

INTRODUCED: May 27, 2014

AN ORDINANCE No. 2014-133-128

To authorize the special use of the property known as 3126 N Street for the purpose of a parking area, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 14, 2014 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the property known as 3126 N Street and identified as Tax Parcel No. E000-0725/021 in the 2014 records of the City Assessor, being more particularly shown on the plat entitled “Off Street Parking for 31st Street Baptist Church, 823 N. 31st Street, Richmond, Virginia,” prepared by A.L. Womack and Associates Architects, dated March 22, 1984, and revised April 20, 1984, and May 11, 1984, a copy of which is attached to and made a part of this ordinance, is hereby permitted to be used for the purpose of an accessory parking area for off - premises use, substantially as shown on the plan entitled “Off Street Parking for 31st Street Baptist Church, 823 N. 31st Street, Richmond, Virginia,” prepared by A.L. Womack and

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUL 14 2014 REJECTED: _____ STRICKEN: _____

Associates Architects, dated March 22, 1984, and revised April 20, 1984, and May 11, 1984, a copy of which is attached to and made a part of this ordinance.

§ 2. That the adoption of this ordinance shall constitute the granting of a special use permit for the property, which shall be transferable from the owner of the property to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and which shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of the property a certificate of zoning compliance substantially in accordance with the plans referred to above for the aforementioned purpose, subject to the following terms and conditions:

(a) The owner of the property shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the property, except as otherwise provided in this ordinance.

(b) An application for a certificate of zoning compliance for the use described in subsection (e) of this section shall be made within twenty-four (24) months from the effective date of this ordinance. Should application for the certificate of zoning compliance not be made within twenty-four (24) months after the effective date of this ordinance, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

(c) 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 subject property have been paid.

(d) 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 adjacent property or public streets and the use thereof.

(e) A parking area shall be permitted as a principal use on the property.

(f) In all other respects, the use of the property shall be in accordance with the applicable underlying zoning regulations.

§ 4. That the privileges granted by this ordinance may under certain circumstances be revoked. Upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit pursuant to the provisions of sections 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), as amended, if (a) the property owner does not abate the violation within thirty (30) days of the issuance of the notice or (b) three (3) notices of violation are issued to the property owner within any twelve (12) month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 114-1080 of the Code of the City of Richmond (2004), as amended, or any other applicable laws or regulations.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void, use of the property shall be governed thereafter by the zoning regulations prescribed for the district in which the property is then situated.

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



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

RECEIVED
APR 30 2014

O&R REQUEST

OFFICE OF CITY ATTORNEY

EDITION O & R REQUEST

DATE: April 8, 2014

TO: The Honorable Members of City Council

APR 14 2014

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor)
Chief Administration Office
City of Richmond

THROUGH: Byron C. Marshall, Chief Administrative Officer

THROUGH: Peter H. Chapman, Deputy Chief Administrative Officer for Economic
Development and Planning

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

SUBJECT: Special use permit for 3126 N Street for a parking area as a principal use.

ORD. OR RES. No. _____

PURPOSE: To authorize the use of the property known as 3126 N Street for a parking area,
upon certain terms and conditions.

REASON: The subject property is located in the R-6 Single-Family Attached Residential zoning
district, which only allows parking areas as an accessory use serving principal permitted uses.
The parking area currently serves a church use that is located on the adjacent property. The
applicant would like the parking area to serve a proposed school located across the intersection
from the subject parking area. The parking area serving a use not located on the subject
property constitutes the parking area as a principal use, which is not permitted in the R-6 zoning
district. Therefore, the applicant has requested a special use permit.

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 May 19,
2014, meeting. A letter outlining the Commission's recommendation will be forwarded to City
Council following that meeting.

BACKGROUND: The subject property is a 26,582 square foot corner lot, which is situated on
the northeast side of the intersection of N and North 31st Streets. Situated on the property is 71
space parking area that currently serves the Thirty First Street Baptist Church. The applicant
proposes to provide parking for adjacent proposed school located across the intersection at
3015 N Street.

The existing R-6 district requires a parking ratio of 3 parking spaces per classroom for a school
use. The proposed school at 3015 N Street proposes 5 classrooms and therefore will require a
total of 15 parking spaces. The proposed special use permit would allow for those 15 parking
spaces to be located at 3126 N Street.

201404010

To the north of the subject property is the Thirty First Street Baptist Church. To the east and west are single family dwellings, and to the south a vacant funeral home.

The City of Richmond's Master Plan designates the subject property at the intersection of N and North 31st Streets for Single Family Medium Density Area. The Plan describes the Single Family Medium Density Area as "primary uses are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Include residential support uses such as schools, places of worship, neighborhood parks and recreational facilities, and limited public and semi-public uses." (Page 133)

FISCAL IMPACT: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 12, 2014

CITY COUNCIL PUBLIC HEARING DATE: June 9, 2014

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission,
June 2, 2014

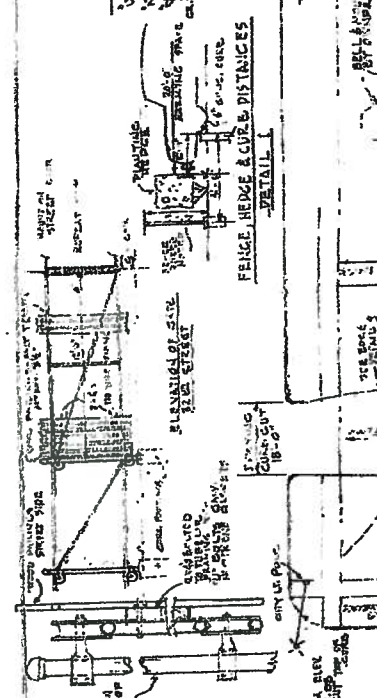
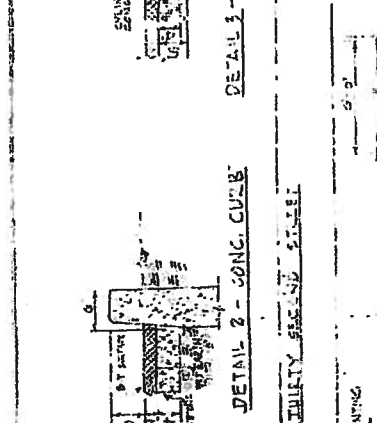
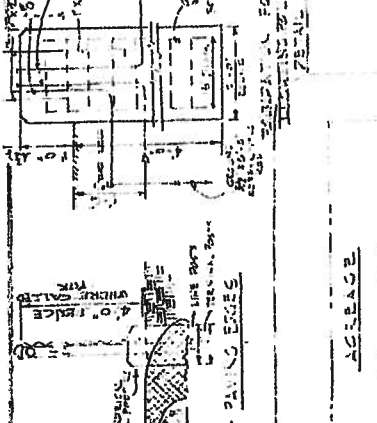
AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Report, Draft Ordinance, Survey

STAFF: Leigh V. Kelley, Planner I
Land Use Administration (Room 511)
646-6384

PDR O&R No. 14-14



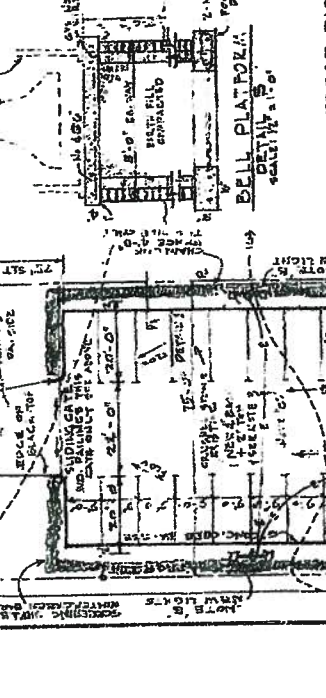
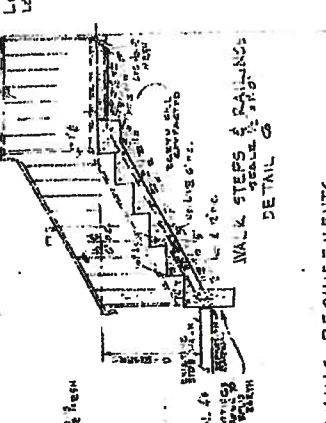
GENERAL NOTES

1. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
3. ALL MATERIALS SHALL BE OF THE BEST QUALITY AND SHALL BE SUBJECT TO INSPECTION AND TESTING.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
9. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND UTILITIES.

ACREAGE

LOT ON SIDE OF CHURCH = 28850 SQ FT
 LOT AT REAR OF CHURCH = 33712 SQ FT

TOTAL = 62562 SQ FT
 1.43 ACRES

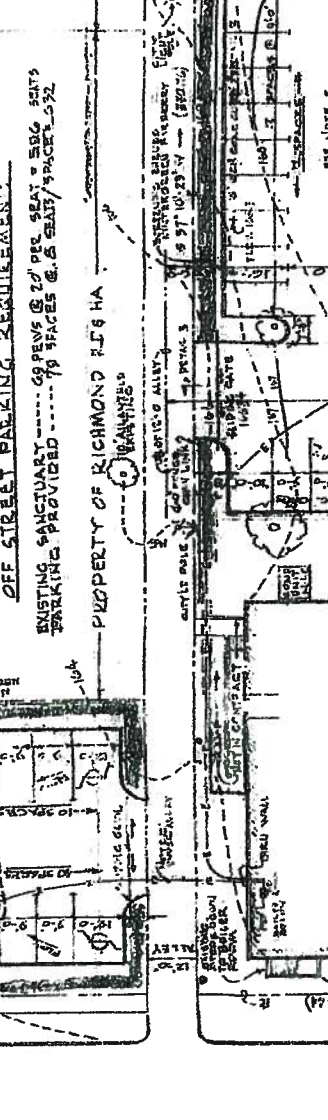


OFF STREET PARKING REQUIREMENTS

EXISTING PARQUETRY ----- 69 SEATS @ 20' PER SEAT = 1380 SQUARE FEET
 EXISTING PARQUETRY ----- 19 SPACES @ 6'6" SEAT/SPACE = 1254 SQUARE FEET

PROPERTY OF RICHMOND #18 HA

WARRANTIES



INSTRUCTIONS TO CONTRACTOR

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

2. ALL MATERIALS SHALL BE OF THE BEST QUALITY AND SHALL BE SUBJECT TO INSPECTION AND TESTING.

3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

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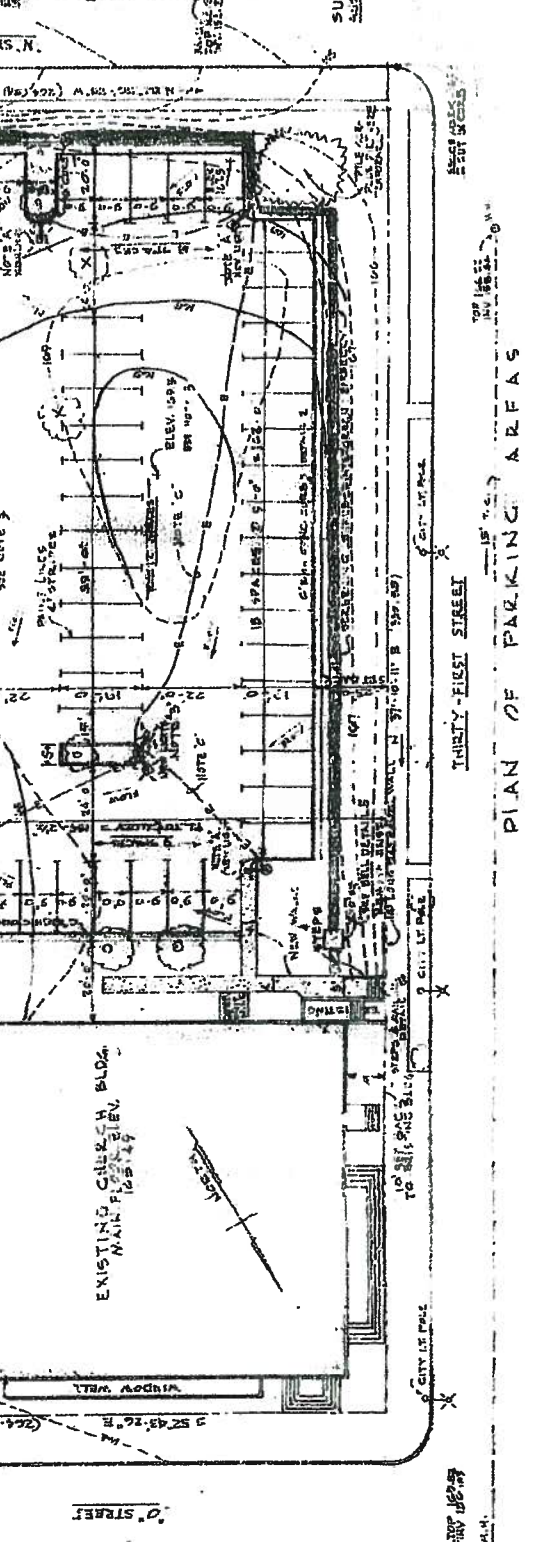
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Application for SPECIAL USE PERMIT

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

Project Name: Church Hill Academy Date: 4/8/14

Property Address: 3126 N 31ST ST. Tax Map #: E00000725021

Fee: Already Paid/amending application Total area of affected site in acres: 0.61
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-6-Residential (Single Family Attached)

Proposed Use

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

Existing Use: 400 - Place of Worship

Is this property subject to any previous land use cases?

- Yes
- No

If Yes, please list the Ordinance Number:

Applicant/Contact Person: Chris Whiting

Company: Church Hill Activities and Tutoring

Mailing Address: 601 N 31ST ST.

City: Richmond State: VA Zip Code: 23223

Telephone: (804) 239-5818 Fax: ()

Email: Chris.whiting@chatr Richmond.org

Property Owner: 31ST Street Baptist church

If Business Entity, name and title of authorized signee:

Mailing Address: 823 N. 31ST Street

City: Richmond State: VA Zip Code: 23223

Telephone: (804) 226-0150 Fax: (804) 236-1068

Email: info@31shc.org

Property Owner Signature: Chris B. [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)

Memorandum of Understanding

This memorandum of understanding is made on this January 23rd, 2014 by and between Church Hill Activities and Tutoring (CHAT), a 501c3 nonprofit whose mission is to equip and serve the youth of Church Hill to make transformative decisions , of 601 N 31st Street and Thirty-First Street Baptist Church, of 823 N 31st Street.

Purpose

The purpose of this memorandum is to provide the framework for an agreement between Thirty-First Street Baptist Church and CHAT. CHAT recently purchased the Scott Lightfoot Funeral Home located at 3021 N Street. CHAT is planning to renovate it and utilize it for administrative space, a preschool that we will be moving from an alternative location, and general use for the community. The city would like for CHAT to tear out the green space to build a parking lot as part of the renovation plans. Parking on this block has not been an issue in the past and we believe a parking lot is unnecessary. CHAT would like to keep this green space, utilizing it for urban gardening and community events. Tearing up this space for a parking lot would inhibit CHAT from engaging in these beneficial activities. The City of Richmond zoning office has stated that they would be willing to forego the plans for a parking lot if we could get a written agreement with Thirty-First Street Baptist Church to utilize parking in their lots adjacent to our property.

Obligations of the Partners

CHAT's need is to utilize 15 parking spots in the Thirty-First Street Baptist Church parking lot between Monday and Friday for a period of one year. We anticipate that the large majority of our parking needs will actually be accommodated by the ample street parking around the building. However, we are in need of access to these additional spaces in order to move forward with the City of Richmond zoning office to waive the need for CHAT to build a parking lot on the empty lots behind 3021 N Street.

Contact Information

Church Hill Activities and Tutoring
601 N 31st Street
Richmond, VA 23223
804-236-4964

Percy Strickland, Founder & CEO
percy@chatrichmond.org

Chris Whiting, Operations Director
chris.whiting@chatrichmond.org

Church Hill Activities and Tutoring (CHAT)
601 N 31st Street
Richmond, VA 23223
804-236-4964

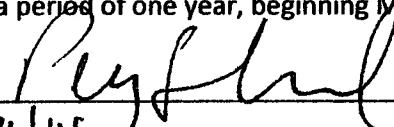
Thirty-First Street Baptist Church
823 N 31st Street
Richmond, VA 23223

Lease Agreement

Thirty-First Street Baptist Church agrees to provide Church Hill Activities and Tutoring with 15 parking spots in its church parking lot across the street from CHAT's property located at 3021 N Street. These parking spaces would be available for CHAT to use if additional parking is needed to between Monday and Friday for a period of one year, beginning March 1st 2014.

CHAT Officer

Date



Thirty-First Street Baptist Church Officer

Date



Church Hill Activities And Tutoring

Opening Homes, Transforming Lives, Rebuilding Communities

January 24, 2014

Church Hill Activities and Tutoring
601 N 31st Street
Richmond, VA 23223
Chris Whiting, Operations Director

To whom it may concern,

CHAT is applying for a Special Use Permit for our property located at 3021 & 3017 N Street. CHAT is a non-profit organization that equips and serves the youth of Church Hill. Our programs include the After School program, a private high school Church Hill Academy, Tiny Tykes pre-school, Summer Day Camp, and entrepreneurship programs, serving youth in grades PK – 12th grade. We have been serving the youth of Church Hill for the past 12 years. We are incredibly excited about utilizing the property at 3021 & 3017 N St to serve even more of our community's youth. We plan to use this space for our entrepreneurship, Tiny Tykes pre-school, and After School program along with general administrative space.

The current property standard is asking CHAT to tear out the green space on this property to build a parking lot. We are submitting this SUP to keep the space as is and utilize the street parking along with additional spaces at Thirty-First Street Baptist Church. CHAT hopes to keep the green space as is and utilize it for our urban gardening program along with hosting community events. 95% of CHAT's staff reside in Church Hill and many staff bike or walk to work, making the need for additional parking even less significant. Please consider approving the SUP for CHAT's 3021 N Street Property so that they can utilize that space for the betterment of the Church Hill community. We have spoken with our neighbors surrounding this property along with our City Council Representative, Cynthia Newbille, and Senior Pastor at Thirty-First Street Baptist Church, Dr. Morris Henderson, who are all in support of us keeping the property as is.

Sincerely,



Chris Whiting

Director of Operations

601 North 31st Street
Richmond, VA 23223

(804) 236-4964
info@chatrichmond.org
www.chatrichmond.org



CHAT

Church Hill Activities And Tutoring

Opening Homes, Transforming Lives, Rebuilding Communities

To City Council, Zoning and to whom it may concern:

CHAT is applying for a SUP for the 3021 N Street Property. We are all neighbors to this property and are excited to see this project come to fruition. CHAT is a non-profit organization that equips and serves the youth of Church Hill. It has been an incredible asset to the neighborhood for the past 12 years, and we look forward to see CHAT use this space to serve even more of our community's youth. The current standard will force CHAT to tear out the green space on their property and build a parking lot. The SUP would allow them to keep that space as it is. CHAT has a high commitment to being good ecological stewards in this community through urban gardening, and to being good neighbors by hosting community events on this space. To tear up a large portion of green space would inhibit CHAT from engaging in these beneficial activities. With ample street parking on the property, along with the existence of a parking lot across the street, forcing CHAT to build a parking lot would be an incredible waste. 95% of CHAT's staff reside in Church Hill. Many staff bike or walk to work, making the parking lot even less significant. Please consider approving the SUP for CHAT's 3021 N Street Property so that they can utilize that space for the betterment of our community.

Sincerely,

Name	Address
Markell Jones	703 N. 31st Rich. 23223
Mary Cousins	804 N. 31st, Rich. 23223
Karl Jackson	805 N 30th St, Rich. 23223
Glenn Harrison	806 N. 31st Richmond 23223
Heidi Salama	705 North 30th Street
Arthur P. Hanes	705 North 30th Street
Brian D. Hanes	705 North 30th Street
DeVal J. Baker	705 North 30th Street
Jessie M. Hill	707 N. 30th St. 23223
Keera Brest	701 N. 30th St. 23223
Steven Dales	705 N. 31st. 23223
Roxanne Kaurama	705 N. 31st. 23223
Gary Dales	705 N. 31st 23223
Julian O. North	3100 'N' Street

601 North 31st Street
Richmond, VA 23223

(804) 236-4964
info@chatrichmond.org
www.chatrichmond.org



CHAT

To whom it may concern,

My name is Daniel Komline, I live at 601 N 31st St, just down the block from CHAT's 3021 N Street property. From what I understand, the current zoning laws require CHAT to put a parking lot on the property. While I understand the rationale behind this requirement, I really think that in this case it isn't necessary.

Parking on this block is never a problem. On the block of N St between 30th and 31st, there are no residences. There is rarely a car parked on the block, but it could easily accommodate 20 to 30 vehicles. Parking on my block where there are homes is never a problem. I've never had to park more than 50 feet from my door. It just isn't an issue. 31st St Baptist Church is also located directly across the street from the 3021 N St property, which offers ample parking. With the exception of Sundays, the lot is hardly used.

I also appreciate what CHAT does with the green space that they have. The community events that they are able to host on the property that I myself have attended have been really special for this immediate neighborhood as well as the youth of Church Hill. Having the green space allowed them to host the event in a very child friendly way, and parking was never an issue, even with upwards of 200 people in attendance. From what I understand, the youth that CHAT works with are from Church Hill, as well as the vast majority of their staff. They tend to walk or ride bikes to work, making parking a non issue.

A parking lot is an eye soar and an environmental hazard. This block doesn't need another one that won't be used. Please consider granting the special use permit.

Thank you,



Daniel Komline
601 N 31st St
Richmond, VA

Barbara Branch
722 Chimborazo Blvd
Church Hill, VA 23223-7631
Mobile: 703.625.6019

January 14, 2014

To City Council, City Zoning Commission and to whom it may concern:

CHAT has applied for a SUP for the 3017 N Street Property. I am writing in support of this permit request.

First, CHAT, which is a nonprofit that seeks to equip and serve the youth of Church Hill for the last 12 years is an incredible asset in our community. I have no doubt that their use of this new space will lead to the continued flourishing of our entire community. *Note, that I live two blocks from the property.* Also when I moved to the neighborhood in 2008, I met Percy and Angie Strickland who at that time lived in my block. I soon learned that we shared a passion: The children of Church Hill North. I am aware of CHAT's activities of which I am very supportive to include their use of this property.

Second, the current standard will force them to tear out their green space at the 3017 N Street Property to build a 'parking lot'. CHAT has a high commitment to green space, gardening and ecological stewardship of our community. To tear up a large portion of green space will be an incredible waste. There is ample street parking and a parking lot across the street. CHAT serves only youth in Church Hill. Most, if not all of them, can walk to the space. Also, 95 percent of CHAT's staff lives in Church Hill North. Most bike to work or walk just like the youth they serve. This makes the necessity of additional parking even more unnecessary.

To further support CHAT's "green initiative," I refer you to the 2014 January edition of The Richmond Magazine and their article about the grant that CHAT recently received to be used for their gardening and other land use activities.

Please consider approving the SUP for CHAT's N Street Property so that they can utilize that space well.

Sincerely yours,



Barbara Branch

CC: Cynthia Newbille, 7th District Councilwoman
Church Hill Central Civic Association
Church Hill Association

City Council, Zoning, and All other pertinent parties:

Hello, my name is Courtney Harvey, and I am currently a resident of 611 N. 31st Street. It has been brought to my attention that the city is requiring the property affectionately known by the neighborhood as the 'Resurrection House' to convert its green yard space into a parking lot. Personally, I feel that this is an unnecessary requirement because there has never been any problem, on any day of the week, parking along the street, whether it be on my block or the block that this building sits on. Even when I've attended special events at this location in which many people drive and park by the building, there has always been ample parking. Additionally, I feel that the grassy area behind the building has been utilized well by the organization that owns it, and it fosters more of a relaxed, familial and community feel than another slab of concrete never could. All in all, I am a strong proponent of the organization that owns the lot to receive a special use permit to prevent the laying down of a parking lot that we are in no need of.

Thank you,



Courtney A Harvey

611 N. 31st Street

Richmond, VA 23223