

INTRODUCED: July 24, 2017

AN ORDINANCE No. 2017-156

To amend Ord. No. 94-139-139, adopted Jun. 27, 1994, as previously amended by Ord. No. 2001-210-197, adopted Jun. 25, 2001, to authorize an expansion of the special use of the property known as 5430 Patterson Avenue, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 11 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 94-139-139, adopted June 27, 1994, as previously amended by Ordinance No. 2001-210-197, adopted June 25, 2001, be and is hereby amended and reordained as follows:

§ 1. That the real estate, property known as 5430 Patterson Avenue [~~containing 9,437 square feet, more or less,~~] located on the north side of Patterson Avenue East of Glenburnie Road, identified as Tax Parcel No. W020-0075/015 in the [~~2001~~] 2017 records of the City Assessor, being more [~~completely described as follows: beginning at a point on the north right of way line of Patterson Avenue, said point being 41.92 feet east of the intersection of the north right of way~~

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: SEPT 11 2017 REJECTED: _____ STRICKEN: _____

~~line of Patterson Avenue and the east right of way line of Glenburnie Road; thence extending in a northerly direction along a property line 165.21 feet to a point; thence extending in an easterly direction along a property line 56.89 feet to a point; thence extending in a southerly direction along a property line 171.99 feet to a point on the north right of way line of Patterson Avenue; thence extending in a westerly direction along the north right of way line of Patterson Avenue to the point of *beginning*;~~ particularly shown on a survey entitled “Plat of Improvements on No 5430 Patterson Avenue Located within the City of Richmond, Virginia” prepared by E.D. Lewis & Associates, P.C., and dated October 21, 2016, 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 an addition to and conversion of the existing single-family dwelling at 5430 Patterson Avenue for office use and certain retail uses, together with accessory parking, substantially as shown on the [site plans, floor plans, elevation drawings] plans entitled: [“5430 Patterson Ave., Richmond, Va. 23226” consisting of four sheets;] “YY Salon Additions and Renovation, 5430 Patterson Avenue, Richmond, Virginia,” prepared by [~~W. S. Heindl,~~] SMBW, PLLC, and dated [~~March 27, 1994~~] February 6, 2017 [~~and last revised May 9, 1994, except sheet 2 of 4 which was last revised April 27, 1994,~~ hereinafter referred to as “the Plans,” copies of which are attached to [~~Ordinance No. 94-139-139~~] this amendatory ordinance.

§ 2. That adoption of this ordinance shall constitute the granting of a special use permit for the real estate, which shall be transferable 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 said real estate a building permit in accordance with the above-referenced plans for such purpose(s), subject to the following terms and conditions:

(a) 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;

(b) Use of the property shall be as a maximum of [~~737~~] 1,850 square feet of professional, business, administrative, medical or dental offices, beauty salon, a florist shop and/or stores and shops for the sale of the following: wearing apparel and accessories; communication, audio, visual, and electronic equipment; books and reading material; recorded and printed music and musical instruments; home, yard, and office furnishings;

(c) That application for a building permit for an addition to or renovation of the existing building on the [~~property~~] Property to a beauty salon shall be made within twenty-four (24) months of the effective date of this amendatory ordinance, which building permit shall expire by limitation and become null and void if construction is not commenced within one hundred and eighty days from the date of issuance of the permit, or if construction is suspended or abandoned for a period of one hundred eighty days at any time after work is commenced, as provided in applicable provisions of the Virginia Uniform Statewide Building Code. Should application not be made within twelve months from the effective date of this ordinance or should the building permit expire and become null and void after the expiration of the twenty-four month time period for making application for the building permit, the privileges granted by this ordinance shall terminate and the use of the property shall be governed by the terms and conditions of Ordinance [~~Number 94-139-139~~] No. 2001-210-197, adopted June 25, 2001;

(d) That the operation of a beauty salon shall be limited to a maximum of [~~four (4)~~] six workstations, hours of operation from 8:00 a.m. to [~~6:00~~] 7:00 p.m., Tuesday through Saturday, and a maximum of [~~four (4)~~] six employees on site;

(e) Not less than ~~[seven (7)]~~ eight off-street parking spaces shall be provided at the rear of the ~~[property]~~ Property, substantially as shown on the ~~[plans attached to Ordinance Number 94-139-139]~~ Plans. The spaces shall be paved with an all-weather dust-free surface~~[, as approved by the Director of Community Development,]~~ and the spaces shall be delineated on the pavement surface, substantially as shown on the Plans;

(f) Identification of the premises shall be limited to one sign attached flat against the building or one freestanding sign, not to exceed six (6) square feet in area. If the sign is freestanding, it shall not exceed six (6) feet in height, and shall not be within five (5) feet of the front or side property lines. Such sign may be illuminated, provided that the source of illumination is not visible;

(g) That 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 as not to be visible from adjacent properties and public streets ~~[, substantially as depicted on the plans attached to Ordinance No. 94-139-139];~~

(h) Final grading and drainage plans shall be approved by the Director of ~~[Community Development]~~ Public Utilities, or the designee thereof, prior to the issuance of building permits;

(i) Storm or surface water shall not be allowed to accumulate on the land and adequate facilities for drainage of storm and surface water from the land or building shall be provided at the expense of the owner at its cost and expense so as not to adversely affect or damage adjacent properties or public streets and the use thereof;

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

~~written notice to do so has been given by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void, unless an application for a special use amendment is filed with the Director of Community Development, which shall stay the sixty day period. Failure to comply with the terms of this ordinance shall constitute a violation of §32-1080 of the Code of the City of Richmond, 1993, or other applicable provision;~~ 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.

§ 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 is abandoned for a period of twenty-four consecutive months~~], use of the real estate shall be governed thereafter by the zoning regulations prescribed for the district in which the real estate is then situated.

§ 6. This [~~amendatory~~] ordinance shall be in force and effect upon adoption.

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



City of Richmond

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

Item Request File Number: PRE. 2017.264

RECEIVED

JUL 24 2017

O & R REQUEST

4-6698
JUN 30 2017

OFFICE OF CITY ATTORNEY
O & R Request

Office of the
Chief Administrative Officer

DATE: June 29, 2017

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: L. Van M. Stoney, Mayor (Patron: Mayor, by Request)

(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

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

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

RE: To amend Ordinance No. 94-139-139, adopted June 27, 1994, last amended by Ordinance No. 2001-210-197, adopted June 25, 2001, to authorize an expansion of the special use of the property known as 5430 Patterson Avenue, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize an amendment to the special use of the property known as 5430 Patterson Avenue for the purpose of permitting the construction of a 1,100 sq. ft. addition, upon certain terms and conditions.

REASON: The applicant is proposing to construct a 1,100 sq. ft. addition to an existing use (beauty salon) that is authorized by a special use permit. Such an expansion requires an amendment to the special use permit.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its August 21, 2017, meeting; or its September 5, 2017, meeting if the August meeting is canceled for the summer recess. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 9,067 SF or .21 acre parcel of land improved with a 737 square foot commercial building constructed, per tax assessment records, in 1925 as a single-family dwelling and is located in the Far West Planning District.

A Special Use Permit Ordinance, adopted in 1994, authorized the change from a single-family residence to commercial uses under certain conditions. A subsequent amendment in 2001 added beauty salon use to the list of authorized uses for the property. The current amendment request would allow for the expansion of the existing beauty salon use, by increasing the number of permitted workstations and employees from four to six and authorizing a 1,100 sq. ft. expansion of the building.

The City of Richmond's designates the subject property for mixed-use land use. Primary uses for this category include "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" (p. 134).

Adjacent properties on the 5400 block of Patterson Avenue have a mix of uses. Nearby properties are a combination the same R-5 Single-Family Residential district as the subject property. R-O2 Residential-Office and B-2 Community Business districts are located in the vicinity.

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

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

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$1,200 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: July 24, 2017

CITY COUNCIL PUBLIC HEARING DATE: September 11, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, August 21, 2017 or September 5, 2017

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

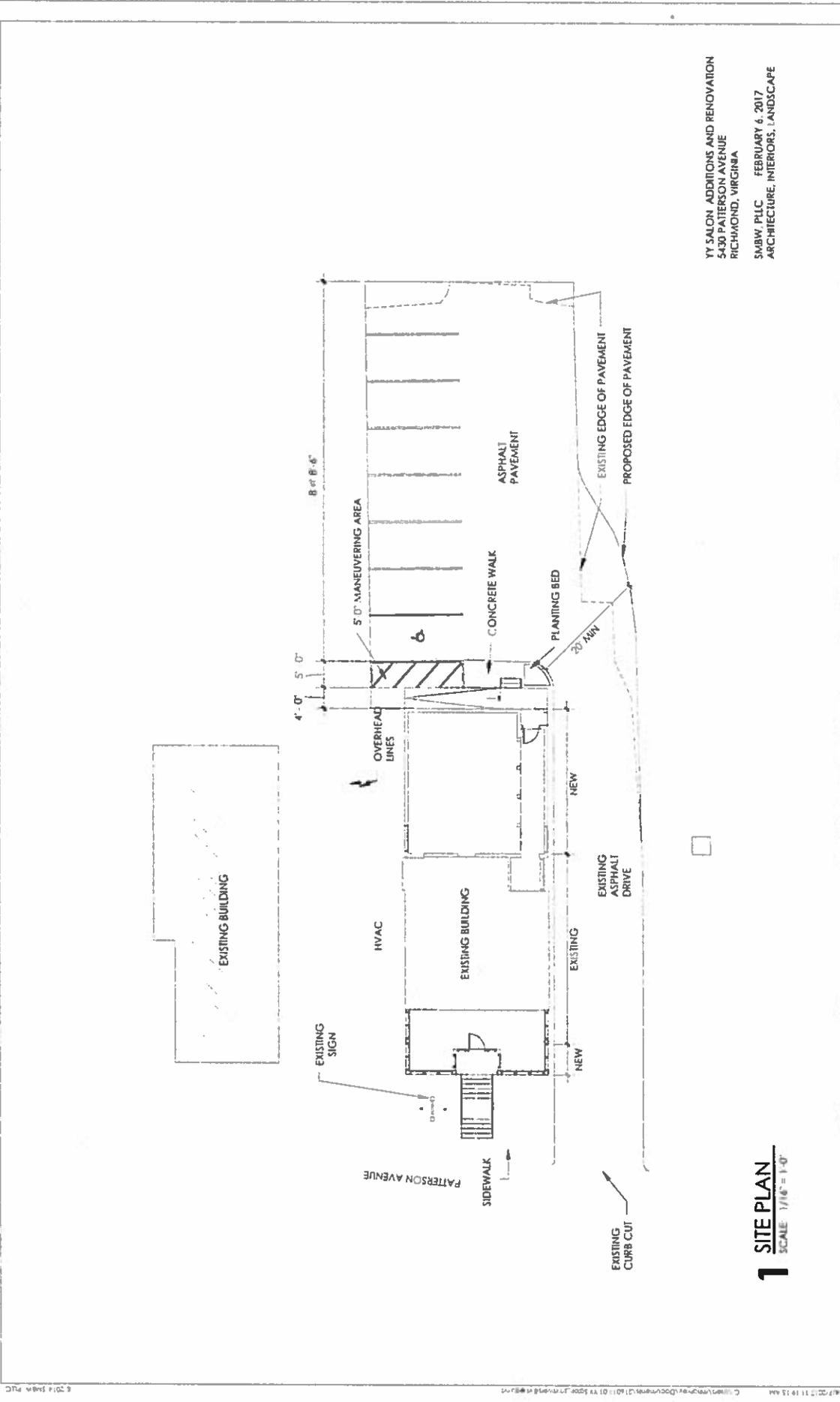
RELATIONSHIP TO EXISTING ORD. OR RES.: Amendment of Ordinance No. 2001-210-197

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511), 646-5734

PDR O&R 17-17

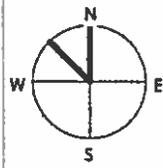
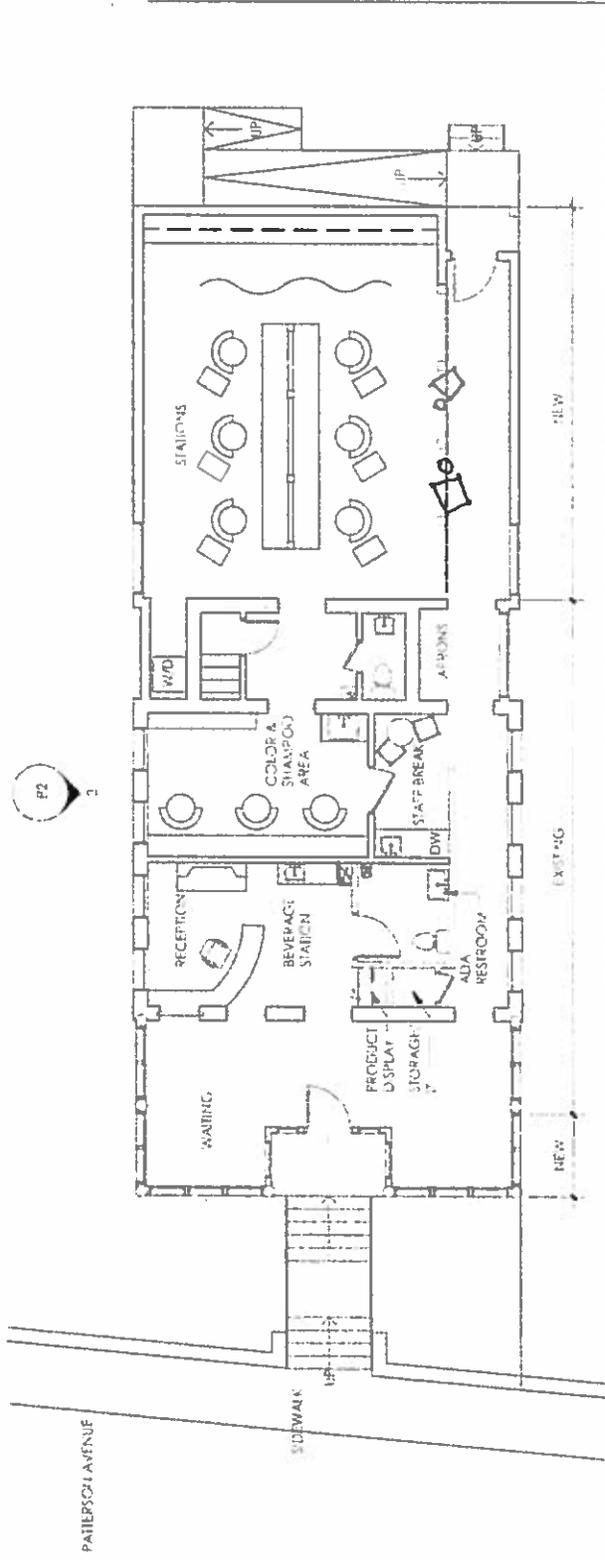


YV SALON ADDITIONS AND RENOVATION
 5400 PATTERSON AVENUE
 RICHMOND, VIRGINIA
 SMBW, PLLC FEBRUARY 6, 2017
 ARCHITECTURE, INTERIORS, LANDSCAPE

1 SITE PLAN
 SCALE: 1/16" = 1'-0"

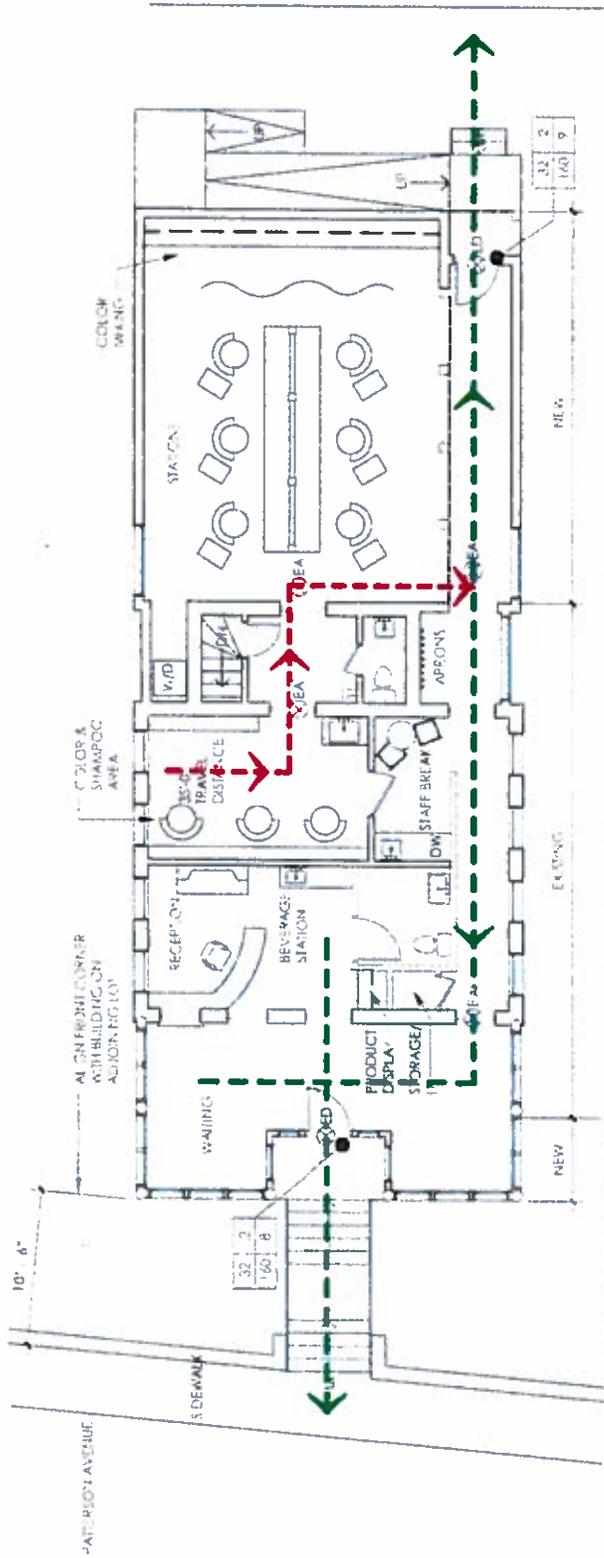
SITE PLAN





1 FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"

SCHEMATIC PLAN



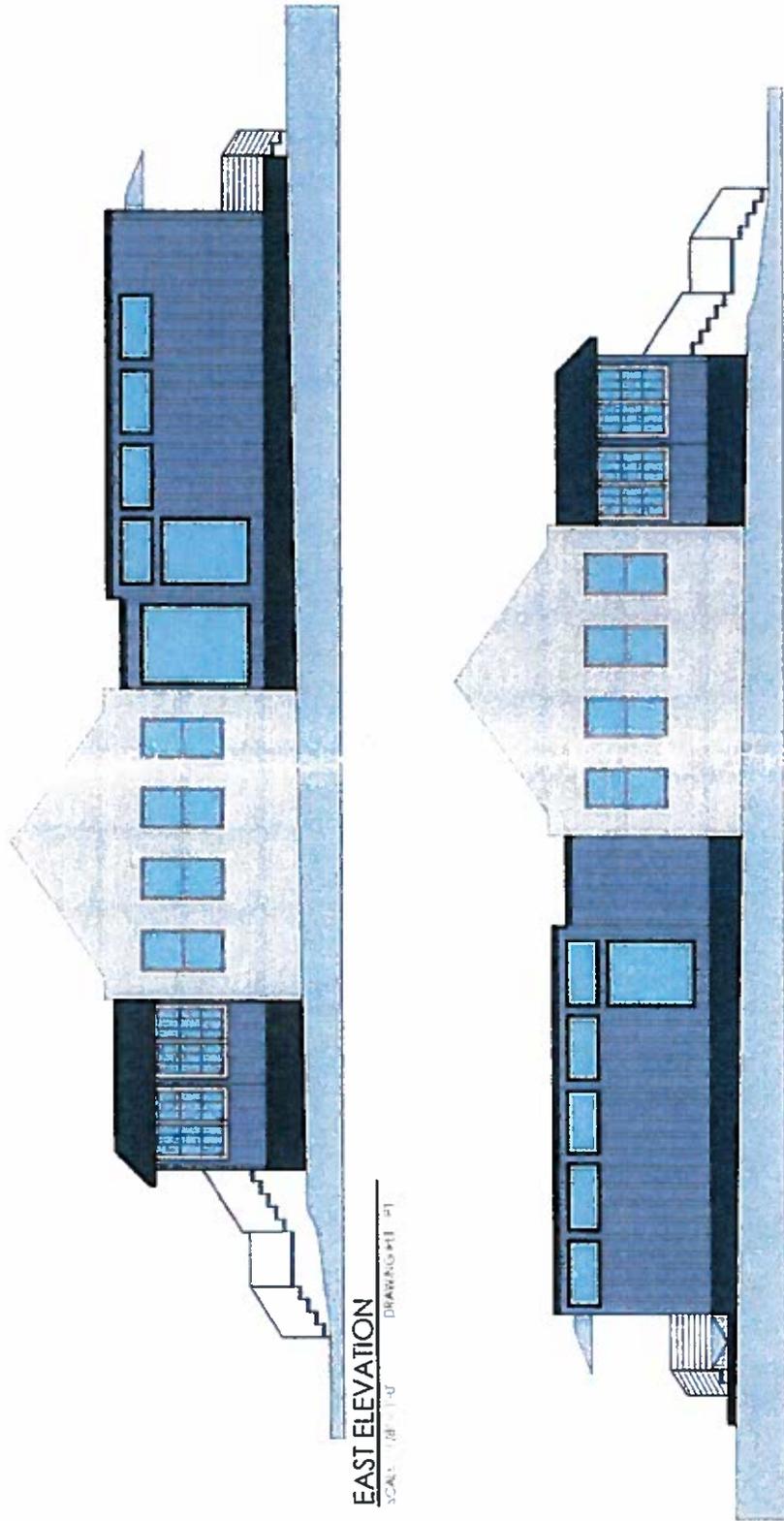
1 FIRST FLOOR LIFE SAFETY PLAN

SCALE: 1/8" = 1'-0"

OCCUPANCY AND EGRESS TAGS	EGRESS CLEAR DOOR WIDTH	EGRESS CLEAR DOOR FACTOR	OCCUPANTS PERMITTED	MAX OCCUPANTS PERMITTED	AREA NAME	NUMBER OF OCCUPANTS	OCCUPANCY FACTOR	MAX OCCUPANTS PERMITTED
<p>EGRESS CLEAR DOOR WIDTH</p> <p>DOOR CLEAR DOOR FACTOR</p> <p>OCCUPANTS PERMITTED</p> <p>MAX OCCUPANTS PERMITTED</p> <p>DENYWAY OR DOOR EGRESS TAG</p>	38" 1.40	253 227	253 227	253 227	BUSINESS	100	n	100
<p>EGRESS CLEAR STAIR WIDTH</p> <p>STAIR FACTOR</p> <p>OCCUPANTS PERMITTED</p> <p>MAX OCCUPANTS PERMITTED</p> <p>STAIR EGRESS TAG</p>	38" 1.40	253 227	253 227	253 227	BUSINESS	100	n	100
<p>OCCUPANCY AND EGRESS TAGS</p> <p>CONSTRUCTION CLASSIFICATION TYPE V B UNSUPPLEMENTED</p> <p>OCCUPANCY</p> <p>GROUP B (BUSINESS)</p> <p>GENERAL SOLAR FOOTCAGE</p> <p>OCCUPANTS ALLOWED 12</p>								
<p>TRAVEL DISTANCE AND EGRESS</p> <p>POINT OF EGRESS CHOICE</p> <p>MAXIMUM 300'-0" WITH PRINTER</p> <p>MAXIMUM 100'-0" WITH PRINTER</p> <p>EXIT</p> <p>EXIT ACCESS</p> <p>EXIT TO STORAGE</p>								



FIRST FLOOR LIFE SAFETY PLAN



1 EAST ELEVATION
SCALE: 1/8" = 1'-0" DRAWING SET: P1

2 WEST ELEVATION
SCALE: 1/8" = 1'-0" DRAWING SET: P1

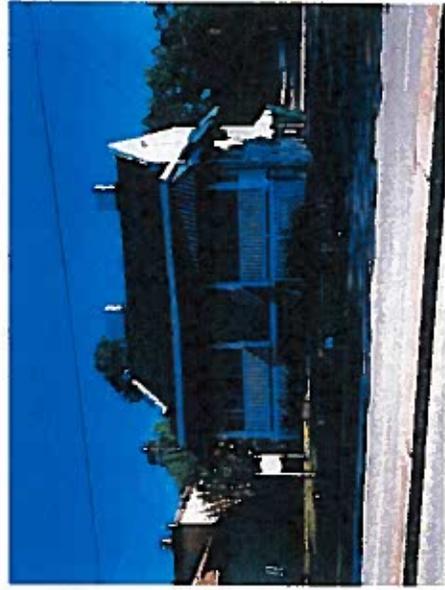
ELEVATIONS



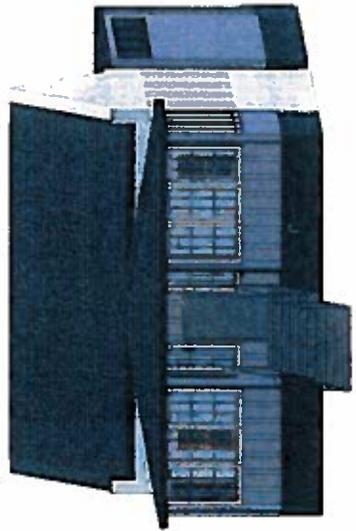




EXISTING SOUTH ELEVATION



EXISTING SOUTH ELEVATION



SCHEMATIC 3D CONCEPT

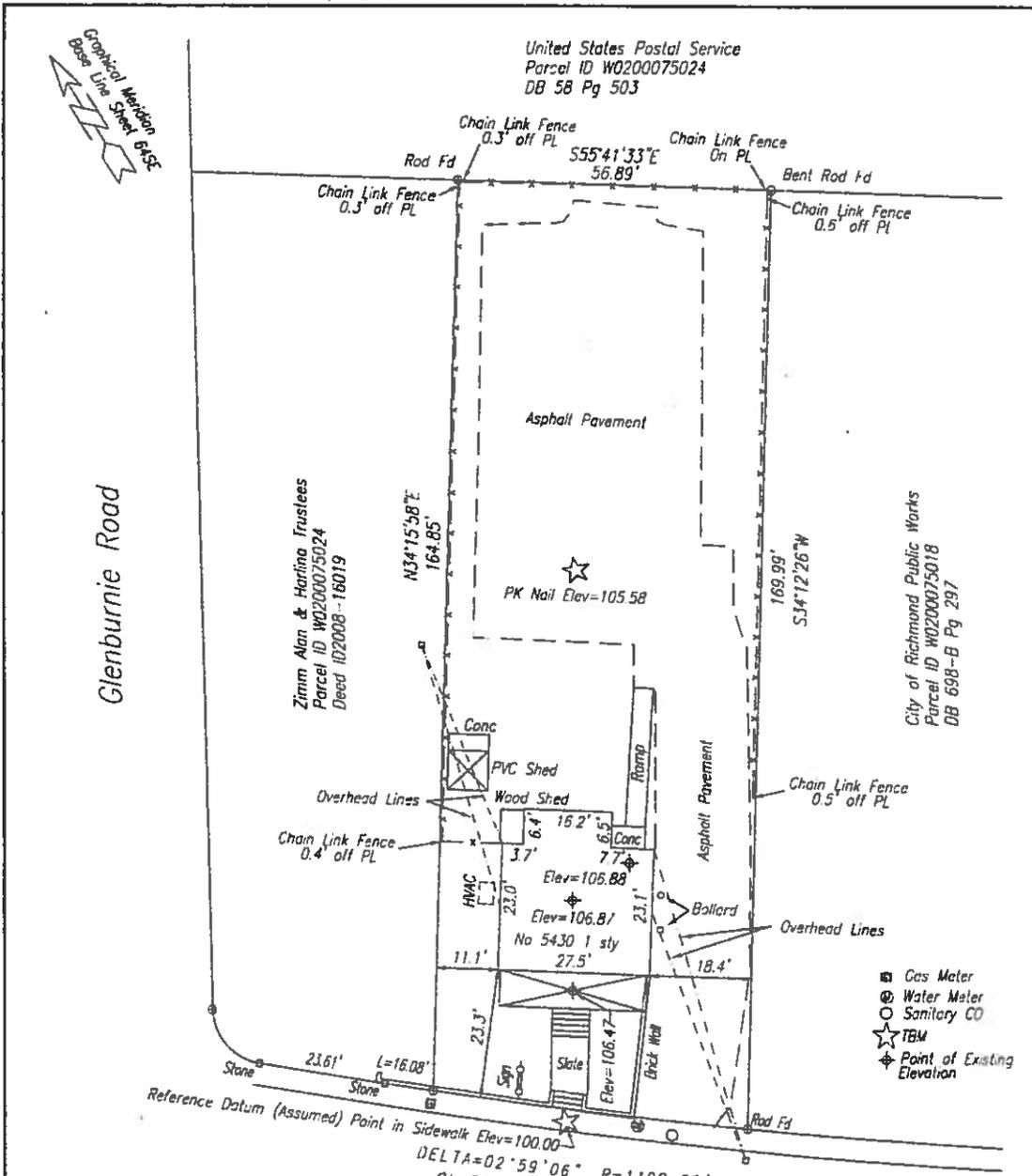


PARCEL MAP



PARCEL MAP





Parcel Notes:
 Owner: Michael Wood LLC
 Parcel ID W0200075015
 Deed ID 2016-5803
 Area: 0.219 Acres or 9553 sq ft

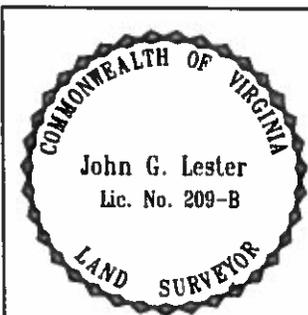
Patterson Avenue

This Is To Certify That On
 I Made An Accurate Field Survey Of
 The Premises Shown Hereon, That All
 Improvements And Easements Known
 Or Visible Are Shown Hereon, That
 There Are No Encroachments By
 Improvements Either From Adjoining
 Premises, Or From Subject Premises
 Upon Adjoining Premises Other Than
 As Shown Hereon. A current title
 commitment (has/has not) been
 furnished.

Plat of Improvements on No 5430
 Patterson Avenue Located Within the
 City of Richmond, Virginia.

Scale: 1"=25' October 21, 2016

E.D. Consulting Engineers - Land Surveyors & Planners
LEWIS & ASSOCIATES PC
 2116 Spencey Road - Richmond, VA 23220
 JN 0913



File Name: F:\DWG\0913\0913-PL -sur.dwg



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

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: 5430 PATTERSON AVE 23226 Date: 1/19/17
 Tax Map #: WD200075015 Fee: 1200
 Total area of affected site in acres: 0.208 acres 9067.49 sq foot parcel

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

Zoning

Current Zoning: R-5
 Existing Use: B-professional use (with a special use permit for beauty salon)

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report).
Beauty Salon - no change of use, requesting to build a 1000 sqft. addition
 Existing Use: Beauty salon

Is this property subject to any previous land use cases?

Yes No
 If Yes, please list the Ordinance Number: 2001-210-197 adopted 6/25/01
94-139-139 adopted 6/27/94

Applicant/Contact Person: Michael Wood
 Company: Michael Wood LLC
 Mailing Address: 4235 ECHO HO LANE
 City: RICHMOND State: VA Zip Code: 23235
 Telephone: (804) 647-5223 Fax: ()
 Email: MICHAEL@YYSALON.COM

Property Owner: Michael Wood LLC
 If Business Entity, name and title of authorized signee: Michael Wood, managing member

(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: 4235 ECHO HO LANE
 City: RICHMOND State: VA Zip Code: 23235
 Telephone: (804) 647-5223 Fax: ()
 Email: michael@YYSALON.COM

Property Owner Signature: [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 permits)

January 19, 2017

Special Use Permit Application for:
Parcel W020-0075/015
5430 Patterson Avenue, Richmond VA 23226

Applicant: Michael Wood LLC, property owner
Michael Wood, managing member
Tenant: YY Salon LLC
Michael Wood, managing member

*Existing Ordinance 2001-210-197 File 8003 (adopted June 25, 2001)
Was to: amend Ordinance 94-139-139 (adopted June 27, 1994), which
authorized the special use of property for office and certain retail uses, to authorize
the inclusion of a beauty salon as a permitted use at a maximum of 737 sq. feet and
upon other terms and conditions.*

I am requesting to amend the existing Special Use Permit, Ordinance 2001-210-197 that was adopted June 25, 2001 and authorized the inclusion of a beauty salon as a permitted use. I am the principal owner and managing member of Michael Wood LLC that purchased the property in March 2016 and moved my business, YY Salon LLC into that location in May 2016. We require additional square footage to adequately provide our services for the community and provide much needed renovations to a structure that was built in the 1920's that will integrate better into the recent redevelopment of the Patterson/Libbie mixed use corridor.

We propose to continue using the property as a beauty salon and are requesting to amend the special use to authorize construction of an additional 1100 sq. feet +/- of floor area, for no more than a final total floor area of 1850 sq. feet.

The final footprint of the proposed expansion will be well below the maximum limits and therefore it will not overcrowd the land, per City Ordinance.

We currently operate a beauty salon at the property with a total of 2 full-time and 2 part time stylists and are open Tuesday – Saturday. We would like to amend the SUP to allow a future total of 6 full time stylists with 6 styling stations.

The fenced parking lot provides more than the typically required number of spaces for this use and thereby will have no adverse effect on Street traffic or create congestion. Ingress and egress is via private driveway off Patterson Avenue.

The property is adjacent to a public library to the east, US Post Office to the north, two blocks of retail businesses to the west and it fronts Patterson Ave with

numerous commercial properties with their own parking lots on the south side of Patterson Ave.

There is a public bus stop directly in front of the property making the location extremely convenient and encouraging for public transportation.

Our proposal will not be detrimental to the safety, health, morals and general welfare of the community. We have already been warmly welcomed by many neighboring businesses, invited to join the local business association and many people within the local community now patronize the business and are excited about the possibility of the expansion.

In following all city codes for construction, working with city inspectors and following proper business conduct we will not create hazards from fire, panic or other dangers.

As there are no public or private schools, parks or playgrounds within a several block radius therefore our proposal will be no adverse effect on such.

There will be no interference with adequate light or air from the proposed single story addition if the SUP where to be granted, and all existing public water and sewer utilities will remain unchanged.

We propose to maintain the original 1920's architectural style of the building for the addition fronting Patterson Ave, which is also consistent with the adjacent commercial property to the west and a more contemporary style for the rear addition, which would be consistent with the current contemporary remodeling of the Public Library immediately to the east.

There has been significant demand for and an increase in local businesses within a two block radius of the Libbie/Patterson intersection and our proposal will enhance the mixed use neighborhood and better provide services to the community with the proposed expansion and improvements.

We look forward to working with all city agencies in this request.

Sincerely,



Michael Wood, managing member
Michael Wood LLC
4235 Echo Ho Lane
Richmond, VA 23235
804-647-5223