



Legislation Details (With Text)

**File #:** ORD. 2021-196    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** Adopted

**File created:** 5/24/2021    **In control:** City Council

**On agenda:** 7/19/2021    **Final action:** 7/26/2021

**Title:** To authorize the special use of the property known as 5605 Grove Avenue for the purpose of an office use, upon certain terms and conditions, and to repeal Ord. Nos. 72-150-157, adopted Jul. 24, 1972, 85-208-197, adopted Aug. 26, 1985, and 2009-200-204, adopted Nov. 9, 2009. (1st District)

**Sponsors:** Mayor Stoney (By Request)

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord. No. 2021-196, 2. Staff Report, 3. Application Form, 4. Applicant's Report, 5. Plans, 6. Survey, 7. Map, 8. Memo Opposition- Glenburnie Civic Association, 9. Opposition Glenburnie Civic Association Board Vote, 10. Opposition Glenburnie Civic Association Membership Vote, 11. Glenburnie Survey, 12. Support- Westhampton Merchants Association, 13. Opposition- Westhampton Citizens Association, 14. Opposition Letters, 15. Support Letters, 16. CPC Presentation 5605 Grove Avenue, 17. Letters of Opposition

| Date      | Ver. | Action By           | Action                   | Result |
|-----------|------|---------------------|--------------------------|--------|
| 7/26/2021 | 1    | City Council        | adopted                  | Pass   |
| 7/19/2021 | 1    | Planning Commission | recommended for approval | Pass   |
| 6/28/2021 | 1    | City Council        | introduced and referred  |        |

To authorize the special use of the property known as 5605 Grove Avenue for the purpose of an office use, upon certain terms and conditions, and to repeal Ord. Nos. 72-150-157, adopted Jul. 24, 1972, 85-208-197, adopted Aug. 26, 1985, and 2009-200-204, adopted Nov. 9, 2009. (1<sup>st</sup> District)

WHEREAS, the owner of the property known as 5605 Grove 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 (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), 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 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 (2020), 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 5605 Grove Avenue and identified as Tax Parcel No. W020-0186/016 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “Topographic Survey for 5605 Grove Avenue, City of Richmond,” prepared by Nyfeler Associates, and dated November 2, 2020, provided as an inset on sheet CV-101 of the

plans entitled “Saunders Office, 5605 Grove Ave., Richmond, VA 23226,” prepared by Kimley Horn, dated January 18, 2021, and last revised April 13, 2021, 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 “Saunders Office, Special Use Permit,” prepared by fultz & singh, dated January 13, 2021, and last revised April 13, 2021, and “Saunders Office, 5605 Grove Ave., Richmond, VA 23226,” prepared by Kimley Horn, dated January 18, 2021, and last revised April 13, 2021, hereinafter collectively referred to 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 as an office use, substantially as shown on the Plans, except that medical offices shall not be permitted.

(b) No more than 30 employees shall be permitted on the Property at any given time.

(c) The height of the Special Use shall be limited to 36 feet, substantially as shown on the Plans.

(d) A minimum of 15 parking spaces shall be provided on the Property, substantially as shown on the Plans.

(e) A minimum of three bike racks shall be provided on the Property, substantially as shown on the Plans.

(f) All building materials and site improvements, including, but not limited to, building finishes,

landscaping, and lighting, shall be substantially as shown on the Plans.

(g) Use of the third story patio shown on sheet A1.02 of the Plans shall be accessory to the office use of the Property.

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

(i) Signs on the Property shall be limited to (i) signs in the general locations identified on sheet A2.00 of the Plans and (ii) signs permitted in all districts, pursuant to section 30-505 of the Code of the City of Richmond (2020), as amended. Signs on the Property visible from any street frontage shall be limited to a total sign area of 20 square feet. Freestanding signs shall not be permitted on the Property.

**§ 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 (2020), 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 (2020), 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 (2020), 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 (2020), 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 building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Repeal of Prior Ordinance.** That Ordinance Nos. 72-150-157, adopted July 24, 1972, 85-208-197, adopted August 26, 1985, and 2009-200-204, adopted November 9, 2009, be and are hereby repealed.

§ 8. **Effective Date.** This ordinance shall be in force and effect upon adoption.

### O & R Request

**DATE:** May 28, 2021

**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:** J.E. Lincoln Saunders, Acting Chief Administrative Officer

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

**FROM:** Kevin J. Vonck, Acting Director, Dept. of Planning and Development Review

**RE:** To authorize the special use of the property known as 5605 Grove Avenue for the purpose of an office use and providing for the repeal of Ord. No. 2009-200-204, adopted November 9, 2009, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To authorize the special use of the property known as 5605 Grove Avenue for the purpose of an office use and providing for the repeal of Ord. No. 2009-200-204, adopted November 9, 2009, upon certain terms and conditions.

**REASON:** The applicant is request to authorize the special use of the property known as 5605 Grove Avenue for the purpose of constructing a new three-story office building with accessory parking. Ord. No. 2009-200-204, which allowed the current building to be used for retail purposes, is requested to be repealed. The property is located in an R-4 Single-Family Residential District, which does not permit the proposed office use. Additionally, feature requirements of the R-4 District, including parking, yards (setbacks) and height are not met for the proposed office building. Therefore, a special use permit is necessary to authorize the proposed office building.

**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 July 19, 2021, meeting.

**BACKGROUND:** The subject property consists of a single parcel of land that has a lot area of 17,380 square feet (0.399 acres) and is improved with a two-story building that was most recently occupied by a retail antique store. The property is located in the Westhampton neighborhood on Grove Avenue between Seneca Road and Granite Avenue.

The subject property is located within the R-4 Single-Family Residential District. The proposed office use is not permitted in the R-4 Single-Family Residential District, and the height, yards (setbacks) and parking for the proposed office building do not meet the requirements of the R-4 Single-Family Residential District.

Richmond 300 recommends a future land use of “Community Mixed-Use” for the property. The development style recommended for Community Mixed-Use is development that generally complements the existing context with continuance or enhancement of the gridded street pattern to increase connectivity. The intensity recommended for Community Mixed-Use is two to six story buildings, based on street widths and depending on the historic context and stepping down in height adjacent to residential areas, as necessary. New buildings that are taller than historic buildings should stepback from the build-to line after matching the height of the predominant cornice line of the block. Ground floor uses should engage and enliven the street, with windows, doors, storefronts and other features that allow transparency and interaction between the building and the street. The primary uses recommended for Community Mixed-Use are retail/office/personal service, multi-family residential, cultural, and open space. Pedestrian, bicycle, and transit access must be prioritized and bike parking should be provided.

The property is also within the Westhampton Neighborhood Node, which is envisions new development on underdeveloped parcels to be in a manner that complements and enhances to existing village-scale feel of the area. The portion of Grove Avenue that this property fronts on is designated as both a “Great Street” and a “Major Mixed-Use Street” on Richmond 300’s “Great Streets and Street Typologies Map.”

Other commercial uses are located along Grove Avenue to the west and north of the subject property. Single family uses are located to the south and east of the subject property.

**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:** \$2,400 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** June 28, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** July 26, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
July 19, 2021

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

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Repeal Ord. No. 2009-200-204

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

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

**STAFF:** Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646-5648

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: