



## Legislation Text

**File #:** ORD. 2020-204, **Version:** 2

To amend and reordain Ord. No. 83-67-66, adopted Apr. 25, 1983, as amended by Ord. No. 95- 244-274, adopted Nov. 13, 1995, which authorized the use of the property known as 5607 Grove Avenue, for the purpose of a dance studio and the use of the existing building for office purposes, to allow exterior façade modifications, upon certain terms and conditions.

### THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 83-67-66, adopted April 25, 1983, as amended by Ordinance No. 95-244-274, adopted November 13, 1995, is hereby amended and reordained as follows:

§ 1. That the [~~real estate, containing 14,969 square feet, more or less,~~] property known as 5607 Grove Avenue[~~, located on the south right of way line of Grove Avenue east of Granite Avenue,~~] and identified as Tax Parcel No. W020-0186/014 in the [~~1995~~] 2020 records of the City

AYES:

NOES:

ABSTAIN:

ADOPTED:

REJECTED:

STRICKEN:

Assessor, [~~being more completely described as follows: beginning at a point on the south right of way line of Grove Avenue, said point being 55.00 feet east of the east right of way line of Granite Avenue; thence fronting 100.00 feet in an easterly direction along the south right of way line of Grove Avenue to a point; thence extending 171.58 feet in a southerly direction along a line parallel to the east right of way line of Granite Avenue to a point; thence extending 95.50 feet in a westerly direction along a line perpendicular to the east right of way line of Granite Avenue to a point, said point being 52.52 feet east of the east right of way line of Granite Avenue; thence extending 141.91 feet in a northerly direction along a line parallel to the east right of way line of Granite Avenue to~~]

~~the point of beginning~~], is hereby permitted to be used for office purposes, said property being as shown on the copy of the plat entitled “ALTA / NSPS Land Title Survey, Survey Showing Improvements on Property Located at 5607 Grove Avenue, City of Richmond, Virginia,” prepared by Bruce Robertson Land Surveying, P.C., dated January 2, 2020, and last revised January 7, 2020, which is attached to and made a part of this amendatory ordinance, and the plat prepared by Foster & Miller, Certified Surveyors, dated August 24, 1976, attached to ordinance No. 83-67-66, adopted April 23, 1983, with accessory parking substantially as shown on the revised copy of such plat dated October 16, 1995, entitled “Additional Parking Plan” with revisions prepared by Charles A. Cohen, M.D., a copy of which is attached [~~hereto~~] and made a part of [~~this amendatory ordinance~~] Ordinance No. 95-244-274, adopted November 13, 1995, as modified by the plans entitled “Proposed Modifications to Building Exterior,” prepared by HG design studio, and dated June 22, 2020, and the Plans entitled “HDCVA Office - 5607 Grove Ave,” prepared by HG design studio, and dated May 1, 2020, hereinafter to together as “the Plans,” copies of which are attached to and made a part of 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 from the owner of the [~~real-estate~~] property to the successor or successors in fee simple 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 the owner of the said [~~real estate~~] property a building permit in accordance with the above-referenced plans and drawings for such [~~purpose(s)~~] purpose, subject to the following terms and conditions:

(a) Reserved;

(b) That the owner of the property shall be bound by, 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) [The application for a building permit for the conversion of the building for office purposes shall be made within twenty four months from the effective date of this ordinance, which building permit shall expire by limitation and become null and void if construction is not commenced within one hundred eighty days from the date of the building permit, or if construction is suspended or abandoned for a period of one hundred eighty days at any time after the work is commenced, as provided in applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within twenty-four months from the effective date of this ordinance or should the building permit expire and become null and void, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void;

(d) That the use of the property shall be limited to professional, business and administrative offices, medical and dental clinics, ~~[and/or]~~ and studios of writers, designers and artists engaged in the graphic arts;

~~[(e)]~~ (d) That a minimum of eight ~~[(8)]~~ parking spaces shall be provided substantially as shown on the ~~[attached plans]~~ plat entitled “ALTA / NSPS Land Title Survey, Survey Showing Improvements on Property Located at 5607 Grove Avenue, City of Richmond, Virginia,” prepared by Bruce Robertson Land Surveying, P.C., dated January 2, 2020, and last revised January 7, 2020, which is attached to and made a part of this amendatory ordinance. The parking area, access aisles, and alley access to the parking area shall be paved with a dust-free, all weather surface and parking spaces shall be delineated on the pavement surface;

~~[(f)]~~ (e) That facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works and such facilities shall be so located or screened as not to be visible from adjacent properties and public streets;

~~[(g)]~~ (f) [There shall be no exterior alterations or additions to the existing building except for normal repair and maintenance] Reserved;

~~[(h)]~~ (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 buildings shall be provided by the owner at its cost and expense so as not to adversely affect or damage adjacent properties or public streets and the use

thereof;

~~[(+)]~~ (h) All ~~[existing]~~ landscaping, screening and fencing shall be retained and maintained, except as indicated on the ~~[attached]~~ plat attached to Ordinance No. 95-244-274, adopted November 13, 1995, as modified by the plan entitled “HDCVA Office - 5607 Grove Ave,” prepared by HG Design, and dated May 1, 2020, a copy of which is attached to and made a part of this amendatory ordinance, and additional fencing shall be provided as necessary to screen the parking area in accordance with the ~~[attached]~~ plans attached to Ordinance No. 95-244-274, adopted November 13, 1995;

~~[(+)]~~ (i) That identification of the premises shall be limited to one sign, not exceeding six square feet in area, mounted flat on a vertical surface of the building;

~~[(k)]~~ (j) The final grading and drainage plans shall be approved by the Director of ~~[Community Development]~~ Public Utilities prior to the issuance of building permits.

§ 4. 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 all applicable terms and conditions, and does not terminate such use or comply with such terms and conditions within ~~[sixty]~~ 60 days after written notice to do so has been given by the Zoning Administrator, the privileges granted by this ordinance shall terminate and this 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]~~ Planning and Development Review, which shall stay the ~~[sixty day]~~ 60-day period. Failure to comply with the terms of this ordinance shall constitute a violation of ~~[\$32-1080]~~ section 30-1080 of the Code of the City of Richmond~~[-1993]~~ (2015), as amended, or other applicable ~~[provision]~~ provisions of the Code of the City of Richmond (2015), as amended.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when the use of the ~~[premises]~~ property is abandoned for a period of ~~[twenty-four consecutive]~~ 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. 83-67-66, except as modified herein shall continue in force].

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

### **O & R Request**

**DATE:** June 29, 2020

**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:** 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 Ord. No. 1995-244-274, adopted November 13, 1995, which authorized the use of property known as 5607 Grove Avenue, for the purpose of allowing exterior façade modifications, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To amend Ord. No. 1995-244-274, adopted November 13, 1995, which authorized the use of property known as 5607 Grove Avenue, for the purpose of allowing exterior façade modifications, upon certain terms and conditions.

**REASON:** The SUP authorized by Ord. No.1995-244-274 authorized an office use in the R-4 Single-Family Residential District. Section 3(g) of the ordinance limits states that “there shall be no exterior alterations or additions to the existing building except for normal repair and maintenance.” The amendment request seeks to remove line item Section 3(g) from Ord. No.1995-244-274.

**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 September 8, 2020, meeting.

**BACKGROUND:** The 14,399 square foot (0.331 acre) property is located in the R-4 Single-Family Residential district. The subject property is governed by Special Use Permit Ordinance 95-244-274 which was an amendment o Ordinance No. 83-67-66. As amended, the Special Use Permit allows office uses on the property upon certain terms and conditions. Among these conditions was a condition stating that exterior modifications shall not be permitted. The applicant wishes to install a total of six new windows on two elevations of the building where currently no

windows exist. The placement of four of these windows will necessitate modifications of the approved landscape plan. A proposed new landscape plan has been provided.

The City of Richmond's Master Plan designates the subject property for Transitional Office uses. Primary uses are 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.

Across Grove Avenue, to the north, are professional offices on properties located in the R-4 Single-Family Residential District. The adjacent properties to the east and west also contain professional offices on property located in the R-4 Single-Family Residential Districts. The professional offices are enabled by Special Use Permits for each property. Adjacent to the south is a single-family dwelling on property located in the R-4 Single-Family 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:** July 27, 2020

**CITY COUNCIL PUBLIC HEARING DATE:** September 14, 2020

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, September 8, 2020

**AFFECTED AGENCIES:** Office of Chief Administration 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, 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: