### AN ORDINANCE No. 2016-243

To amend and reordain Ord. No. 84-188-174, adopted Aug. 27, 1984, as previously amended by Ord. No. 89-391-90-16, adopted Jan. 22, 1990, which authorized the special use of 504 and 506 Libbie Avenue, for the purpose of expanding the existing non-medical office use and allowing off-site uses to use the parking area.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

### PUBLIC HEARING: OCT 10 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 84-188-174, adopted August 27, 1984, as previously amended by Ordinance No. 89-391-90-16, adopted January 22, 1990, be and is hereby amended as follows:

§ 1. That the [real estate] properties known as 504 Libbie Avenue[, containing 8,653 square feet, more or less, located on the west right of way line of Libbie Avenue south of Guthrie Avenue, being more completely described as follows: beginning at a point on the west right of way line of Libbie Avenue, said point being 327.26 feet south of a stone at the south end of a curve into Guthrie Avenue; thence extending 53.0 feet in a southerly direction along the west line of

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	OCT 10 2016	REJECTED:		STRICKEN:	

Libbie Avenue to a point; thence extending 194.66 feet in a northwesterly direction along a line of bearing N 41° 59' 50" W to a point; thence extending 39.73 feet in a northeasterly direction along a line of bearing N 65° 39' 40" E to a point; thence extending 177.60 feet in a southeasterly direction along a line of bearing S 46° 47' 00" E to the point of beginning,] and [the real estate known as] 506 Libbie Avenue, located on the west right of way line of Libbie Avenue, being more particularly described as follows: beginning at a point on the west right of way line of Libbie Avenue, said point being 262.26 feet south of a stone at the south end of a curve into Guthrie Avenue; thence extending S 42° 13' 00" W 65.00 feet to a point; thence extending S 46° 47' 00" E 177.60 feet to a point; thence extending in a northeasterly direction along a property line 70.00 feet, more or less, to a point; thence extending in a southeasterly direction along a property line 150.75 feet to the point of beginning], identified as Tax Parcel Nos. W021-0261/025 and W021-0261/024, respectively, in the 2016 records of the City Assessor, being more particularly shown on a survey entitled "Updated Location Survey, Jean Davenport & Joyce Nash, Lots 7 and 8, Westview Subdivision, Richmond, Virginia," prepared by Parker Design Group, Inc., and dated September 28, 2015, a copy of which is attached to and incorporated into this amendatory ordinance, are hereby permitted to be used for the purpose of constructing a building on 504 Libbie Avenue and a building on 506 Libbie Avenue for non-medical office use[; said property being] as shown on the site plans, floor plan and elevation drawings[,] entitled[+] "504 Libbie Ave. Office Building", prepared by Daniel E. Wilson, Developer, Starwood Corporation, and consisting of one sheet, dated June 20, 1984[,] and revised July 11, 1984, [for 504 Libbie Avenue,] a copy of which is attached to [the draft of] Ordinance No. 84-188-174, adopted August 27, 1984[, and as shown on] ; the plans[,] entitled[:] "Office Building for Creative Travel, Inc., 506 Libbie Avenue", consisting of three sheets, prepared by Architects Dayton & Thompson, a Professional

[Corportion] Corporation, and dated December 5, 1989, a copy of which is attached to [the draft of] Ordinance No. 89-391-90-16, adopted January 22, 1990; and the plans entitled "Addition to 504 Libbie Avenue, Richmond, Virginia," labeled "Preliminary Plans," prepared by Doug Bowman Designs, Inc., and dated November 7, 2015, and "Addition to 504 Libbie Ave, Wells Fargo Advisors, Richmond, Virginia," labeled "Dumpster Enclosuer," prepared by Doug Bowman Designs, Inc., and dated June 6, 2016, copies of which are attached to and made a part of this amendatory ordinance.

§ 2. That the Commissioner of Buildings is hereby authorized to issue [to the owner of the real estate, or successor or successors in fee simple title,] a building permit [to construct the buildings and permit the occupancy of the property for such purpose,] substantially in accordance with the [above identified] plans identified in section 1 of this ordinance. The adoption of this ordinance shall constitute the issuance of a special use [herein authorized by Council, shall be transferable to the successor or] permit for the property identified in section 1 of this ordinance. 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 [of], all of which are hereinafter referred to as the owner[, whether acquired by operation of law, deed or otherwise, and shall run with the land, subject to the]. The following terms and conditions and any other terms and conditions set forth in this ordinance shall be binding on the owner:

#### (a) [<del>Reserved;</del>

(b) That the] <u>The</u> owner shall be bound by, <u>shall</u> observe and shall comply with all other laws, ordinances [and], rules and regulations [adopted pursuant thereto,] applicable to the [land and buildings] property, except as otherwise <u>expressly</u> provided in this ordinance[;].

[<del>(c)</del>] (b) [That twenty six (26)] No fewer than 23 parking spaces shall be provided substantially as shown on the [attached site] plan entitled "Addition to 504 Libbie Avenue, Richmond, Virginia," labeled "Preliminary Plans," prepared by Doug Bowman Designs, Inc., and dated November 7, 2015, a copy of which is attached to and incorporated into this amendatory ordinance. Up to nine parking spaces on the property may be used by uses not located on the property. The parking area shall be screened from view from the adjacent property to the north by a six [<del>(6)</del>] foot high solid wood fence; screened from view from the public street by evergreen vegetative material not less than four and one-half feet in height; and screened from view from the properties to the west by a combination of a six [<del>(6)</del>] foot high solid wood fence and by existing [and/or] or additional evergreen vegetation, or both, not less than four and one half feet in height, substantially as shown on the [attached site] plan[;] attached to the Ordinance No. 89-391-90-16, adopted January 22, 1990.

[(d)] (c) [That the] The parking area and access drive shall be paved with bituminous concrete or cement concrete, and parking spaces shall be delineated on the pavement surface[;].

[(e)] (d) [That the] The driveway shall be constructed in accordance with the [City Driveway Policy standards;] applicable standards of the Department of Public Works.

[(f)] (e) [That final] Final grading and drainage plans shall be approved by the Director of Public [Works] Utilities prior to the issuance of the building [permits;] permit.

[(g)] (f) [That facilities] Facilities for the collection of refuse shall be provided in accordance with the requirements of the [Department] Director of Public Works [and such]. Such facilities shall be [so] located or screened so as not to be visible from adjacent properties and public streets[;], substantially as shown on the plans attached to this amendatory ordinance.

[(h)] (g) [That storm] Storm or surface water shall not be allowed to accumulate on the land [and] . 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 [land or buildings shall be provided by the owner at his cost and expense] property so as not to adversely affect or damage [adjacent properties] any other property or public streets and the use thereof[;].

[(i)] (h) [That a] <u>A</u> final detailed landscape plan shall be submitted for the approval of the Director of [Community] Planning and Development <u>Review</u> prior to the issuance of a [building permit] certificate of occupancy. [Existing trees shown on the site plan to be retained shall be professionally evaluated and a report shall be submitted with the landscape plan indicating what measures are needed to ensure their survival. If necessary to save the existing trees, up to two parking spaces may be eliminated and the building may be shifted to the south up to five feet. If the tree(s) cannot be saved, they shall be replaced by tree(s) not less than three inches in caliper.]

[(j)] (i) [That identification] Identification of 504 and 506 Libbie Avenue shall be limited to [one sign] signage not exceeding an aggregate of six square feet in area [mounted flat on a vertical surface of each] per building[;].

[(j,1)] (j) [That the] The two properties at 504 and 506 Libbie Avenue may be under separate ownership provided that an access easement and other appropriate agreements, approved as to form by the City Attorney, ensuring the continued maintenance and availability of the access aisles and driveway shall recorded[;].

(k) [That should the owner use the premises 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 (j.1) and does not terminate such use or comply with such provisions within ninety 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.

(1) [That when] 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 [premises] property is abandoned for a period of [twenty-four] 730 consecutive [months] 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 [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].

(m) [That] <u>An</u> application for a building permit to construct the <u>proposed addition to</u> <u>the</u> building at [506] <u>504</u> Libbie Avenue shall be made within [twelve months from the effective] <u>365 calendar days following the</u> date [of] <u>on which</u> this ordinance [, which building permit shall expire by limitation and become null and void if construction of the building is not commenced within one hundred eighty days from the date of the building permit, or if work on the building is suspended or abandoned for a period of one hundred eighty days at any time after the work is commenced, as provided in Section 109.1 of the Uniform Statewide Building Code. Should] <u>becomes effective</u>. If either the application for the building permit <u>is</u> not be made within [twelve months from the effective date of the ordinance granting the special use permit,] time period stated in the previous sentence or [should] the building permit [expire and become null and void, the privileges granted by] terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and the [special use permit shall] become null and void.

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

Libbie Avenue to a point; thence extending 194.66 feet in a northwesterly direction along a line of bearing N 41° 59' 50" W to a point; thence extending 39.73 feet in a northeasterly direction along a line of bearing N 65° 39' 40" E to a point; thence extending 177.60 feet in a southeasterly direction along a line of bearing S 46° 47' 00" E to the point of beginning,] and [the real estate known as] 506 Libbie Avenue, located on the west right of way line of Libbie Avenue, being more particularly described as follows: beginning at a point on the west right of way line of Libbie Avenue, said point being 262.26 feet south of a stone at the south end of a curve into Guthrie Avenue; thence extending S 42º 13' 00" W 65.00 feet to a point; thence extending S 46º 47' 00" E 177.60 feet to a point; thence extending in a northeasterly direction along a property line 70.00 feet, more or less, to a point; thence extending in a southeasterly direction along a property line 150.75 feet to the point of beginning], identified as Tax Parcel Nos. W021-0261/025 and W021-0261/024, respectively, in the 2016 records of the City Assessor, being more particularly shown on a survey entitled "Updated Location Survey, Jean Davenport & Joyce Nash, Lots 7 and 8, Westview Subdivision, Richmond, Virginia," prepared by Parker Design Group, Inc., and dated September 28, 2015, a copy of which is attached to and incorporated into this amendatory ordinance, are hereby permitted to be used for the purpose of constructing a building on 504 Libbie Avenue and a building on 506 Libbie Avenue for non-medical office use[; said property being] as shown on the site plans, floor plan and elevation drawings[,] entitled[:] "504 Libbie Ave. Office Building", prepared by Daniel E. Wilson, Developer, Starwood Corporation, and consisting of one sheet, dated June 20, 1984[,] and revised July 11, 1984, [for 504 Libbie Avenue,] a copy of which is attached to [the draft of] Ordinance No. 84-188-174, adopted August 27, 1984[, and as shown on]; the plans[-] entitled[+] "Office Building for Creative Travel, Inc., 506 Libbie Avenue", consisting of three sheets, prepared by Architects Dayton & Thompson, a Professional

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(m) [That] <u>An</u> application for a building permit to construct the <u>proposed addition to</u> <u>the</u> building at [506] 504 Libbie Avenue shall be made within [twelve months from the effective] <u>365 calendar days following the</u> date [of] <u>on which</u> this ordinance [, which building permit shall expire by limitation and become null and void if construction of the building is not commenced within one hundred eighty days from the date of the building permit, or if work on the building is suspended or abandoned for a period of one hundred eighty days at any time after the work is commenced, as provided in Section 109.1 of the Uniform Statewide Building Code. Should] <u>becomes effective</u>. If either the application for the building permit <u>is</u> not be made within [twelve months from the effective date of the ordinance granting the special use permit,] time period stated in the previous sentence or [should] the building permit [expire and become null and void, the privileges granted by] terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and the [special use permit shall] become null and void.

- § 3. This ordinance shall be in force and effect upon adoption.
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# **City of Richmond**

# Intracity Correspondence

Pre Introduction to Council: PRE. 2016-182

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

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JUL 2 2 2016

4-5344

**O & R REQUEST** 

JUN 28 2016

Chief Administration Office

City of Richmond

# File Number: PRE. 2016-182

OFFICE OF CITY ATTORNEY To amend and reordain Ordinance No. 84-188-174, adopted August 27, 1984, and Ordinance No. 89-391-90-16, adopted January 22, 1990, to authorize expansion of the special use and modifications to the parking requirements at 504 Libbie Avenue and 506 Libbie Avenue, upon certain terms and conditions.

**EDITION:1** 

## O & R Request

**DATE:** June 28, 2016

TO: The Honorable Members of City Council

- THROUGH: Dwight C. Jones, 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, Jr., Deputy Chief Administrative Officer for Economic Development and Planning
- FROM: Mark A. Olinger, Director, Dept. of Planning and Development Review
- **RE:** To amend and reordain Ordinance No. 84-188-174, adopted August 27, 1984, and Ordinance No. 89-391-90-16, adopted January 22, 1990, to authorize expansion of the special use and modifications to the parking requirements at 504 Libbie Avenue and 506 Libbie Avenue, upon certain terms and conditions.

ORD. OR RES. No.

**PURPOSE:** To amend and reordain Ordinance No. 84-188-174, adopted August 27, 1984, and Ordinance No. 89-391-90-16, adopted January 22, 1990, to authorize expansion of the special use and modifications to the parking requirements at 504 Libbie Avenue and 506 Libbie Avenue, upon certain terms and conditions.

**REASON:** The applicant has requested authorization to expand the existing non-medical office use and to allow off-site uses to utilize the parking area established by the existing special use permit. An amendment to the special use permit is needed to accomplish this.

**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 August 15, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The special use permit currently encumbers a 0.212 acre (9,248 SF) parcel of land (504 Libbie Avenue) improved with a two-story non-medical office building constructed, per tax assessment records, in 1985, and a 0.191 acre (8,320 SF) parcel of land (506 Libbie Avenue) improved with a two-story non-medical office building constructed, per tax assessment records, in 1990. The subject property also contains a 25-space parking surface parking area and is located in the Three Chopt neighborhood of the Far West planning district.

The City of Richmond's Master Plan recommends Mixed Use land use for the property. The Master Plan defines the primary uses for this category as "combinations of office, retail, personal service, general commercial and service uses and, in some cases, multi-family residential and dwelling units above ground floor commercial. Generally, such areas consist of a mix of several types of uses, designed and arranged to be compatible with one another" (p. 134). Specifically for this portion of the Libbie Avenue corridor, the Plan states "new development and redevelopment should...have parking located to the rear of the building with opportunities for shared parking with adjacent development (2012 Amendment).

The subject property is zoned in the same R-4 Single-Family Residential District as surrounding properties. A mix of residential, office, and commercial land uses are present in the area.

**FISCAL IMPACT / COST:** The Department 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:** \$1,800.00

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** July 25, 2016

CITY COUNCIL PUBLIC HEARING DATE: September 12, 2016

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, August 15, 2016.

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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.:** Amend and reordain Ordinance No. 84-188-174, adopted August 27, 1984, and Ordinance No. 89-391-90-16, adopted January 22, 1990.

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form & Applicant's Report, Plans, Survey, Map

STAFF: Matthew J. Ebinger, AICP, Senior Planner Land Use Administration (Room 511) 804-646-6308

PDR O&R No. 16-14

RICHMOND Application for SPECIAL USE PERMIT					
APR 1.3 2016 900 E. Broad Street, Room 511					
VIRGINIA I ANICHICE AS A MULTIC 2015 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					
Project Name: 504 Libbie Ave/506 Libbry Date: 2/3/2016					
Property Address: 504 Libbie Ave/506 Libb 10 Art Tax Map # W 0210211025					
Fee: 1800.00 Total area of affected site in acres: 0.45 (See page 3 for fee schedule, please make check payable to the "City of Richmond")					
Zoning Current Zoning: <u>R-4</u> SPECIAL USE PERMIT Proposed Use (Please include a detailed description of the Existing Use: BUSINESS OFFICE BUILVING proposed use in the required applicant's report)					
Existing Use: BUSINESS OFFICE BUILVING Is this property subject to any previous land use cases? BUSINESS OFFICE BUILVING					
Yes No X If Yes, D please list the Ordinance Number:					
89-391-90-16 JAN 22, 1990					
Applicant/Contact Person: W. Brett Hayes					
Company: Windsor Way, LLC					
Mailing Address: 4211 Dover Rd, 2nd Floor					
City: <u>Richmond</u> State: <u>VA</u> Zip Code: <u>Z3221</u>					
Telephone: (804) 353 - 3260 Fax: (804) 254-3946 Email: Dreft. Mayes P Wfa finet call					
111 winter-com					
Property Owner: Windsor Way, LLC					
If Business Entity, name and title of authorized signee: <u>W. Brett Hayes</u> (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 4211 David E Di ONA					
City: Rich Mond State: VH_ Zip Code: 232.21					
Telephone: $(804) 353 - 3260$ Fax $(804) 254 - 3944$					
Email: Drett. hayes @ wfafinet. com and both					
Property Owner Signature:					
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 per- mits)					

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### Windsor Way, LLC. 4211 Dover Road, 2<sup>nd</sup> Floor Richmond, VA 23221

APR 13 50

March 29, 2016

Department of Planning and Development Review Land use Administration Division, Room 511 City Hall, 900 East Broad Street Richmond, VA 23219

Re: 504 Libbie Ave/506 Libbie Ave - Special Use Permit Plan Amendment written report

To whom it may concern,

Please accept this correspondence as the written report for the Special Use Permit Plan Amendment requested by Windsor Way, LLC for the property at 504 Libble Avenue, Richmond Virginia. The amendment is requested to allow us to add a small addition to the back of the building which will make the building more suitable to our business. This addition is necessary to provide the office configuration needed for our practice, and an adequate break room for the members.

Windsor Way, LLC (504 Libbie Ave.) is a financial advisory practice currently consisting of 5 full-time members in Richmond, and 1 full-time member in Newport News. We see clients at our office only a few times per week, so generally there will be 5-8 parking spaces needed at any given time. Our hours of operation are primarily during normal business hours Monday through Friday, with occasional work on some weekend days. Aubrey R Bowles IV of Bowles and Bowles Law Firm (506 Libbie Ave.) has 2 full-time employees and does have various clients visit their offices during the day. In the normal operation of their business they will need 2-5 parking spaces at any given time. Therefore between both 504 Libbie Avenue and 506 Libbie Avenue, we estimate average usage of 7-12 parking spaces being used at any given time.

The current special use permit, which applies to both 504 and 506 Libbie Avenue specifies 26 parking spaces for the two properties (there is an easement which provides for shared use of the parking lot). The proposed addition at 504 Libbie Avenue would reduce the number of spaces available to 23. We are confident that 23 spaces is still more than adequate for the operation of our Financial Advisory practice, along with the users of the adjacent property at 506 Libbie Avenue.

The proposed addition will be constructed in a way that compliments and even improves the aesthetic appearance of the existing structure, and also is designed so that it does not impede on any of the traffic flow of the parking lot or the Libbie Avenue access. As a frame of reference, the prior occupants of this property operated a Coldwell Banker Real Estate office which was listed as having 20 real estate agents and a small support staff.

### Windsor Way, LLC. 4211 Dover Road, 2<sup>nd</sup> Floor Richmond, VA 23221

Thank you in advance for your consideration of our request. We are confident that our small improvements to the building will enhance the value and quality of the property overall, and will not be detrimental to the safety, environmental, or community characteristics. Should you need additional information or have questions that we may assist with, please feel free to contact us at (804) 353-3260.

Sincerely, WINDSOR WAY, LLC.

W. Brett Hayes, Managing Member

**BOWLES & BOWLES LAW FIRM** 

Aubrey R. Bow





