



Legislation Text

File #: ORD. 2019-087, **Version:** 1

To amend and reordain Ord. No. 84-309-31, adopted Feb. 25, 1985, as previously amended by Ord. No. 2001-310-283, adopted Oct. 8, 2001, which authorized a special use of the property known as 5612 Grove Avenue for the purpose of non-medical office use, to authorize personal services and modify parking requirements, upon certain terms and conditions.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 84-309-31, adopted February 25, 1985, as previously amended by Ordinance No. 2001-310-283, adopted October 8, 2001, is hereby amended and reordained as follows:

§ 1. That the [~~real estate,~~] property known as 5612 Grove Avenue, located on the north right of the way line of Grove Avenue at its intersection with Granite Avenue, containing approximately 5,957 square feet of land and identified as Tax Parcel No. W020-0111/003 in the [~~2001~~] 2019 records of the City Assessor, being more completely [~~described as follows: beginning at the point of intersection of the north right-of-way line of Grove Avenue and the east right-of-way line of Granite Avenue; thence extending in an easterly direction of 40.0 feet along the north right-of-way line of Grove Avenue to a point; thence extending in a northerly direction 150.0 feet along a property line to a 20-foot alley; thence extending in a westerly direction 39.0 feet, more or less, along the south right-of-way line of said 20-foot alley to a point; thence extending in a southerly direction 162.0 feet along the east right-of-way line of Granite Avenue to the point of beginning,~~] shown on the survey entitled "Plat Showing the Physical Improvements to W0200111003, 5612 Grove Avenue, Elaine Oakley Revocable Trust," prepared by C. E. Duncan & Associates, Inc., and dated August 20, 2018, a copy of which is attached to and incorporated into this amendatory ordinance, is hereby permitted to be used for the purpose of non-medical office and an interior design studio and for 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; provided that not more than five persons are employed on the property in the conduct of any repair or fabrication activity; that the existing dwelling on the [real estate] property may be converted and adapted and a rear entry and stair addition may be added and constructed for such purpose, said property being as shown on the copy of plans, entitled "Proposed Alteration and Additions to 5612 Grove Avenue," prepared by Robert M. J. Ullman, Architect, dated January 11, 1985, copies of which are attached to Ordinance No. 84-309-31, adopted February 25, 1985, as modified by the plans entitled "Exhibit B (Current Floor Plan - Main Level)," prepared by Pillar & Peacock, and dated December 6, 2018, copies of which are attached to and incorporated into this amendatory ordinance. § 2. That adoption of this ordinance shall constitute the granting of a special use permit for the [real estate] property, which shall be transferable to the successor of successors in 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 to the owner of the [real estate] property a building permit for such purpose(s) on said [real estate] property, subject to the following terms and conditions:

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

(b) That the owner shall be bound by, shall 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;

(c) That no fewer than five parking spaces shall be provided on the site with a shared access aisle with the property located at 5610 Grove Avenue substantially as shown on the plan attached to Ordinance No. 84-309-85-31, adopted February 25, 1985. Implementation of the parking arrangement and access aisle is subject to City Council approving an amendment to the present special use permit at 5610 Grove Avenue. An easement approved as to form by the City Attorney, ensuring continued availability of the access aisle, shall be recorded. The parking shall be screened from view from Granite Avenue and the public alley to the rear by evergreen material in combination with wood fencing not less than four and one-half feet in height[-
Three additional parking spaces shall be provided off the premises by lease agreement and the accordance with the provisions of section 32-710.4 of the Code of the City of Richmond (1993), as amended];

(d) The parking area and access aisles shall be paved with an all-weather, dust-free surface and that parking spaces shall be delineated on the pavement surface;

(e) 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 so as not to be visible from adjacent properties or public right-of-way;

(f) That final grading and drainage plans, if required, shall be approved by the Director of [Community Development] Public Utilities prior to the issuance of building permits;

(g) That 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 and maintained at all times by the owner at its cost and expense so as not to adversely affect or damage adjacent property or public streets and alleys and the use thereof;

(h) That there shall be a maximum of four staff and one receptionist employed on the [premises] property in the conduct of the business;

(i) That the [premises] property shall be used principally for purposes of a non-medical office or

an interior design business and retail sales of items displayed or stocked on the [premises] property shall be incidental thereto. If used as an interior design business, showroom areas shown on the plans attached to Ordinance No. 84-309-85-31, adopted February 25, 1985, shall be devoted principally to the demonstration of design schemes, and only incidentally for the purpose of display of home decorating items and accessories offered for sale at retail. The property may also be used for 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; provided that not more than five persons are employed on the property in the conduct of any repair or fabrication activity;

(j) That identification of the [premises] property shall be limited to signage not exceeding an aggregate of six square feet in area, mounted flat on a vertical surface of the building;

(k) That there shall be no enlargement or exterior alterations to the building except for those which are shown on the plans attached to Ordinance No. 84-309-85-31, adopted February 25, 1985;

(l) That [application for a building permit or certificate of zoning compliance shall be made within twelve (12) months of the effective date of this amendatory ordinance, which building permit shall expire by limitation and become void if construction is not commenced within one hundred and eighty (180) days from the date of the building permit, or if work is suspended or abandoned for a period of one hundred eighty (180) days at any time after the work is commenced, as provided in the applicable provision of the Virginia Uniform Statewide Building Code. Should application for the building permit or certificate of zoning compliance not be made within twelve (12) months from the effective date of this amendatory ordinance or should the permit expire and become null and void after the expiration of a twelve (12) month time period for making application for the permits, the privileges granted by this ordinance shall terminate] 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 365 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of occupancy is not made with the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void, and the use of the property shall be governed by the terms and conditions of Ordinance No. ~~[84-309-85-31]~~ 2001-310-283, adopted October 8, 2001;

§ 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 such terms and conditions, and does not terminate such use or comply with such provisions within sixty (60) 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, unless an application for a special use amendment is filed with the Director of the Department of Community Development, which shall stay the sixty (60) day period]~~ 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 of this ordinance shall constitute a violation of section ~~[32-1080]~~ 30-1080 of the ~~[code]~~ Code of the City of Richmond ~~[(1993)]~~ (2015), as amended, or any other applicable ~~[provisions]~~ laws or regulations.

§ 5. That when the privileges granted by this amendatory 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)]~~ 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.

§ 6. This ~~[amendatory]~~ ordinance shall be in force and effect upon adoption ~~[and Ordinance No. 84-309-85-31, except as modified herein, shall continue to be in force].~~

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

O & R Request

DATE: February 26, 2019

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 amend and reordain Ord. No. 84-309-31, adopted February 25, 1985, last amended by ordinance 2001-310-283, adopted October 8, 2001, which authorized a special use of the real estate, property known as 5612 Grove Avenue, authorizing the inclusion of non-medical office use, to authorize personal services and modify parking requirements, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend and reordain Ord. No. 84-309-31, adopted February 25, 1985, last amended by ordinance 2001-310-283, adopted October 8, 2001, which authorized a special use of the real estate, property known as 5612 Grove Avenue, authorizing the inclusion of non-medical office use, to authorize personal services and modify parking requirements, upon certain terms and conditions.

REASON: The applicant is requesting to amend an existing special use permit that authorized a non-medical office use as a permitted use, to include personal service uses as an addition to the current permitted uses and to modify the parking requirements.

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 April 15, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 5,663 SF or .13 acre parcel of land improved with a 931 SF commercial building constructed, per tax assessment records, in 1920 as a single-family dwelling and is located in the Far West Planning District and is a part of the Westhampton neighborhood.

The City of Richmond's current Far West Planning District Land Use Plan designates a future land use category for the subject property as Office Transitional (OF-TR) Primary uses for this category include "...low-to-medium intensity professional, business and administrative offices, and medical and dental clinics that are

compatible with adjacent residential uses and serve as separation between residential areas and nearby commercial or other higher intensity land uses or features. The scale and intensity of such office uses may vary depending on the density and type of residential uses they are intended to buffer. Typical zoning classifications that may accommodate this land use category: RO-1 and RO-2.” (City of Richmond Master Plan)

Currently, adjacent properties on the 5600 Block of Grove Avenue are of similar sized buildings and uses that were, at one time, considered residential but have transitioned to commercial or personal service uses. Nearby properties are within the same R-4 Single-family Residential zone. The property is adjacent to the transition into the Libbie-Grove Urban Business - Parking Overlay (UB-PO1) 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: March 25, 2019

CITY COUNCIL PUBLIC HEARING DATE: April 22, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, April 15, 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.: Amendment to Ordinance No. 2001-310-283.

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

Key Issues:
Retain on Consent Agenda

Move to Regular Agenda
Refer Back to Committee
Remove from Council Agenda
Strike Withdrawn Continue to: