



Legislation Text

File #: ORD. 2020-270, **Version:** 1

To authorize the special use of the properties known as 509 Libbie Avenue and 511 Libbie Avenue for the purpose of up to 14 single-family attached dwellings, upon certain terms and conditions.

WHEREAS, the owner of the properties known as 509 Libbie Avenue and 511 Libbie Avenue, which are situated in a R-4 Single-Family Residential District, desires to use such properties for the purpose of up to 14 single-family attached dwellings, which use, among other things, is not currently allowed by section 30-408.1 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 (2019), 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 properties known as 509 Libbie Avenue and 511 Libbie Avenue and identified as Tax Parcel Nos. W020-0113/014 and W020-0113/015, respectively, in the 2020 records of the City Assessor, being more particularly shown on a survey entitled "509 & 511 Libbie Avenue, City of Richmond, VA," prepared by Nyfeler Associates, and dated February 27, 2018, 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 up to 14 single-family attached dwellings, substantially as shown on the plans entitled "509 & 511 Libbie Avenue, Preliminary Subdivision Layout," prepared by Eagle, and dated November 30, 2020, and "Libbie Conceptual," prepared by Eagle, and dated June 1, 2020, hereinafter referred to, collectively, 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 up to 14 single-family attached dwellings, substantially as

shown on the Plans.

- (b) No fewer than 30 on-site parking spaces shall be provided on the Property within garages.
- (c) All mechanical equipment, including HVAC units, serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- (d) The height of the Special Use shall not exceed the height on the Plans. For purposes of this ordinance, height means the vertical distance from the finished floor elevations of the ground floor (i) to the highest point of a flat roof, (ii) to the deck line or highest point of the coping of a mansard roof, or (iii) to the mean height level between the eaves and the ridge of a gable, hip, shed, or gambrel roof.
- (e) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans. At the Owner's request, the Director of Planning and Development Review may approve building materials, elevations, or site improvements that are not shown on the Plans but that are otherwise consistent with this ordinance and the Code of the City of Richmond (2015), as amended.
- (f) Signs pertaining to the Special Use shall comply with the zoning regulations prescribed for the district in which the Property is then situated.
- (g) Building setbacks on the Property shall be as shown on the Plans.
- (h) Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of up to 14 residential lots, substantially as shown on the Plans, shall be accomplished by obtaining subdivision approval from the City and by recording the appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.

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

O & R Request

DATE: November 16, 2020

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: 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 authorize the special use of the properties known as 509 and 511 Libbie
Avenue for fourteen single-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the properties known as 509 and 511 Libbie Avenue for fourteen single-family attached dwellings, upon certain terms and conditions.

REASON: The applicant wishes to construct 14 single-family attached dwellings on two, combined parcels which would not meet current R-4 zoning requirements for permitted principal uses, lot areas and widths, front yards, side yards, and rear yards. A Special Use Permit is therefore 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 January 4, 2021 meeting.

BACKGROUND: The two subject properties together consist of a total of 30,000 SF or approximately .7 acres of land improved with residential units constructed, per tax assessment records, in 1925 and 1947 and are located in the Westhampton neighborhood of the Far West Planning District.

The City of Richmond's current Master Plan, and Patterson-Libbie-Grove Amendment, designates this property as Mixed-Use. Primary uses include combinations of office, retail, personal service, general commercial and service uses and, in some cases, multi-family residential and dwelling units above ground floor commercial. Generally, such areas consist of a mix of several types of uses, designed and arranged to be compatible with one another. Each type of use could function independently, but all benefit from proximity to one another. The mix of uses and predominant land use character may vary considerably by location, and are described in each case in the text of the District Plans.

Typical zoning classifications that may accommodate this land use category: B-5, UB, UB-2, B-6, and B-7. The density of the project, if approved, would be 20 units per acre. The current zoning for this property is R 4 Residential (Single Family) as are much of the adjacent and nearby properties.

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: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: December 14, 2020

CITY COUNCIL PUBLIC HEARING DATE: January 11, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, January 4, 2021

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.: None

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: