

INTRODUCED: July 23, 2018

AN ORDINANCE No. 2018-214

To authorize the special use of the property known as 3400 Stony Point Road for the purpose of limited special events, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 10 2018 AT 6 P.M.

WHEREAS, the owner of the property known as 3400 Stony Point Road, which is situated in a R-2 Single-Family Residential District, desires to use such property for the purpose of limited special events, which use, among other things, is not currently allowed by section 30-404.1 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 (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

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: SEPT 10 2018 REJECTED: _____ STRICKEN: _____

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 3400 Stony Point Road and identified as Tax Parcel Nos. C001-0757/024 in the 2018 records of the City Assessor, being more particularly shown on the plans entitled “Sabot at Stony Point, City of Richmond, Virginia,” prepared by Timmons Group, and undated, 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 limited special events, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Sabot at Stony Point, City of Richmond, Virginia,” prepared by Timmons Group, and undated, hereinafter referred to as “the Plans,” a copy of which is 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 special events, including receptions for weddings or other occasions and for civic and community events, substantially as shown on the Plans. The special events may but need not be events related to the operations or functions of the school use of the Property.

(b) No more than 12 special events shall take place on the Property within a 365-day period.

- (c) No special event shall involve more than 250 attendees.
- (d) Special events shall only take place on Friday through Sunday.
- (e) No special event shall extend beyond 10:00 p.m. No personnel associated with the special event shall work on the Property beyond 11:00 p.m.
- (f) Parking for special events shall be provided 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 (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 is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance 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.

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

City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.richmondgov.com

Item Request

File Number: PRE.2018.271

O & R REQUEST

4-7947

JUN 27 2018

OFFICE OF CITY ATTORNEY

O & R Request

Office of the
Chief Administrative Officer

DATE: June 27, 2018

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request) *LS 7/16/18*
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer *SCG*

THROUGH: Peter L. Downey, Jr., Deputy Chief Administrative Officer for Economic Development and Planning *PLD 6-27-18*

FROM: Mark A. Olinger, Director, Dept. of Planning and Development Review *MAO*

RE: To authorize the special use of the property known as 3400 Stony Point Road for the purpose of limited special events, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 3400 Stony Point Road for the purpose of limited special events, upon certain terms and conditions.

REASON: The applicant, Sabot at Stony Point School, has requested a special use permit to allow up to 12 special events on the property which are unrelated to the existing school use. This use is not permitted by the underlying zoning, 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 September 4, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 28 acre parcel of land improved with the campus of the Sabot at Stony Point School. It is located in the Stony Point neighborhood of the Huguenot Planning District. The proposed special events would be limited in number and hours of operation by the special use permit and would be limited to a specific area of the property identified on the plans.

The City of Richmond's Master Plan recommends institutional land use for the subject property. Primary uses for this category include institutional uses, such as places of worship, private schools, universities, museums, hospitals, and other care facilities. The property is currently zoned R-2 Single-Family Residential. Surrounding properties are located in the same R-2 Single-Family District. Properties to the east, north, and west are within the Stony Point Community Unit Plan. A mix of vacant, open space (Larus Park), single- and multifamily residential, commercial (Stony Point Fashion Park) and office uses are located in the vicinity 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: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: July 23, 2018

CITY COUNCIL PUBLIC HEARING DATE: September 10, 2018

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, September 4, 2018

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, Map

STAFF: Matthew Ebinger, Principal Planner, Land Use Administration 804-646-6308



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

Project Name/Location

Property Address: 3400 STONY POINT ROAD, RICHMOND VA ²³²³⁵ Date: 5/9/18

Tax Map #: _____ Fee: 1900

Total area of affected site in acres: 1

RECEIVED

MAY 18 2018

LAND USE ADMINISTRATION

(See page 6 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-2 Single family residential

Existing Use: R-2 Single family residential

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Existing Use: would like to use facility to continue hosting events for the public, limited to weekends

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: CHRISTINE WEBB

Company: SABOT AT STONY POINT

Mailing Address: 3400 STONY POINT ROAD

City: RICHMOND

State: VA

Zip Code: 23235

Telephone: (804) 272-1341

Fax: _____

Email: CWEBB@SABOTATSTONYPOINT.ORG

Property Owner: SABOT AT STONY POINT

If Business Entity, name and title of authorized signee: CHRISTINE WEBB, DIRECTOR OF FINANCE + OPERATIONS

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest)

Mailing Address: SAME AS ABOVE

City: _____

State: _____

Zip Code: _____

Telephone: _____

Fax: _____

Email: _____

Property Owner Signature: [Signature]

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

Background:

Sabot at Stony Point is a preschool – 8th grade independent school located on the former estate of the Larus family in the Bon Air neighborhood of Richmond, just south of the James River. Sabot at Stony Point's main building is a tudor-style residence designed by Baskerville and constructed in 1926. The adjoining historic garden was designed by Charles Gillette, prominent landscape architect of the early 1900s. The garden is surrounded by a tall brick wall, at some parts over 14' high.

Current Use:

Currently, the property primarily functions as an educational home for 200 students. The children use the garden daily for outdoor play and experiences. Additionally, the garden is the perfect setting for outdoor events and has been home to school-wide functions and events, small garden concerts hosted by the school, and other events.

On weekends, we have enjoyed the opportunity to share our historic campus with the larger Richmond community to host weddings and other events. Our Gillette Garden has been available to the public to lease under the following circumstances.

- Up to 4 hours after 4 p.m. on Friday for pre-event rehearsal and tent setup
- Up to 8 hours of access to the venue on Saturday
- Up to 4 hours before 2 p.m. on Sunday for tent removal

The property is leased to host between 6 and 12 outdoor, private events per year. Tent permitting allowances that we became aware of in 2018 limit our patrons to 4 tents per year.

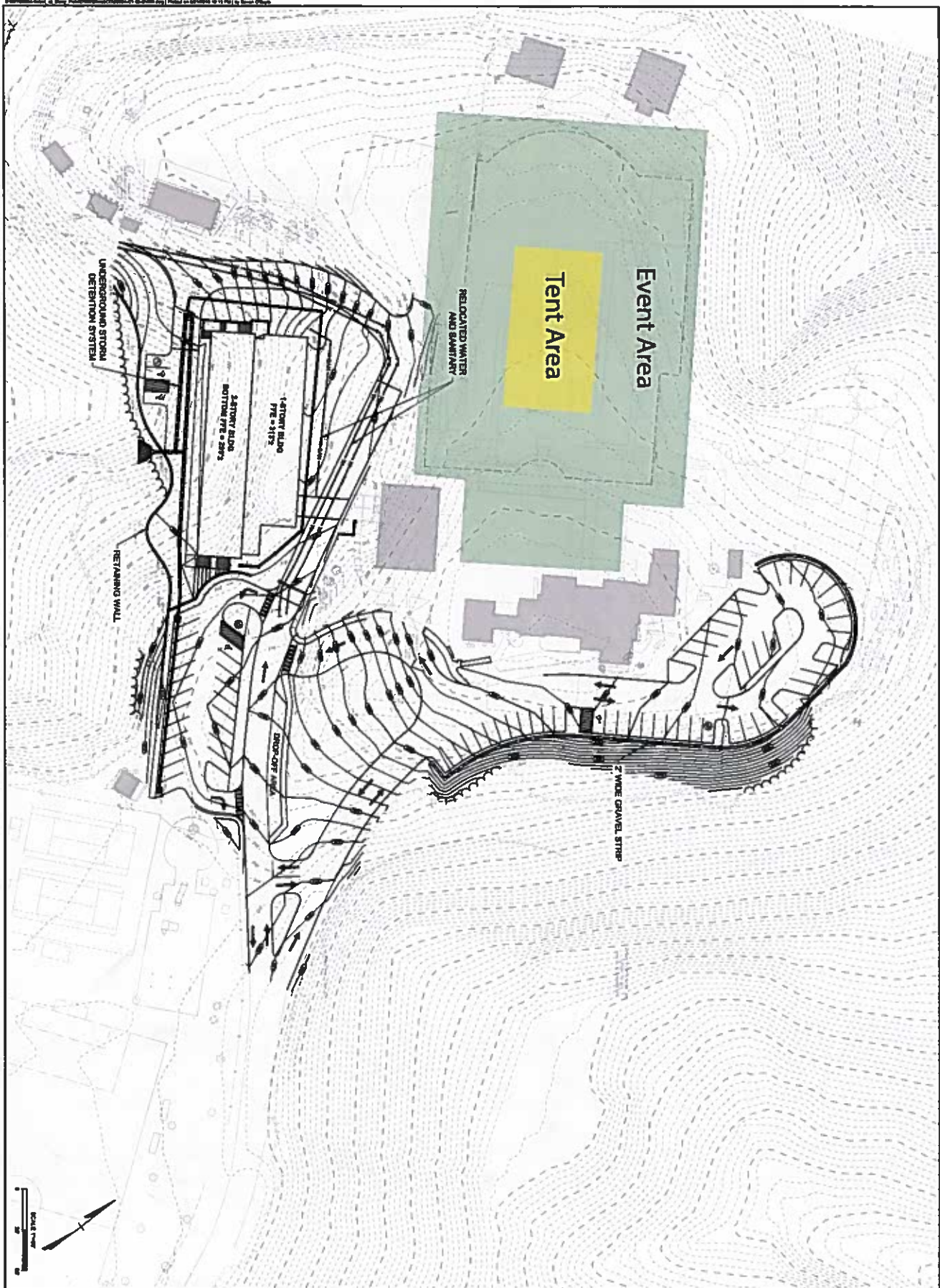
Proposed Use:

Sabot at Stony Point is seeking a special use permit to continue making our property available to the public to host private, tented functions in excess of 4 per year but limited to no more than 12 per year. This will not change the number of events on the property.

All private functions will continue to abide by the following guidelines:

- **Tents:** Tents may be constructed within the walled Garden. When installing a tent or other structure, the vendor will acquire all required permits.
 - Installation will occur after 4:00 p.m. on Friday and be completed by 9:00 p.m.
 - Removal will occur between 9:00 a.m. and 2:00 p.m. on Sunday
- **Noise:** Noise will be kept at a reasonable level and comply with City of Richmond ordinances. All music, including any amplified music, will cease at 10:00 p.m.
- **Parking:** All vendors and visitors will park within the gates of the school property.
- **Smoking:** Sabot at Stony Point is a smoke-free campus. There will be no trace of tobacco products left on the campus following the event.
- **Equipment Rental:** The school will maintain a list of preferred vendors for the rental of tents, linens, tables, chairs, etc. Lessees must use a vendor on the preferred list.
- **Alcohol:** Alcohol is permitted by permit only. Event attendees must be 21 years of age to consume or possess alcohol. All necessary licenses will be obtained and copies provided to the school.
- **Restoration of Property/Clean-up:** Lessee is responsible for restoring the property at the completion of the event. All spaces must be returned to their original condition.

- **Insurance:** Lessee must provide a Certificate of Liability Insurance. The Insurance certificate must explicitly state at least \$1,000,000 Bodily Injury and Property Damage Liability Limits; \$1,000,000 Host Liquor Liability; and name Sabot at Stony Point as additional insured for any claim or claims resulting from or growing out of the Lessee's event.



TIMMONS GROUP

YOUR VISION ADVISED THROUGH US.

THIS DRAWING FORWAS AT THE
 SHARPCORP OFFICE
 11402 Sunrise Center Blvd, Richmond, VA 23235
 TEL 804.478.1120 FAX 804.794.3242 www.sharpcorp.com

SABOT AT STONY POINT CITY OF RICHMOND, VIRGINIA OVERALL SITE PLAN

NO. 17
 SHEET
 1 OF 1

DATE	REVISION DESCRIPTION

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