File #: ORD. 2019-297, **Version:** 3

To amend Ord. No. 2019-014, adopted Feb. 11, 2019, which authorized the special use of the property known as 2919 Griffin Avenue for the purpose of authorizing a single-family detached dwelling, to authorize a subdivision of the property and the construction of an additional single-family detached dwelling on the new parcel, upon certain terms and conditions.

I. That Ordinance No. 2019-014, adopted February 11, 2019, be and is hereby amended and reordained as follows:

WHEREAS, the owner of the property known as 2919 Griffin Avenue, which is situated in a UB Urban Business District and the PE-7 Brookland Park Boulevard/North Avenue Parking Exempt Parking Overlay District, desires to use such property for the purpose of a single-family detached dwelling and to subdivide the property for the construction of an additional single-family detached dwelling on the new parcel, which use, among other things, is not currently allowed by sections 30-433.1 through 30-433.8 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 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 2919 Griffin Avenue and identified as Tax Parcel No. N000-0885/024 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled "Survey & Map of Premises Known as #2919 Griffin Avenue in Richmond, VA," prepared by Robert K. Thomas and Associates, and dated April 29, 1988, a copy of which is attached to and made a part of [~~this ordinance~~] Ordinance No. 2019-014, adopted February 11, 2019, and as shown on a survey entitled "Survey and Plat of The Property Known as #2919 Griffin Avenue in the City of Richmond, VA, Being Parts of Lots 29, 30, 31 & 32, Brookland Park, Block 12," prepared by Edwards, Kretz, Lohr & Associates, PLLC, and dated March 11, 2019, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of [~~a~~] two single-family detached [~~dwelling~~] dwellings and those uses

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allowed by sections 30-412.1 through 30.412.8 of the Code of the City of Richmond (2015), as amended, hereinafter referred to as "the Special Use," substantially as shown on the survey entitled "Survey & Map of Premises Known as #2919 Griffin Avenue in Richmond, VA," prepared by Robert K. Thomas and Associates, and dated April 29, 1988, a copy of which is attached to and made a part of Ordinance No. 2019-014, adopted February 11, 2019; on a plat entitled "Building Permit Plat for The Property Known as #2919 Griffin Avenue in the City of Richmond, VA, Being Parts of Lots 29, 30, 31 & 32, Brookland Park, Block 12," prepared by Edwards, Kretz, Lohr & Associates, PLLC, and dated April 12, 2019, a copy of which is attached to and made a part of this amendatory ordinance; and on the plans entitled "2917 Griffin Avenue," prepared by River Mill Development, and dated March 31, 2019, a copy of which is attached to and made a part of this amendatory ordinance, hereinafter referred to, collectively, as "the Plans[~~,~~]." [~~a copy 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 [~~a~~] two single-family detached [~~dwelling~~] dwellings and those uses allowed by sections 30-412.1 through 30-412.8 of the Code of the City of Richmond (2015), as amended, substantially as shown on the [~~Survey~~] Plans.

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

(c) No off-street parking shall be required for the Special Use.

(d) Elevations and building materials shall be substantially as shown on the Plans.

(e) The height of the single-family detached dwellings shall not exceed the height shown on the Plans.

(f) The subdivision of the Property into two new parcels, substantially as shown on the Plans, shall be completed by obtaining the necessary approvals from the City and recording the appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond prior to the issuance of a certificate of occupancy for the single-family detached dwelling constructed on the new subdivided parcel.

§ 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 [~~Zoning~~ ~~Administrator~~] Commissioner of Buildings is authorized to issue a [~~certificate~~ ~~of~~ ~~zoning~~ ~~compliance~~] 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 [~~certificate~~ ~~of~~ ~~zoning~~ ~~compliance~~] building permit shall be made within 730 calendar days following the date on which this amendatory ordinance becomes effective. If the application for the [~~certificate~~ ~~of~~ ~~zoning~~ ~~compliance~~] 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. **Effective Date.** This ordinance shall be in force and effect upon adoption.

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

O & R Request

DATE: September 13, 2019 **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: Selena Cuffee-Glenn, 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 Ordinance No. 2019-014 authorizing the special use of the property known as 2919 Griffin Avenue that authorized a single-family detached dwelling to also authorize the subdivision of the property and allow a second single-family detached dwelling on the new parcel.

ORD. OR RES. No.

PURPOSE: To amend Ordinance No. 2019-014 authorizing the special use of the property known as 2919 Griffin Avenue that authorized a single-family detached dwelling to also authorize the subdivision of the property and allow a second single-family detached dwelling on the new parcel.

REASON: The property contains a single-family dwelling and was located within the R-6 Single-Family

Attached Residential District until October 12, 2015 when City Council adopted Ordinance No. 2015-200-196 which changed the zoning district to UB-PE7 Urban Business District. Single-family dwellings are not a permitted use in the UB-PE7 district and the existing single-family dwelling became a legally non-conforming use. Ordinance 2019-014 remedied the legally non-conforming status of the property. Since this time, the property sold to a new owner who wishes to subdivide the parcel and build a single-family dwelling on the new parcel. Ordinance 2019-014 must be amended in order to allow these actions.

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 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 a 10,500 SF (.241 acre) parcel of land containing a two-story structure within the UB-PE7 District. It is located in the North Barton Heights Neighborhood within the City's North Planning District near the intersection of Griffin Avenue and W. Brookland Park Boulevard.

The subject property was rezoned from the R-6 Single-Family Attached Residential District to the UB Urban Business District on October 12, 2015. The remaining 25 properties within the block extending south to W. Essex Street remained in the R-6 District. The proposed lot subdivision will create two parcels that each conform to the criteria specified in the zoning ordinance for development in the R-6 Single-Family Attached Residential District. Thus, the proposal is in keeping with the character of the established surrounding residential neighborhood.

The City of Richmond's Master Plan designates the subject property as community commercial. Primary uses include office, retail, personal service and other commercial and service uses. Specifically for the North District, the Master Plan states that "along the western edge of the commercial area, between Griffin and Montrose Avenues, converting existing commercial uses located in single-family structures back to single-family uses would be appropriate. (See page 258, Richmond Master Plan.)

A special use permit authorizing the subdivision of the parcel and the construction of a single-family home will not disallow any future use that is consistent with the UB-PE7 Zoning District.

The properties located to the east, across Griffin Avenue, contain single-family dwellings on properties in the UB-PE7 and R-6 Single-Family Attached Residential zoning districts. Adjacent, to the south, are single-family dwellings in the R-6 Single-Family Attached Residential zoning district. Adjacent to the east is a mixed-use structure on property in the UB-PE7 zoning 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: $200 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: October 14, 2019

CITY COUNCIL PUBLIC HEARING DATE: November 12, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, November 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.: Amendment of Ordinance No. 2019-014

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application From, Applicants Report, Plans, Survey, Map

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

Key Issues:
Retain on Consent Agenda
Move to Regular Agenda
Refer Back to Committee
Remove from Council Agenda
Strike Withdrawn Continue to: