

INTRODUCED: September 8, 2014

AN ORDINANCE No. 2014-195-176

To amend Ord. No. 95-185-178, adopted Jul. 10, 1995, which authorized the special use of the property known as 2910 Lamb Avenue, for the construction and occupancy of an accessory building serving the existing funeral home on the adjacent property known as 115 East Brookland Park Boulevard, together with accessory parking, for the purpose of authorizing the expansion of the accessory building, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 13 2014 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 95-185-178, adopted July 10, 1995, is hereby amended as follows:

§ 1. That the [~~real estate,~~] properties known as 115 East Brookland Park Boulevard and 2910 Lamb Avenue, located in the southwest corner of the intersection of Brookland Park Boulevard and Lamb Avenue, identified as Parcel No. [~~N000-895/001~~] N000-0895/001 and [010] N000-0895/010 in the [~~1995~~] 2014 records of the City Assessor, being more particularly described as follows: beginning at the point of intersection of the south right of way line of

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 13 2014 REJECTED: _____ STRICKEN: _____

Brookland Park Boulevard and the west right of way line of Lamb Avenue; thence extending in a southerly direction along the west right of way line of Lamb Avenue 305.00 feet, more or less, to a point; thence extending in a westerly direction along a property line 135.00 feet to a point on the east right of way line of a 15.00 foot wide north-south public alley; thence extending along said alley line 305.00 feet to a point on the south right of way line of East Brookland Park Boulevard; thence extending along said right of way line 135.00 feet to the point of beginning, is hereby permitted to be used for the purpose of the continued operation of a funeral home and the ~~[construction]~~ expansion of an existing accessory building, together with accessory parking, substantially as shown on the site plan, floor plan, and elevation drawings entitled [~~“Garage Outbuilding for Scott's Funeral Home”, dated May 16, 1995, prepared by D.J. Harnsberger & Associates~~] “Layout and Landscape Plan for Scott’s Funeral Home.” prepared by Site Improvement Associates, Inc., and dated August 5, 2014, a copy of which is attached to and made a part of this ordinance.

§ 2. That adoption of this ordinance shall constitute the granting of a special use permit for the ~~[real estate]~~ properties, which shall be transferable from the owner of the real estate 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 to the owner of said ~~[real estate]~~ properties a building permit for the ~~[construction]~~ expansion of the accessory building on the property, and to permit the occupancy of the ~~[property]~~ properties in accordance with the above-referenced plans for such purpose(s), subject to the following terms and conditions:

(a) That the owner of the properties 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;

(b) That application for a building permit shall be made within twenty-four months from the effective date of this amendatory 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 work is commenced, as provided in the 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 amendatory ordinance or should the building permit expire and become null and void, the privileges granted by this ordinance shall terminate and this special use permit shall become null and void.

(c) The use of the main building on the property shall be as a funeral home, and the use of the proposed and existing accessory buildings shall be limited to the storage of vehicles associated with the funeral home use, and supplies and tools related to normal maintenance and upkeep of such vehicles, and lawn and building maintenance materials and equipment used on the premises;

(d) A minimum of thirty-five (35) parking spaces shall be provided, substantially as depicted on the attached plans. Such spaces, maneuvering areas, and access aisles shall be paved with an all-weather dust free surface, and parking spaces shall be delineated on the pavement surface. The parking area shall be screened from Lamb Avenue, substantially as depicted on the attached plans, and screening of the properties to the west shall be provided along the alley

within the [~~R-4~~] R-5 zoned portion of the site, substantially as depicted on the attached plans. The parking area may be expanded within the boundary of the 3 foot to 6 foot screen, on the east side of the property, the north elevation of the proposed garage, the north elevation of the existing outbuilding and the 6 foot opaque wood fence (see attached plans);

(e) There shall be no additions of floor area within the [~~R-4~~] R-5 zoned portion of the [~~property~~] properties;

(f) Identification of the premises shall be in accordance with normal zoning on the [~~B-2 Community~~] UB Urban Business zoned portion of the [~~property~~] properties, and signage located within the bounds of the [~~R-4~~] R-5 zoned portion of the [~~property~~] properties shall be limited to a maximum of three signs, each not to exceed four (4) square feet in area, indicating that the use of the parking area is associated with the use of the funeral home, and limited to use by employees, guests, and clients of such funeral home. Such signs within the [~~R-4~~] R-5 zoned portion of the [~~property~~] properties shall not be illuminated;

(g) That facilities for the collection of refuse shall be in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as to not be visible from adjacent properties and public streets;

(h) That final grading and drainage plans, if required, shall be approved by the Director of [~~Community~~] Planning and Development Review prior to the issuance of building permits; and

(i) That storm or surface water shall not be allowed to accumulate on the land and adequate facilities for drainage of storm or surface water from the land and building shall be provided and maintained at all times by the owner at its cost and expense so as to not adversely affect or damage adjacent property or public streets and alleys and the use thereof.

§ 4. ~~[That should the owner use the premises 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 days after written notice to do so has been given by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the 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 period. Failure to comply with the terms of this ordinance shall constitute a violation of § [32-1080] 114-1080 of the Code of the City of Richmond[, 1993] (2004), as amended, or other applicable provision.] The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), 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 114-1080 of the Code of the City of Richmond (2004), as amended, and all future amendments to such law, 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 or when use of the [~~premises~~] properties is abandoned for a period of twenty-four consecutive months, the use of the [~~real estate~~] properties shall be governed thereafter by the zoning regulations prescribed for the district in which the [~~real estate is~~] properties are then situated.

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

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



City of Richmond

900 East Broad Street
Richmond, VA 23219
www.Richmondgov.com

Item Request
File Number 14-192



OFFICE OF CITY ATTORNEY

O & R REQUEST

AUG 13 2014

Chief Administration Office
City of Richmond

O & R Request

EDITION: 1

DATE: August 12, 2014

TO: The Honorable Members of City Council

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

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 amendment at 2910 Lamb Avenue for an expansion to an accessory building serving the existing funeral home on the adjacent property known as 115 East Brookland Park Boulevard

ORD. OR RES. No. _____

PURPOSE: To amend ordinance 95-185-178, which authorized the special use of the property known as 2910 Lamb Avenue for the purpose of the construction and occupancy of an accessory building serving the existing funeral home on the adjacent property known as 115 East Brookland Park Boulevard, together with accessory parking, to authorize expansion of the accessory building, upon certain terms and conditions.

REASON: The applicant is proposing an addition of approximately 500 square feet to the existing garage, which would provide a fourth garage door. The proposed addition requires an amendment to the existing 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 October 6, 2014 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is currently located partially within the UB Urban Business District and partially within the R-5 Single Family Residential District. The entire parcel was granted a special use permit (Ord. No. 95-185-178) for the purpose of constructing an accessory structure to

serve the existing funeral home. The existing ordinance limits the use of the accessory structure to the storage of vehicles associated with the funeral home use, and supplies and tools related to normal maintenance and upkeep of such vehicles, and lawn and building maintenance materials and equipment used on the premises. The property is currently in compliance with the requirements of the special use permit, including those for landscaping. The application proposes to amend the special use permit for the purposes of expanding the existing garage.

The proposed garage addition of approximately 500 square feet would provide a fourth garage door. The proposed addition would be built to the same height and design of the existing garage and continue the residential-style elevation adjacent to the residential properties to the south. The existing garage serves as additional screening between the activities of the funeral home parking area and the adjacent residential uses and provides security for funeral home vehicles.

The Richmond Master Plan designates this property as Community Commercial. Primary uses for this designation include, "office, personal service and retail uses, intended to provide the daily convenience shopping and service needs of adjacent neighborhood residents. Such uses are typically small scale and low intensity, have limited hours of operation, involve a high percentage of walk-in trade and minimal vehicular traffic, and are especially compatible with adjacent low to medium density residential uses." (p.134).

