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.

Any encroachments existing, proposed on the Plans, including the feature identified on sheet A1.00 of the Plans as "encroachment for pedestrian amenity," 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.

The Owner shall make improvements to the public right-of-way, substantially as shown on the Plans, including closing the Property's entrances to Grove Avenue; re-striping on-street parking spaces on Grove Avenue abutting the Property; modifying the Property's entrance to Granite Avenue; the installation of a sidewalk, tree lawn, and eight street trees, subject to the approval of Virginia Electric and Power Company, or other comparable landscaping approved by the Director of Planning and Development Review, along Granite Avenue; the installation of a sidewalk along York Road; and the installation of crosswalks at York Road east of Libbie Avenue and at Granite Avenue north of Grove Avenue.

City Charter

Pursuant to Section 17.11(b) of the City Charter, a special use permit can be approved whenever it is made to appear that the special use:

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 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.

Surrounding Area

The subject property is located in the same UB-PO1 - Urban Business Zoning District (Grove/Libbie Parking Overlay District) that encompasses much of the shopping district at the intersection of Libbie and Grove Avenues. Properties to the north and east are located in the R-4 - Single-Family Residential Zoning District. A mix of commercial, office, and residential land uses are present in the immediate vicinity of the subject property.

Neighborhood Participation

Numerous letters of support and opposition were received from the public. A letter of concern was received from the Save Libbie & Grove group. A letter indicating no position taken was received from the Libbie, Granite and Westview Avenues Neighborhood Civic Association. The results of a survey conducted by the Westhampton Citizens Association were also submitted, indicating 43.4% of respondents support the project as currently proposed, 49.0% do not support the project, and 7.6% have no opinion.

It should be noted that the plans originally submitted in December of 2015 proposed buildings with a height of four stories. Revised plans showing buildings with a maximum height of three stories were first submitted on May 12, 2016.

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