

INTRODUCED: January 14, 2019

AN ORDINANCE No. 2019-012

To authorize the special use of the property known as 602 Libbie Avenue for the purpose of an office use, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 11 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 602 Libbie Avenue which is situated in a R-4 Single-Family Residential District, desires to use such property for the purpose of an office use, which use, among other things, is not currently allowed by section 30-408.1 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 (2018), 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

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ 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 602 Libbie Avenue and identified as Tax Parcel No. W021-0213/009 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “Survey Showing Existing Conditions on Property Located at 602 Libbie Avenue, City of Richmond, Virginia,” prepared by Bruce Robertson Land Surveying, P.C., and dated August 1, 2018, 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 office use, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Armstrong Law Office, 602 Libbie Avenue, Richmond, Virginia” prepared by HG Design Studio, and dated September 14, 2018, and on the plans entitled “602 Libbie Avenue,” prepared by Elisabeth Henderson, and dated November 8, 2018, hereinafter referred to collectively as “the Plans,” copies of which are 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 Special Use of the Property shall be an office use, including business, professional and administrative offices, substantially as shown on the Plans.

(b) No fewer than three on-site parking spaces shall be provided on the Property, substantially as shown on the Plans.

(c) Signage pertaining to the Special Use shall comply with underlying zoning.

(d) The floor area of the office use may be expanded to the rear of the existing building by up to 1,000 square feet subject to approval of a plan of development in accordance with Chapter 30, Article X, Division 4 of the Code of the City of Richmond (2015), as amended. Any expansion shall be governed by the zoning regulations prescribed for the district in which the Property is situated and shall not exceed two stories in height.

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

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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, 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 certificate of occupancy for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of occupancy shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of occupancy is not made within the time period stated in the previous sentence, 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

Item Request

File Number: PRE 2018-8447

RECEIVED
O & R REQUEST

JAN 08 2019

DEC 19 2018

OFFICE OF CITY ATTORNEY
Office of the Administrative Officer

O & R Request

DATE: December 18, 2018

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar 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: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic Development and Planning

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

RE: To authorize the special use of the property known as 602 Libbie Avenue for office use, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 602 Libbie Avenue for office use, upon certain terms and conditions.

REASON: The applicant is requesting a special use permit to authorize an office use in the R-4 Single Family Residential zoning district, which is not a permitted use. The applicant would like to convert the existing building into a law office and has, therefore, requested a 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 February 4, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of an 11,050 SF or .3 acre parcel of land improved with a 1,672 square foot building constructed, per tax assessment records, in 1941 and is located in the Three Chopt

neighborhood of the Far West Planning District. The property has historically been used for residential use.

The City of Richmond's Far West Planning District Land Use Plan designates a future land use category for the subject property as Mixed Use (MU). Primary uses 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. Generally, such areas consist of a mix of several types of uses, designed and arranged to be compatible with one another. Each type of use could function independently, but all benefit from proximity to one another. The mix of uses and predominant land use character may vary considerably by location, and are described in each case in the text of the District Plans. Typical zoning classifications that may accommodate this land use category: B-5, UB, UB-2, B-6, and B-7.

The building is located on the 600 block of Libbie Avenue between Christopher Lane and Guthrie Avenue. Surrounding properties are located in the R-4 district.

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

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

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$1,800

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: January 14, 2019

CITY COUNCIL PUBLIC HEARING DATE: February 11, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, February 4, 2019.

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.: None

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



Application for **SPECIAL USE PERMIT**
 Department of Planning and Development Review
 Land Use Administration Division
 900 E. Broad Street, Room 511
 Richmond, Virginia 23219
 (804) 646-6304
<http://www.richmondva.gov/>

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

Project Name/Location

Property Address: 602 Libbie Avenue Date: 07/16/2018
 Tax Map #: W0210213003 Fee: \$1,800
 Total area of affected site in acres: 0.254 acres

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

Zoning

Current Zoning: R-4
 Existing Use: Single-family

Proposed Use

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

Office
 Existing Use: Single-family

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: Lory Markham

Company: Markham Planning
 Mailing Address: 2314 W. Main Street
 City: Richmond State: VA Zip Code: 23220
 Telephone: (804) 248-2581 Fax: ()
 Email: lory@markhamplanning.com

Property Owner: Samho LLC

If Business Entity, name and title of authorized signee Susan Armstrong

(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: 528 N Boulevard
 City: Richmond State: VA Zip Code: 23220
 Telephone: (804) 513-4788 Fax: ()
 Email: sarmstrong@samstronglawva.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)



September 20, 2018

Mr. Mark Olinger, Director
Department of Planning & Development Review
900 East Broad Street, Suite 511
Richmond, VA 23219
Mark.Olinger@richmondgov.com

RE: Applicant's Report for Special Use Permit Application at 602 Libbie Avenue

Dear Mr. Olinger,

Please accept this letter as the Applicant's Report for the Special Use Permit (SUP) application for the property at 602 Libbie Avenue. With this application, Sameho LLC is petitioning the City Council for a Special Use Permit to authorize an office use in the R-4 Single Family Residential District.

Site

The property is located in the Far West Planning District on Libbie Avenue between Guthrie Avenue and Christopher Lane. The property has a land area of 11,050 square feet and is zoned in the R-4 Single Family Residential District. This property is currently improved with two-story residence with 1,672 of floor area. The property is located within the neighborhood represented by the Westhampton Citizens Association. The property is also located on Libbie Avenue between the Patterson Commercial area to the north and the Grove Commercial area to the south.

Zoning and SUP Ordinance Conditions

The property is located in the R-4 Single Family Residential District. The R-4 District does not permit any commercial uses. However, eight properties within this section of Libbie Avenue have been granted special use permits for office uses. The first of these SUP's were granted in 1979 and the last was approved in 2010.

We proposed to convert the single-family residence for use as a law office. Parking for the office use will be provided at the rear of the property. The appearance of the property from Libbie Avenue will remain largely unchanged and the property's residential character will be preserved.

Master Plan

The City's Master Plan recommends mixed-use development for the property. Primary uses include combinations of office, retail, personal service, general commercial and services uses and, in some cases, multifamily residential and dwelling units above ground floor commercial.

Specifically for Libbie Avenue, the Plan states that although historically Grove and Patterson were separate shopping districts, there is an accelerating positive trend that will eventually join these

into one shopping district. Development and zoning conversions are bringing more and more commercial and office uses to Libbie, between Grove and Patterson. This evolution of the three streets into one town center for Westhampton will be important to the future vitality of all the business on each of these streets. Expansion of the Libbie/Grove Service Center should occur north on those parcels that front Libbie Avenue to Kensington Avenue as shown on the Land-Use Plan map. As shown on the amended Land Use Plan, mixed use development is appropriate for these parcels, and an Urban Business District classification is the recommended zoning classification for this area (p. 183).

This is an opportunity to bring a new neighborhood service that will contribute to the positive mixed-use development trend for Libbie Avenue. The Master Plan encourages uses on Libbie that will increase the development of businesses as a town center for the Westhampton area. We believe that the proposed office use is fully consistent with the Master Plan recommendation for the use of the property, and that, if approved, this use will greatly enhance the vitality of the Westhampton area. Additionally, the proposed office use is a permitted principal use in the recommended UB zoning for the property by the Master Plan.

City Charter Conditions

We trust that you will agree with us that this proposed SUP meets the City Charter criteria for the granting of SUPs as the project 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.

Thank you for your consideration of this application. Please feel free to contact me at lory@markhamplanning.com or (804) 248-2561 if you have any questions or require additional materials to process the application.

Very Truly Yours,



Lory Markham

Enclosures

cc: The Honorable Andreas D. Addison
Matthew Ebinger, Secretary to the City Planning Commission

Armstrong Law Office Special Use Permit



design studio
ARCHITECTURE
INTERIOR DESIGN
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL DESIGN

Not For Construction

ARMSTRONG
LAW OFFICE

602 LIBBIE AVENUE
RICHMOND, VIRGINIA

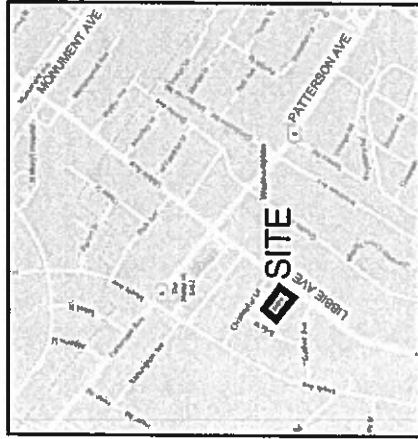
REVISIONS:

No. Description Date

Issued for
SPECIAL USE PERMIT

COVER SHEET

Designed By PCB
Drawn By PCB
Checked By RJB
OACOC By OCG
Project Number SEPTEMBER 14, 2010
Sheet Number M18113.00
C0.00



VICINITY MAP

NORTH
1" = 500'

1. OWNER / DEVELOPER:

ARMSTRONG LAW OFFICE
500 WEST BROAD STREET, SUITE 200
RICHMOND, VA 23212

2. ENGINEER:

HG DESIGN STUDIO, 100 CHARLES WALKER PI
AVE, RICHMOND, VIRGINIA 23219

3. ARCHITECT:

NAME

4. PARCEL ID#:

9-21-21499

5. ADDRESSES:

602 LIBBIE AVENUE RICHMOND VA 23219

6. ACREAGE:

TOTAL PARCEL ACREAGE: 0.24
TOTAL DEVELOPABLE ACRE: 0.06

7. EXISTING ZONING:

RM-4

8. USE:

EXISTING: RESIDENTIAL
PROPOSED: OFFICE

9. UTILITIES:

PUBLIC

10. SURVEY:

VERTICAL DATUM ASSUMED

11. SITE INFORMATION:

NON-CONFORMING USES ARE IDENTIFIED WITH DASHED LINES SOLUTIONS FOR STATUTE COMPLIANCE ARE IDENTIFIED WITH SOLID LINES

12. PER CHECKLIST:

ELEVATION PLANS - NO CHANGE TO EXISTING BUILDING ELEVATION
FLOOR PLANS - NO CHANGE TO EXISTING BUILDING ELEVATION
LANDSCAPE PLANS - 4 FOOT SCREEN FENCE PROPOSED ALONG PROPERTY LINE PRESERVING MAJORITY OF LARGE DECIDUOUS TREES ON-SITE
SIGNAGE PLAN - SIGNAGE WILL COMPLY WITH THE UNDERLYING ZONING AND NOT SHOWN ON THIS PLAN
LIGHTING PLAN - NO NEW LIGHTS PROPOSED

13. DRAWING INDEX:

CS 00 COVER SHEET
CS 01 EXISTING CONDITIONS
CS 02 SITE DETAILS

14. SYMBOL LEGEND:

SECTION ELEVATION OR DETAIL NUMBER

SHEET NO WHERE SECTION ELEVATION OR DETAIL IS REFERENCED

SECTION ELEVATION OR DETAIL NUMBER DRAWN

1 17 SCALE

1 17 SCALE

Not For Construction

**ARMSTRONG
 LAW OFFICE**

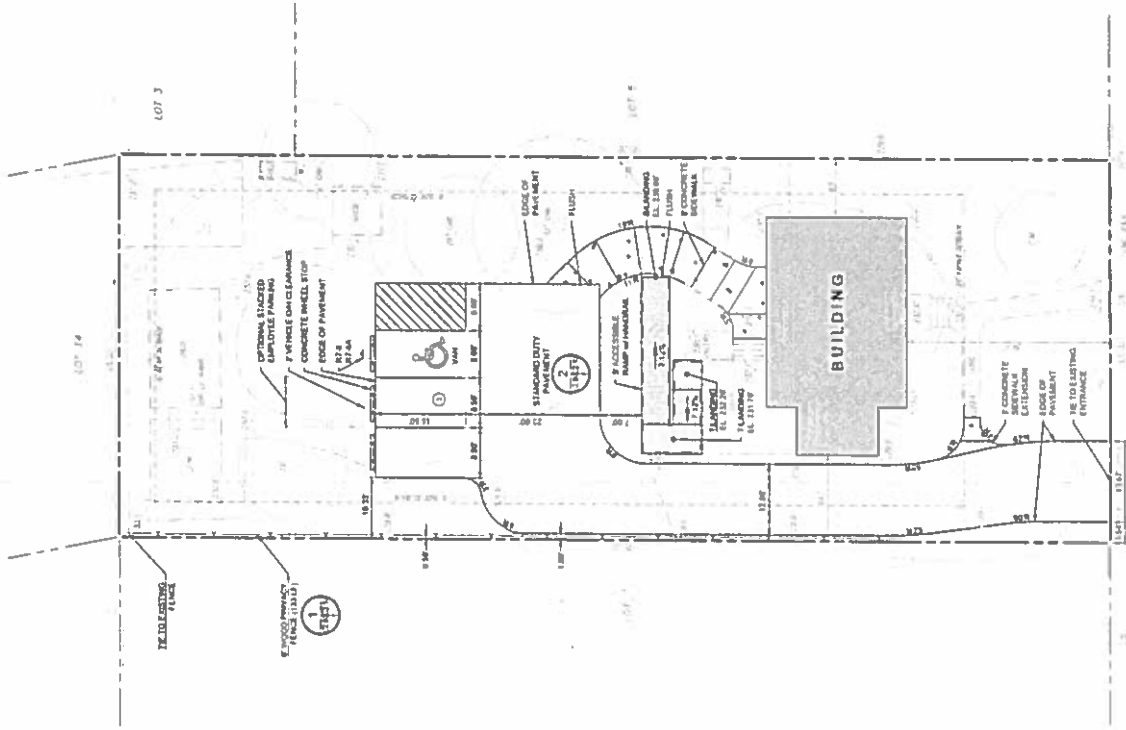
602 LIBBIE AVENUE
 RICHMOND, VIRGINIA

REVISIONS:

Issued for:
SPECIAL USE PERMIT

SITE LAYOUT

Designed By: PCB
 Drawn By: PCB
 Checked By: RJB
 QA/QC By: DGG
 Date: SEPTEMBER 14, 2018
 Project Number: M18113.00
 Sheet Number: C2.00



Sign Summary

MULTI-CD LABEL	WIDTH	HEIGHT	TYPE
R74	12"	12"	[Symbol]
R74A	12"	6"	[Symbol]

1) ALL SIGNS TO BE FURNISHED AND INSTALLED BY THE OWNER.
 2) PROPOSED ADDRESS SIGN TYPE, MATERIAL, AND MESSAGE TO BE SUBJECT TO COMRA AND CITY APPROVAL.



Not For Construction

**ARMSTRONG
 LAW OFFICE**

602 LIBBIE AVENUE
 RICHMOND, VIRGINIA

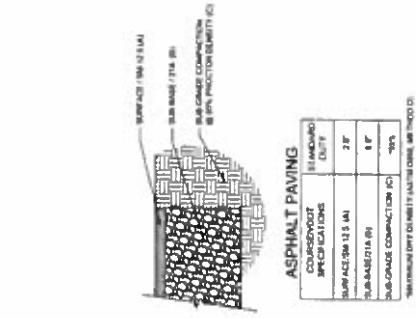
REVISIONS:

No.	Description	Date

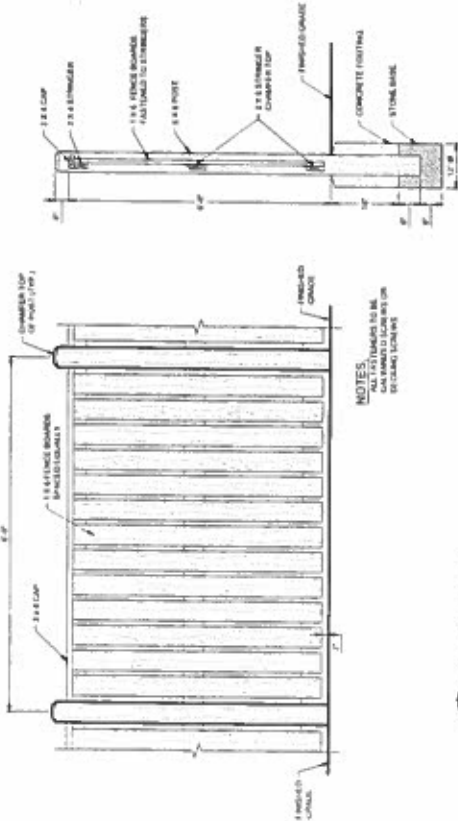
Issued for
SPECIAL USE PERMIT

SITE DETAILS

Designed By:	PCB
Drawn By:	PCB
Checked By:	RAB
CAQC Dr:	DCC
Date:	SEPTEMBER 14, 2018
Project Number:	MR110.00
Sheet Number:	C2.01



2 ASPHALT PAVING
SCALE: 1/2" = 1'-0"



1 SCREEN FENCE
SCALE: 1/2" = 1'-0"

NOTES:
 1. FENCE SHALL BE 6 FT HIGH.
 2. ALL MATERIALS SHALL BE PERMITTED BY LOCAL HEALTH DEPARTMENT.

Client

Armstrong Law Firm, PLLC
526 N Boulevard, Richmond, VA 23220

Project

602 LIBBIE AVENUE

Scale

4 squares:
1 foot

Title

First Floor, page 1 of 3

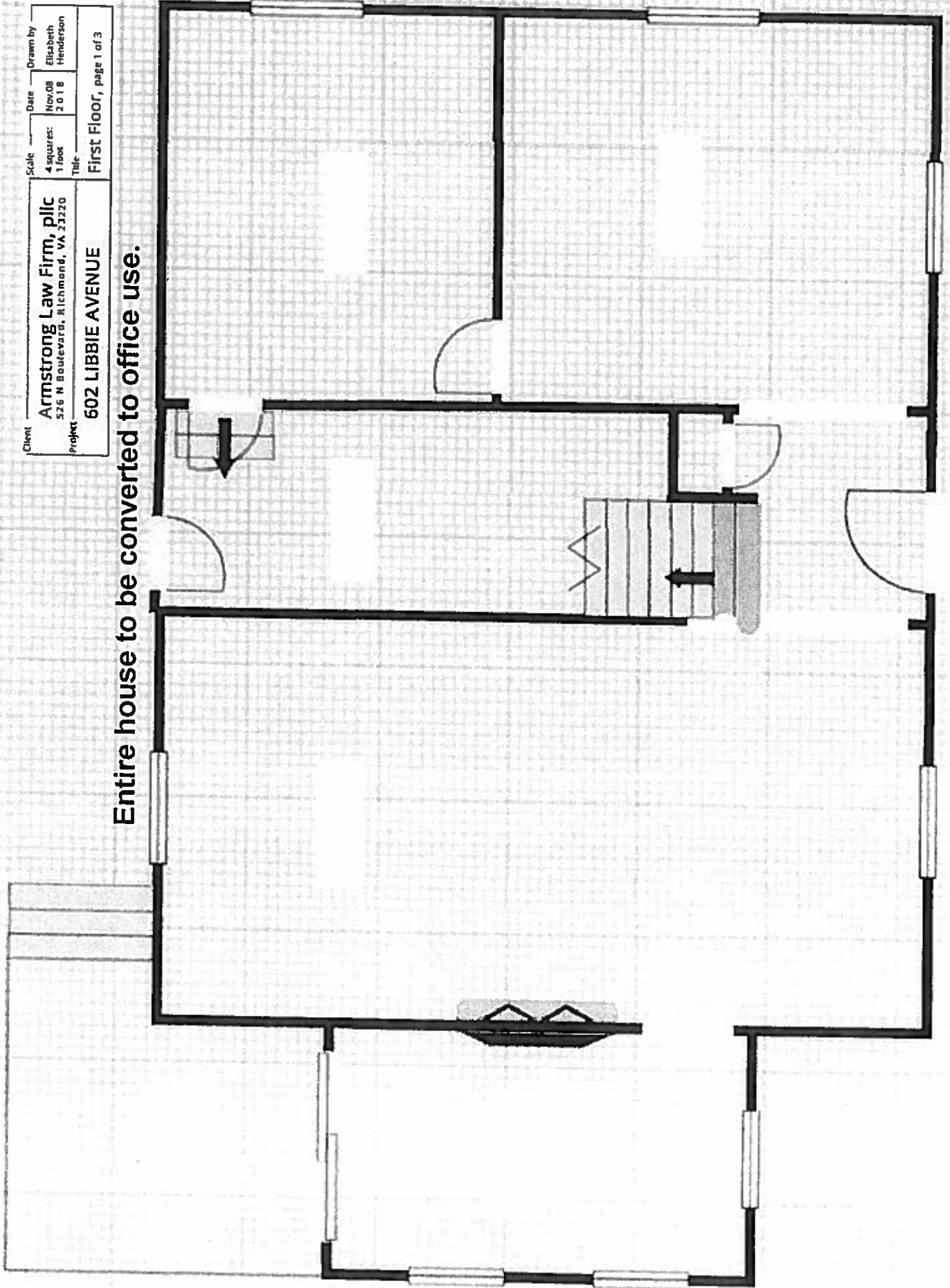
Drawn by

Elizabeth
Henderson

Date

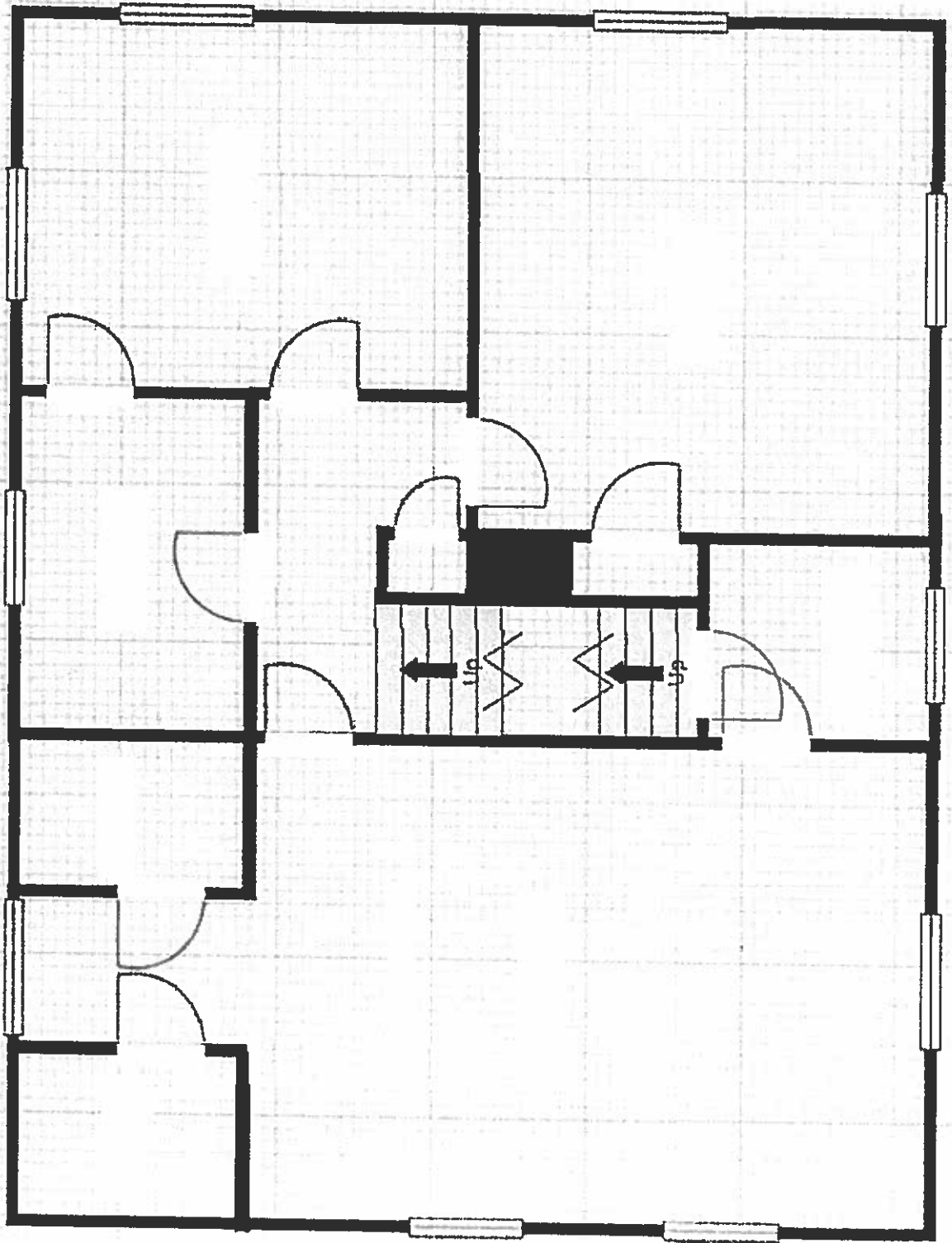
Nov 08
20 18

Entire house to be converted to office use.

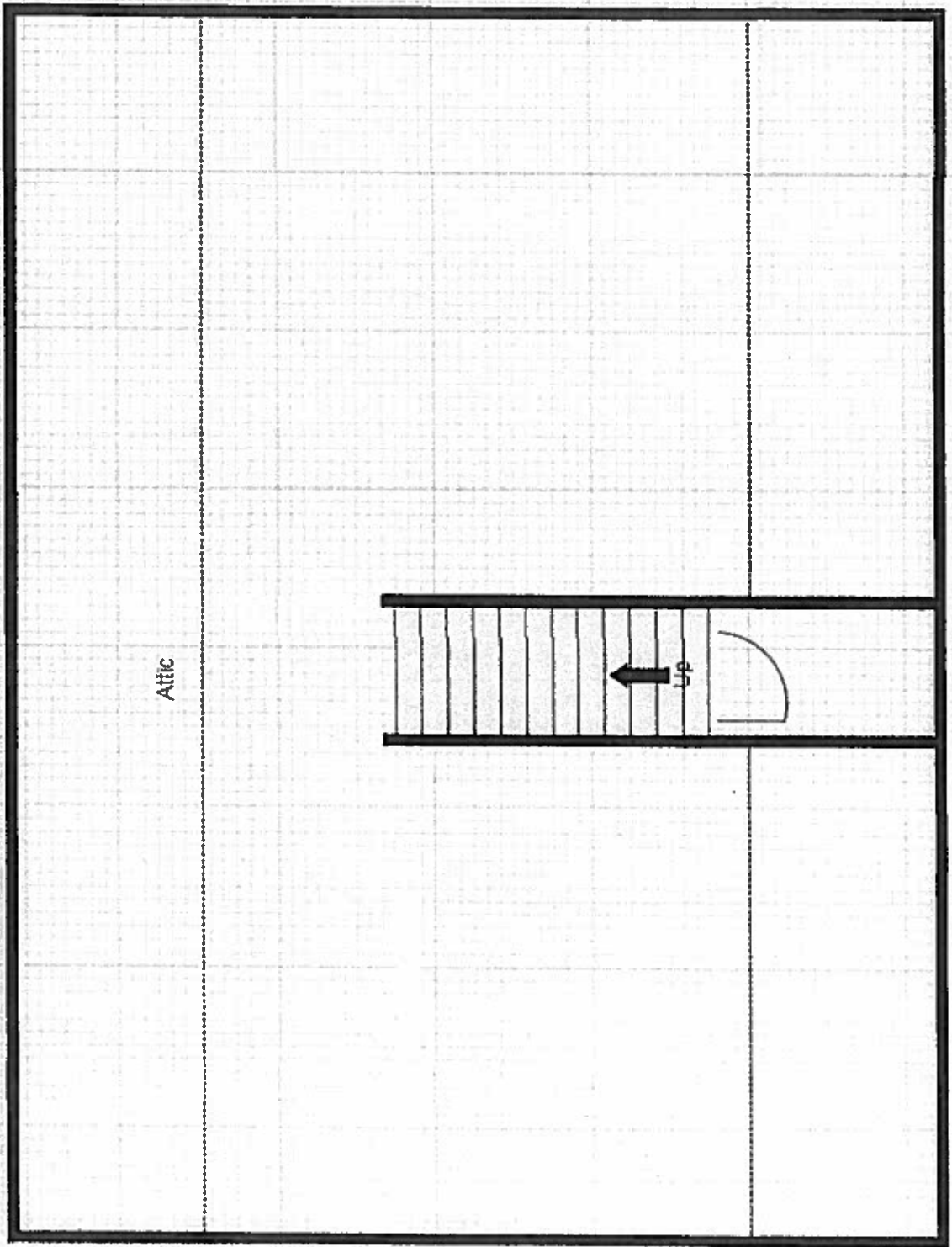


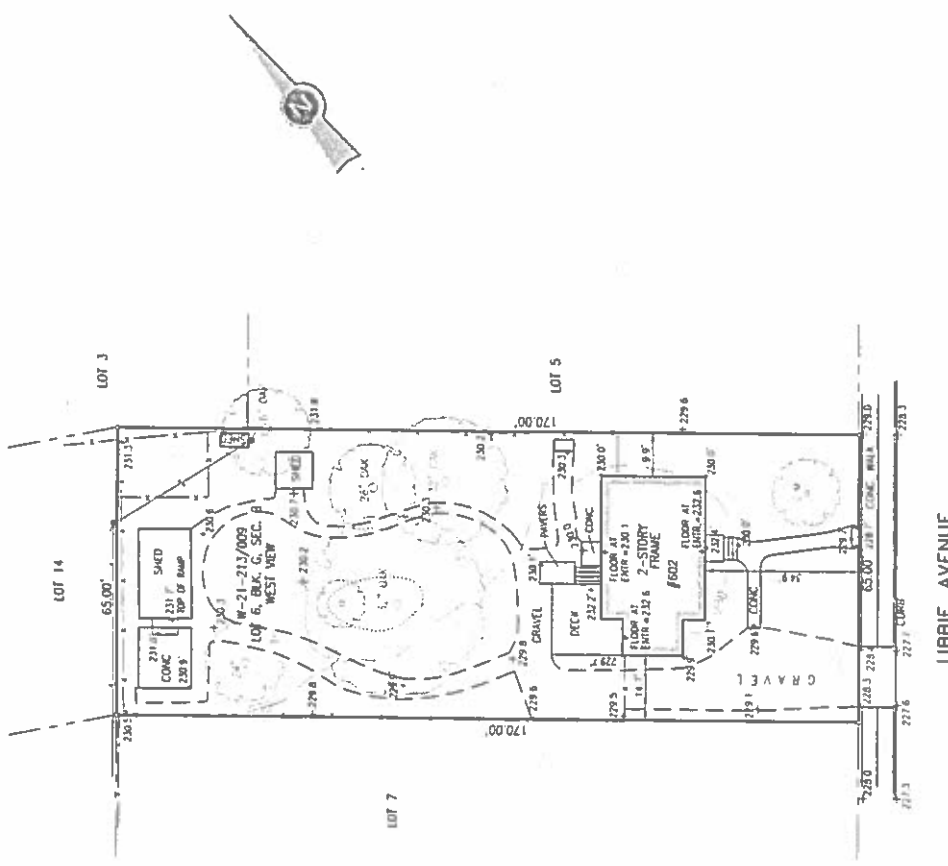
Client	Scale	Date	Drawn By
Armstrong Law Firm, PLLC 526 N Boulevard, Richmond, VA 23220	4 squares: 1 foot	Nov.08 2018	Elisabeth Henderson
Project	Title		
602 LIBBIE AVENUE	Second Floor, page 2 of 3		

Entire house to be converted to office use.



Client	Scale	Date	Drawn by
Armstrong Law Firm, PLLC	4 squares: 1 foot	Nov. 08 2018	Elisabeth Henderson
526 N Boulevard, Richmond, VA 23220	Title	Attic, page 3 of 3	
Project	602 LIBBIE AVENUE		





LOCATION OF UIC UTILITIES SHOWN ON THIS MAP IS BASED ON THE INFORMATION PROVIDED BY THE UTILITY COMPANIES. ADDITIONAL UIC UTILITIES MAY EXIST OTHER THAN THOSE SHOWN.

WETLANDS (IF ANY) AND RESOURCE PROTECTION AREA LIMITS ARE NOT SHOWN ON THIS SURVEY.

BUILDING SETBACKS OR OTHER ZONING CONDITIONS NOT DETERMINED FOR THIS MAP. COMPLIANCE WITH APPLICABLE ZONING ORDINANCES SHOULD BE CONFIRMED PRIOR TO CONSTRUCTION.

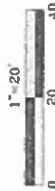
THREE LOCATIONS REPRESENT LOCATION OF TREE THROWS AND DO NOT INDICATE EXTENT OF CANOPIES.

VERTICAL DATUM ASSUMED

CONTOUR INTERVAL 1 FOOT

THIS TOPOGRAPHIC MAP IS BASED ON A FIELD SURVEY PERFORMED BY BRUCE ROBERTSON LAND SURVEYING ON JULY 27, 2018.

This plot was prepared without the benefit of a title report and may not, therefore, indicate all easements or conditions affecting subject property.



Bruce Robertson Land Surveying, P.C.
 P. O. Box 38011 Richmond, Virginia Phone/Fax (804)330-8801

SURVEY SHOWING EXISTING CONDITIONS ON PROPERTY LOCATED AT 602 LIBBIE AVENUE

CITY OF RICHMOND, VIRGINIA

Date: <u>8/1/20</u>	Revisions
Scale: <u>1"=20'</u>	
Sheet 1 of 1	

JN 18140