

INTRODUCED: October 12, 2020

AN ORDINANCE No. 2020-225

To amend Ord. No. 71-180-163, adopted Jun. 14, 1971, as previously amended by Ord. No. 81-204-199, adopted Nov. 23, 1981, which authorized the special use of the property known as 3800 Grove Avenue for the purpose of doctors' offices, permitted an addition at the rear entry way, and authorized the erection of an accessory utility building, to also allow other office uses and personal service uses.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 9 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 71-180-163, adopted June 14, 1971, as previously amended by Ordinance No. 81-204-199, adopted November 23, 1981, be and is hereby amended and reordained as follows:

§ 1. The ~~[real estate]~~ property ~~[designated]~~ known as 3800 Grove Avenue and identified as Tax Parcel No. W000-1773/001 in the 2020 records of the City Assessor ~~[fronting on the north side of Grove Avenue 44.55 feet and extending in a northwardly direction 179.92 feet along Reveille Street on the west and 182.27 along Hamilton Street on the east]~~ is hereby permitted to be used for the purpose of ~~[doctors']~~ offices, including business, professional and administrative

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 9 2020 REJECTED: _____ STRICKEN: _____

offices, medical and dental offices and clinics, and studios of writers, designers, and artists engaged in the graphic arts, and personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments.

§ 2. That the Commissioner of Buildings is hereby authorized to issue to the owner of the ~~[real estate]~~ property, or his successor or successors in fee simple title a ~~[, special use permit for such purpose, and a]~~ building permit for the conversion of the existing building and to enable the construction of an accessory parking area for nine vehicles on the above described ~~[premises]~~ property substantially in accordance with the plan attached to the draft of Ordinance No. 71-180-163, adopted June 14, 1971, as modified by plans dated September 8, 1981, attached to ~~[the draft of this ordinance]~~ Ordinance No. 81-204-199, adopted November 23, 1981. The permit shall be transferrable to the successor or successors in title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land, subject to the following terms and conditions:

(a) That the acceptance of the permits and the exercise of the privileges granted by this ordinance by the owner and his successor or successors in title shall constitute a warranty on the part of the owner and his successor or successors that title to the land and the building will be vested in the same person or persons or corporation or both;

(b) That the owner will be bound by, observe and will 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;

(c) ~~[There shall be no exterior]~~ Exterior alterations to the building ~~[other than as shown on the attached plans (dated September 8, 1981), and attached to the draft of this~~

~~ordinance~~] shall be permitted, including the alterations shown on the plans attached to Ordinance No. 81-204-199, adopted November 23, 1981;

(c)(1) An accessory building, not exceeding 75 square feet in area nor eight feet in height, shall be permitted within the rear yard, but not within five feet of the rear property line nor within ten feet of the adjacent streets. The accessory building shall be screened from view from adjacent properties and public streets;

(d) That spaces for parking motor vehicles will be provided and maintained at all times by the owner on the ~~[real-estate]~~ property as indicated on the plan attached to Ordinance No. 81-204-199, adopted November 23, 1981. The parking area shall be paved with a dust-free all weather surface and parking stalls shall be delineated thereon;

(e) The parking area shall be screened from view from abutting streets and shall be screened along the northern lot line as indicated on the ~~[attached]~~ plan attached to Ordinance No. 81-204-199, adopted November 23, 1981;

(f) The parking area shall be set back from adjacent streets a distance of not less than ten feet

(g) That facilities on the premises will be provided and maintained at all times by the owner at his cost and expense for access to and storage of refuse for collection at a location or locations and in a manner approved by the Director of Public Works;

(h) That storm or surface water will not be allowed to accumulate on the land and adequate facilities for drainage of storm or surface water from the land and buildings will be provided and maintained at all times by the owner at his cost and expense, shall provide and maintain at all times adequate facilities for drainage property so as not to adversely affect or damage adjacent property or public streets and the use thereof.

(i) That one unlighted name plate not exceeding two square feet in area, may be attached flat against the building;

(j) That should the owner use the [~~premises~~] property 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 (i) and does not terminate such use or comply with such provisions within [~~ninety~~] 90 days after written notice so to do has been given to the owner by the [~~Commissioner of Buildings~~] Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void;

(k) That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the [~~premises~~] property is abandoned for a period of [~~twenty-four~~] 24 consecutive months, 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

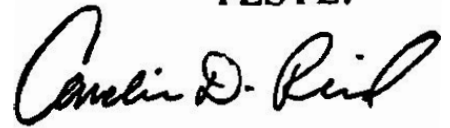
1. ~~[That application for a building permit, if necessary, to alter the existing building and to construct the accessory building will be made within three months from the effective date of this ordinance, which building permit shall expire by limitation and become null and void if the building alteration is not commenced within ninety days from the date of the building permit, or if construction is suspended or abandoned for a period of ninety days at any time after the work is commenced, as provided in the Building Code; and if application for the building permit is not made within three months from the effective date of this ordinance or should the building permit become null and void, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void]~~ The Zoning Administrator is authorized to issue a certificate of

zoning compliance for the special use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance 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.

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

A TRUE COPY:

TESTE:

A handwritten signature in black ink, reading "Carlin D. Reil". The signature is written in a cursive, flowing style.

City Clerk

City of Richmond

2020-146

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

Item Request

File Number: PRE.2020.328

O & R Request

DATE: September 14, 2020

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor.)



THROUGH: Lenora G. Reid, Acting Chief Administrative Officer 



THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

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



RE: To amend and reordain Ordinance No. 71-180-163, adopted June 14, 1971, last amended by Ordinance No. 81-204-199, adopted November 23, 1981, which authorized the use of the real estate designated as 3800 Grove Avenue for the purpose of doctors' offices and to permit an addition at the rear entry way and authorize erection of an accessory utility building, to also allow other office uses and personal service uses.

ORD. OR RES. No. _____

PURPOSE: To amend and reordain Ordinance No. 71-180-163, adopted June 14, 1971, last amended by Ordinance No. 81-204-199, adopted November 23, 1981, which authorized the use of the real estate designated as 3800 Grove Avenue for the purpose of doctors' offices and to permit an addition at the rear entry way and authorize erection of an accessory utility building, to also allow other office uses and personal service uses.

REASON: Office and personal service uses are not a permitted use on a corner lot in the R-5 Single-Family Residential District. Therefore a special use permit is required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its November 2, 2020, meeting.

BACKGROUND: The .257 acre subject property is bounded by Grove Avenue to the south, Reveille Street to the west, and North Hamilton Street to the east. The property contains a 1,340 square foot structure former single-family dwelling that was converted into an office use in 1971.

The City Master Plan calls for a future land use recommendation for this property for single-family low density uses. Primary use is single-family detached dwellings at densities up to seven units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses.

The requested special use amendment will allow office uses in addition to a doctor's office as well as personal service uses. No change in the existing building or floorplan are proposed.

The properties to the north, south, and west are all located in the R-5 Single-Family Residential District. Across North Hamilton Street to the east are apartments on property located in the R-53 Multifamily Residential 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: \$1,200 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: October 12, 2020

CITY COUNCIL PUBLIC HEARING DATE: November 9, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
November 2, 2020

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: David Watson, Senior Planner, Land Use Administration 804-646-1036



Application for SPECIAL USE PERMIT

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

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: 3800 Grove Avenue Date: 7/13/20
Tax Map #: W0001773001 Fee: _____
Total area of affected site in acres: .257

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

Zoning

Current Zoning: R-5 with SUP No. 81-204-199

Existing Use: doctor's office

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
general office and/or personal service

Existing Use: doctor's office

Is this property subject to any previous land use cases?

Yes

No



If Yes, please list the Ordinance Number: SUP No. 81-204-199

Applicant/Contact Person: Keith Whipple

Company: Stockbridge
Mailing Address: 8203 Larcom Lane
City: Richmond State: VA Zip Code: 23229
Telephone: (434) 906-0374 Fax: ()
Email: kwhipple@waterstreetstudio.net

Property Owner: Dallas Lindsey, LLC

If Business Entity, name and title of authorized signer: James Kurtis Fink, Sole 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: 3800 Grove AVE
City: Richmond State: VA Zip Code: 23221
Telephone: () 727-265-0877 Fax: ()
Email: finkj94@yahoo.com

Property Owner Signature:

James Kurtis Fink, Sole Member

7/16/2020 10:53:44 AM EDT

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).



July 14, 2020

Matthew J. Ebinger, AICP
Principal Planner - Land Use Administration
City of Richmond
901 East Broad Street
Richmond, VA 23219

Mr. Ebinger:

Stockbridge Companies is the contract purchaser of property located at 3800 Grove Avenue in the City of Richmond (TMP# W0001773001).

At present, the property is zoned R-5 with a 1981 SUP (Ordinance # 81-204-199) allowing the ~ 1300 square foot brick structure located on the property to be used as a doctor's office. This use has remained in effect until June of 2020. Nine parking spaces currently exist on the property behind the building.

The property is bound by Grove Avenue (south), Reveille St. (west), two (2) single family homes (north) and Hamilton St. (east). Adjacent land uses include R-5 to the north and west, R-53 to the east (Georgetown Condominiums) and RO-1 on the opposite (SE) corner of the intersection where DPU's utility station and VCU Health offices stand.

Our team submits the attached application and this report with request for a text only amendment to the existing SUP for purpose of allowing a broader range of uses that remain sympathetic and additive to the surrounding area and land uses. Specifically, the following list of uses are requested.

- *Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;*
- *Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments.*

Uses above are consistent with the existing doctor's office use and remain complementary to surrounding land uses and character of the intersection. Proposed Uses pose no detriment to the safety, health, morals and general welfare of the community. Proposed uses create no hazards from fire, panic or other dangers and will not adversely affect or interfere with adequacy of light and air, public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences or improvements.



Further, proposed uses will not create congestion in the streets, roads, alleys and other public ways or cause overcrowding of land or undue concentration of population. With nine (9) parking spaces in place, the property provides more than twice the parking required in Sec. 30-710.1 for the uses proposed.

In summary, our request is to revise narrowly defined language in the existing ordinance to allow not just doctors' office but a wider range of office/service uses of similar character and footprint.

Should staff have any questions during the course of review, please do not hesitate to call or email us. We will be happy to accommodate wishes in order to move this application forward and enable the space to be occupied on a forward basis.

Sincerely,

Keith P. Whipple
(t)434.906.0374