FISCAL IMPACT: The Department 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: \$1,200 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: September 8, 2014

CITY COUNCIL PUBLIC HEARING DATE: October 13, 2014

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, October 6, 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 Letter, Draft Ordinance, Plans

STAFF: Willy Thompson, Senior Planner;
Land Use Administration (Room 511)
646-5734 DCD O&R No.14-29



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: Scott's Funeral Home Date: 08/28/2013

Property Address: 115 East Brookland Park Boulevard Tax Map #: _____

Fee: _____ Total area of affected site in acres: _____
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: UB-PO5

Existing Use: Funeral Home

Is this property subject to any previous land use cases?

Yes No

If Yes, please list the Ordinance Number:

95-185-178 (copy attached)

Proposed Use

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

Expand existing storage garage located on the site of the existing funeral home.

Special Use Permit already exists

Applicant/Contact Person: Mark Ricketts

Company: Site Improvement Associates, Inc.

Mailing Address: 800 Juniper Crescent, Suite A

City: Chesapeake

State: VA Zip Code: 23320

Telephone: (757) 671-9000

Fax: (757) 671-9288

Email: mricketts@siava.us

Property Owner: Richard A. Lambert Investments, LLC

If Business Entity, name and title of authorized signee: Richard A. Lambert, Sr.

Mailing Address: P. O. Box 6179

City: Richmond

State: VA Zip Code: 23222

Telephone: (804) 321-9095

Fax: (804) 321-1033

Email: rlambert@scottsfuneralhome.com

Property Owner 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)

Applicant's Report
Scott's Funeral Home
115 & 116 East Brookland Park Boulevard
Richmond, VA

In accordance with the requirements of the Special Use Permit Application, an Applicant's Report is required. The information requested in that report is provided below for use and evaluation.

GENERAL

Scott's Funeral Home has been a part of the community since 1910. The current facility located at 115 East Brookland Park Boulevard has been an integral part of the community for over 100 years. In that time, they have expanded on the property where the funeral home operation is currently located on the south side of East Brookland Park Boulevard. In order to better serve the community, Scott's Funeral Home would like to provide a small expansion to one of their existing buildings for storage and construct a new and larger funeral home chapel on property located directly across the street at 116 East Brookland Park Boulevard. The new chapel will provide larger, more modern, and better organized space to benefit the community in times of grief. The interior of the existing main building will also be renovated to better serve the community. The owners of Scott's Funeral Home purchased the property at 116 East Brookland Park Boulevard in anticipation of their growth and expansion to provide more and better service to the community. The time for that expansion has come.

EMPLOYEES

Initially there will be no additional employees required; however, it is anticipated there will be an additional 5 to 10 full and part time jobs created by the expansion. The total number of employees on site at any one time will vary from as few as 2 or 3 during normal office operations when there is no viewing, service, or preparation for service, to 10 to 15 during larger attended viewings and services.

OPERATING HOURS

Although the hours of operation vary depending upon the need for their services, Scott's Funeral Home has regular business hours from 9:00 a.m. to 5:00 p.m. Monday thru Friday. These regular business hours will be maintained when the small addition and new chapel are constructed. Funeral home staff is available 24 hours per day to meet the needs of the community. The funeral home will be staffed as circumstances and the need for their services dictate.

TRAFFIC

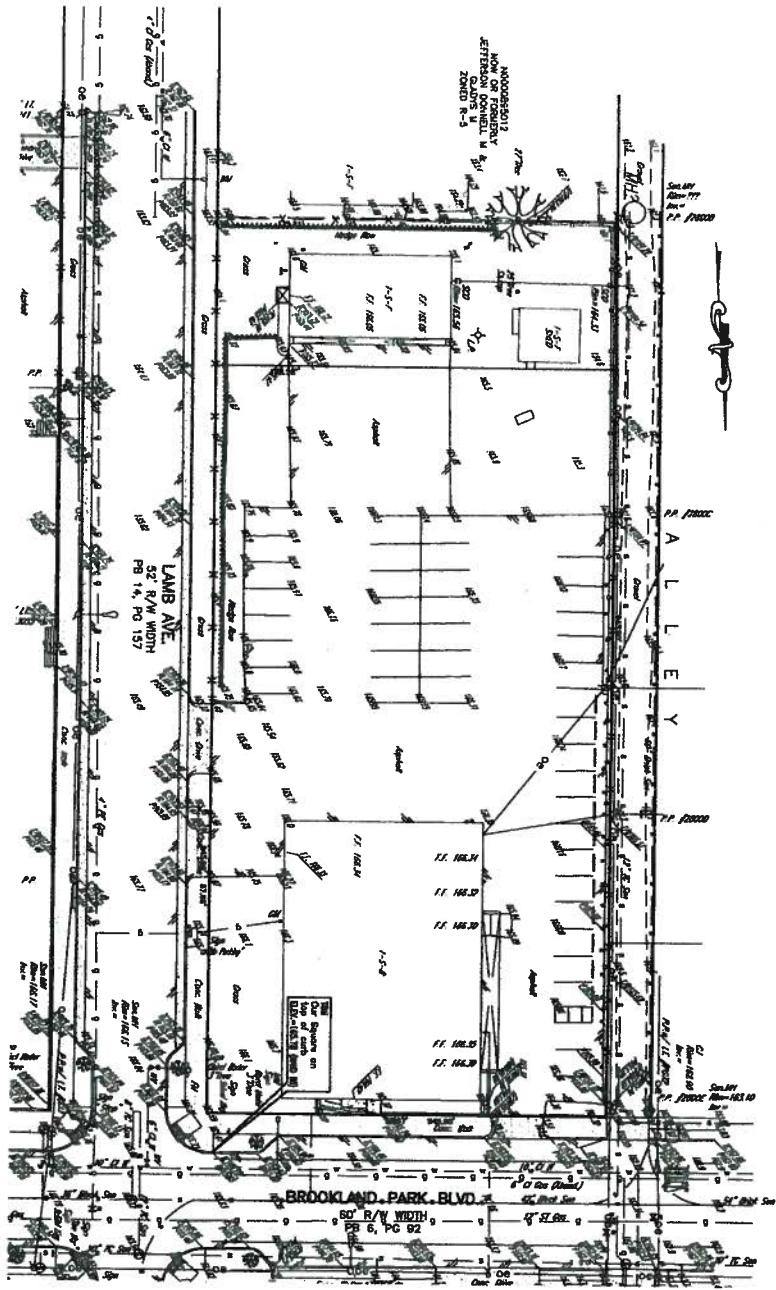
There will be no new traffic generated for the small addition at the existing site since it is principally for storage. The traffic generated by the new chapel will vary depending upon the number and size of viewings and funerals held and coordinated by Scott's Funeral Home. On a regular and on-going basis, most of the traffic generated will be for the office staff and deliveries. The traffic generation will be very light while conducting normal business operations. More traffic will be generated during viewings, services, and processions. The amount of traffic depends upon the number of family and friends attending events. It is difficult to accurately predict attendance and the number of vehicles. The existing streets are adequate to accommodate regular traffic during normal business operation and during small to medium sized events. Staff will direct traffic during large events to ensure smooth and safe traffic flow.

COMPATIBILITY

The existing funeral home has been compatible with, and a good neighbor in, the community for many years. Expanding the current use will not place undue hardship upon the surrounding neighborhood. The new building will be constructed of material that is consistent with the existing buildings in the area and that meet the city's building code requirements. The new site will be landscaped and buffered in accordance with the city's landscape requirements for its use within the surrounding area. Site lighting will be provided, and it will be properly shielded to prevent light spillover into the right-of-way or into the surrounding residential properties.

Additionally, the City Charter specifies certain conditions that must be met before City Council can approve a special use permit. It must be shown that the proposed special use will not:

1. Be detrimental to the safety, health, morals and general welfare of the community involved – Scott's Funeral Home has been an integral part of the existing community and good neighbor for many years. Their current operation has not created any degradation of the safety, morals, or general welfare within the surrounding community and it is not anticipated the new chapel will have any adverse impact on the community. Funeral homes in general, and Scott's Funeral Home, in particular, provide a much needed service within their communities.
2. Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved – The new chapel for Scott's Funeral Home will include off street parking arranged to meet the city's code requirement as well as the overall function and operation of the funeral home. Adequate entry points into the site will be provided as well as properly sized and located exit points. During processions, staff does now, and will continue to, direct traffic in order to provide for the safe and orderly movement of vehicles and pedestrians during viewings and processions.
3. Create hazards from fire, panic or other dangers – The new chapel for Scott's Funeral Home will be constructed in accordance with current building codes that provide protection against fire and accommodate the safe and orderly entry and exit of people. The operation of the funeral home itself will not create any undue fire hazard nor will it create panic or similar dangers within the community at large.
4. Tend to cause overcrowding of land and an undue concentration of population – Although there may be times, during heavily attended viewings, services, or processions, when a large number of people will temporarily visit the new and existing sites. Normal funeral home operations will not generate large crowds. Appropriate staff levels will be maintained to accommodate large crowds when they occur.
5. Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements – The new chapel and storage addition for Scott's Funeral Home will not adversely affect schools, parks, or playgrounds in any way. The impact on water and sewer utilities will be of normal demand levels. Initial and preliminary analysis of the existing systems in the area indicates the existing water and sewer systems will adequately accommodate the proposed expansion. The site will be designed to meet the development ordinances affecting the proposed additions.
6. Interfere with adequate light and air – The operation of the funeral home will comply with environmental standards for such facilities and will not adversely affect the light or air within the community.



THE INFORMATION SHOWN FOR SCOTT'S FUNERAL HOME WAS OBTAINED FROM AN ACTUAL SURVEY OF THE PROPERTY AND/OR FROM AERIAL PHOTOGRAPHS. THE INFORMATION IS NOT GUARANTEED TO BE ACCURATE AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF SITE IMPROVEMENT ASSOCIATES, INC.

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DATE: 10-1-83
SCALE: 1"=20'
SHEET NUMBER: 2 OF 7

EXISTING TOPOGRAPHIC SURVEY
115 EAST BROOKLAND PARK BOULEVARD
FOR
SCOTT'S FUNERAL HOME
RICHMOND, VIRGINIA

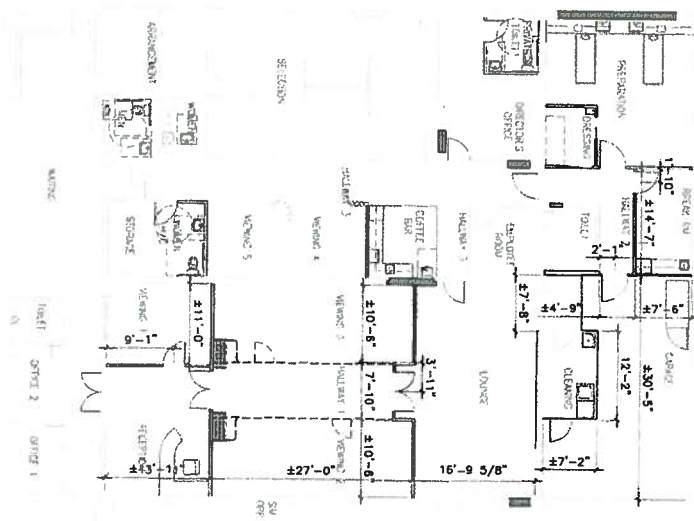
FOR USE WITH
SCOTT'S FUNERAL HOME
ARCHITECTURAL
DRAWINGS & SOON

S I A Site Improvement Associates, Inc.
Civil, Mechanical, Electrical & Site Construction
Where Engineering and Construction Come Together
400 Langford Crossway, Suite A Chesapeake, VA 23026 Office: 757-671-9000 Fax: 757-671-6298

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No.	Date	Description

1/8" = 1'-0" (Scale for permit only)



FUNERAL HOME RENOVATION - NEW WORK PLAN
 SCALE: 1/8"=1'-0"

Exhibit
 for use with
 Special Use Permit
 Application
 Modified
 August 5, 2014



NOT FOR CONSTRUCTION



REVISIONS:

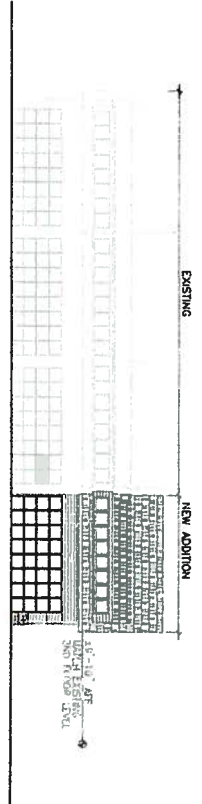
CONSULTANTS:

SCOTT'S FUNERAL HOME
 115 E BROOKLAND PARK BOULEVARD
 RICHMOND, VA
 FUNERAL HOME RENOVATION - NEW WORK PLAN

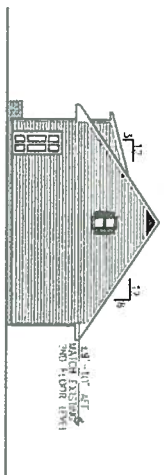
DATE:	04/22/13
DRAWN BY:	DB-234
SCALE:	KT

A-102

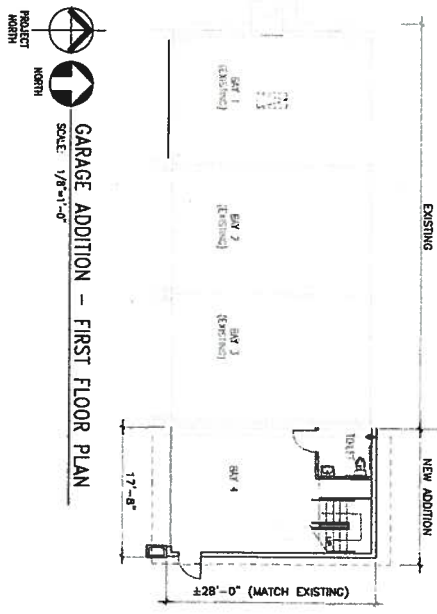
2 OF 3
 100 Brookland Park Boulevard
 Richmond, VA 23220
 Tel: 781-351-4877
 Fax: 781-351-4878



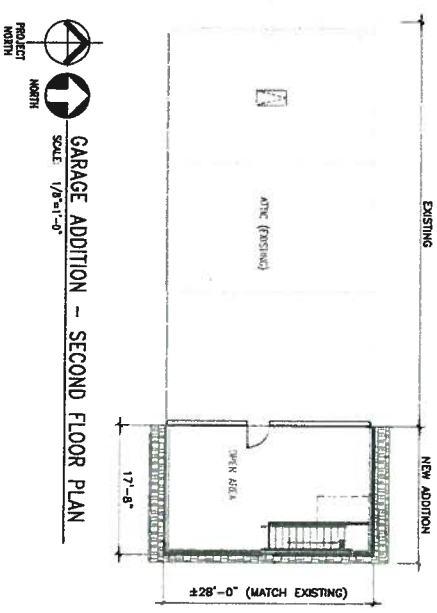
GARAGE ADDITION - NORTH ELEVATION
SCALE: 1/8"=1'-0"



GARAGE ADDITION - WEST ELEVATION
SCALE: 1/8"=1'-0"



GARAGE ADDITION - FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"



GARAGE ADDITION - SECOND FLOOR PLAN
SCALE: 1/8"=1'-0"

Exhibit
for use with
Special Use Permit
Application
Modified
August 5, 2014



NOT FOR CONSTRUCTION

Architectural
Innovations

REVISIONS:

CONSULTANTS:

SCOTT'S FUNERAL HOME
115 E BROOKLAND PARK BOULEVARD
RICHMOND, VA

GARAGE ADDITION - NEW WORK PLANS & ELEVATIONS

DATE: 04/22/13
COMPL NO: GB-234
DRAWN BY: KT

A-103

3 OF 3
100 BROOKLAND PARK BOULEVARD
RICHMOND, VA 23291
PHONE: 804-781-1411
FAX: 804-781-1412
WWW.ArchitecturalInnovations.com