

INTRODUCED: October 12, 2015

AN ORDINANCE No. 2015-227-221

To authorize the special use of the property known as 1712 Bellevue Avenue for the purpose of commercial events as a permitted principal use, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 9 2015 AT 6 P.M.

WHEREAS, the owner of the property known as 1712 Bellevue Avenue, which is situated in a R-53 Multifamily Residential District, desires to use such property for the purpose of commercial events as a permitted principal use, which use, among other things, is not currently allowed by section 114-418.1 of the Code of the City of Richmond (2004), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 9 2015 REJECTED: _____ STRICKEN: _____

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 114-1050.1 of the Code of the City of Richmond (2004), 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 1712 Bellevue Avenue and identified as Tax Parcel No. N017-0228/018 in the 2015 records of the City Assessor, being more particularly shown on a survey entitled “Boundary Survey of 10.464 Acres Located on the North Line of Bellevue Avenue & the East Line of Interstate Route No. 95 (1712 Bellevue Avenue),” prepared by Youngblood, Tyler, & Associates, P.C., and dated March 5, 2015, 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 commercial events, as defined in this ordinance, as a permitted principal use, hereinafter referred to as “the Special Use.”

(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) For purposes of this ordinance, the term “commercial event” means a use of the Property by a person or legal entity other than the Owner where (i) such person or legal entity has provided the Owner with consideration in exchange for the right to engage in such use on the Property and (ii) such use consists primarily of the attendance by individuals invited by such person or legal entity.

(b) The following conditions apply only to commercial events as defined in this ordinance:

(1) The maximum number of persons attending a commercial event on the Property at one time shall be 500.

(2) All music and entertainment shall cease by 12:00 midnight.

(3) Security officers shall be present at any commercial event at which alcoholic beverages are served.

(4) The number of days on which commercial events are held on the Property shall not exceed 52 in any calendar year. Of these 52 days, the number of days allowed for commercial events held outdoors on the Property shall be limited to 24 in a calendar year.

(5) The hours during which commercial events may occur shall be as follows:

a. 9:00 a.m. to 10:00 p.m. on Monday through Thursday.

b. 9:00 a.m. to 12:00 midnight on Friday and Saturday.

c. 10:00 a.m. to 7:00 p.m. on Sunday.

d. Notwithstanding the other provisions of this subdivision (5), commercial events held on December 31 may end no later than 2:00 a.m on January 1.

(6) Any tents shall be removed within 24 hours after the end of the commercial event.

§ 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 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 (2004), 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 114-1220 of the Code of the City of Richmond (2004), 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 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.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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 365 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

Intracity Correspondence

RECEIVED

Ordinance: a2015 - 987

OCT 01 2015

File Number: a2015 - 987

OFFICE OF CITY ATTORNEY

To authorize the special use of the property known as 1712 Bellevue Avenue for the purpose of authorizing an accessory event use as a permitted principal use, upon certain terms and conditions.

O & R Request

4-4162
O & R REQUEST

DATE: September 14, 2015 EDITION: 1

TO: The Honorable Members of City Council

SEP 16 2015

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

Chief Administration Office
City of Richmond

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Interim 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 property known as 1712 Bellevue Avenue for the purpose of authorizing an accessory event use as a permitted principal use, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1712 Bellevue Avenue for the purpose of authorizing an accessory event use as a permitted principal use, upon certain terms and conditions.

REASON: The subject property is owned by ACCA Shrine Temple and has been used as a fraternal lodge/community center operated by the Shriners since 1959. The property is zoned R-53 Multi-family Residential, which permits the existing not-for-profit fraternal community center and its accessory uses. The proposed special events use would not be considered an accessory use, but rather a principal use, and thus requires 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 November 2, 2015, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is located on a parcel 10.45 acres in size and is improved with a 34,023 square foot two-story brick Temple Building, a 6,233 square foot one-story brick Activity Building, and a paved parking lot containing a total of 376 spaces.

The subject property is owned by ACCA Shrine Temple and has been used as a fraternal lodge/community center operated by the Shriners since 1959. The property is zoned R-53 Multi-family Residential, which permits the existing not-for-profit fraternal community center and its accessory uses. The proposed special events use would not be considered an accessory use, but rather a principal use.

The proposed non-Shriners events would include corporate meetings and training sessions, wedding receptions, and large group meetings. The special use permit ordinance would limit the number of attendees on the property at one time to 500 persons. For hours of operation, the ending times Monday through Thursday would be 10:00 p.m.; 12:00 a.m. Friday and Saturday; 7:00 p.m. Sundays; and 2:00 a.m. January 1st. Security officers would be required to be present at any event serving alcoholic beverages and a management plan has been submitted as part of the special use permit.

The Master Plan recommends "Institutional" for this property. "Primary uses include institutional uses, such as places of worship, private schools, universities, museums, hospitals and other care facilities" (p. 135).

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: \$2,400 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: October 12, 2015

CITY COUNCIL PUBLIC HEARING DATE: November 9, 2015

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, November 2, 2015

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

notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

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

STAFF: Willy Thompson, Senior Planner
Land Use Administration (Room 511)
646-5734

DCD O&R No.15-30



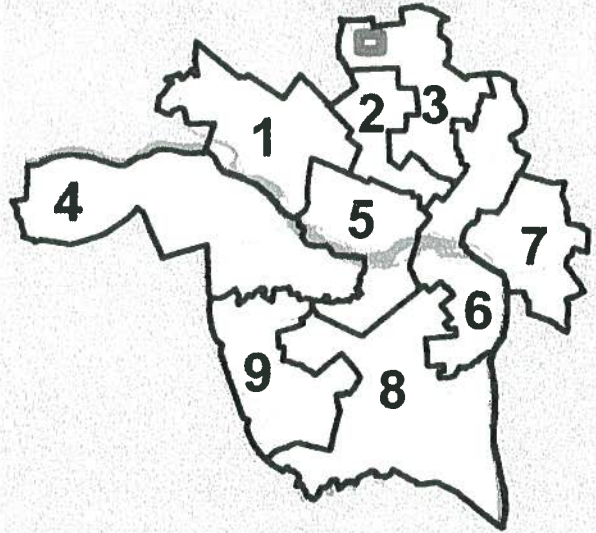
**City of Richmond
Department of Planning
& Development Review**

Special Use Permit

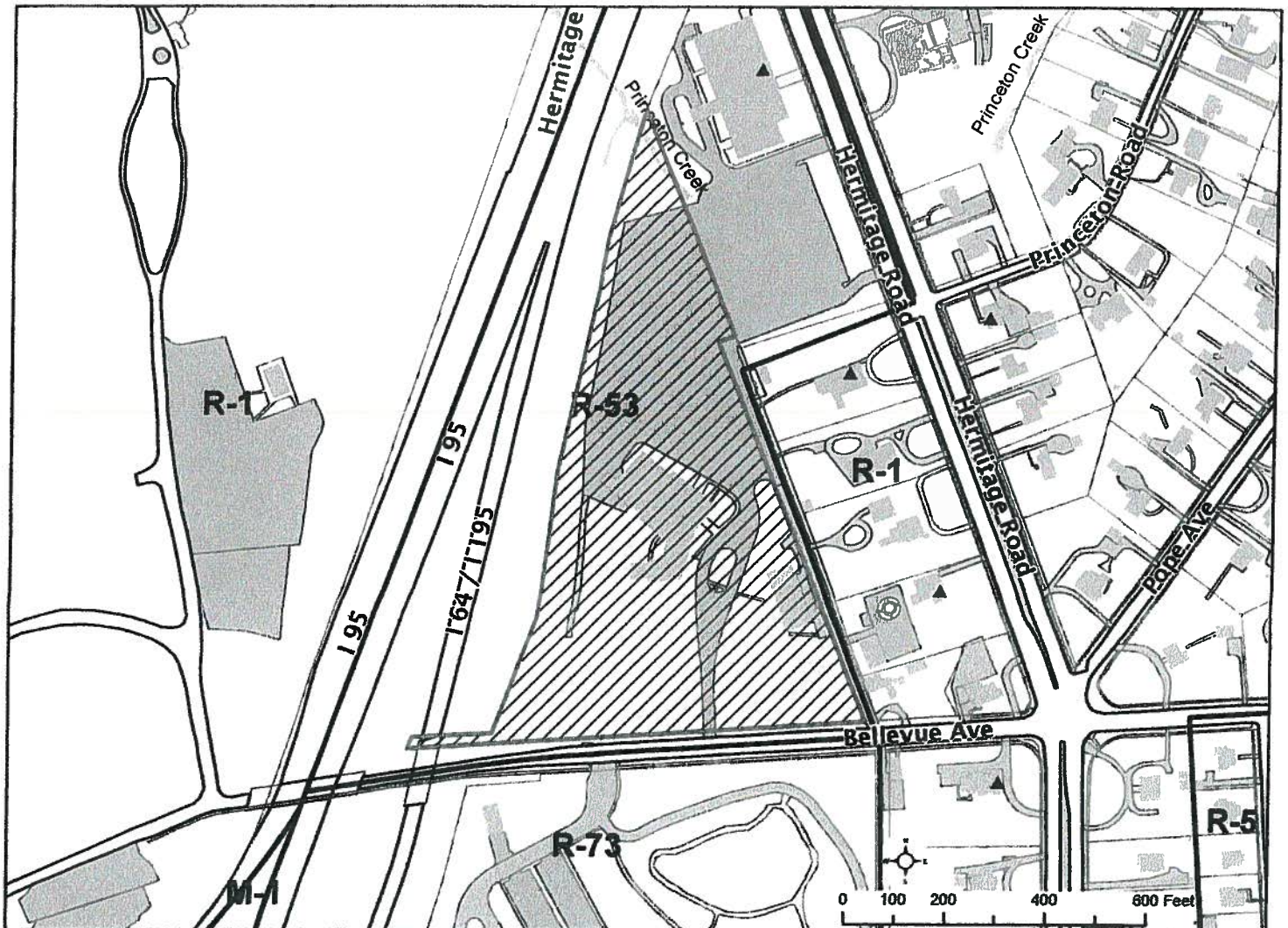
LOCATION: 1712 Bellevue Avenue

COUNCIL DISTRICT: 3

PROPOSAL: To authorize the special use of the property known as 1712 Bellevue Avenue for the purpose of authorizing an accessory event use as a permitted principal use, upon certain terms and conditions.



*For questions, please contact Lory Markham
at 646-6309 or Lory.Markham@richmondgov.com*





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/>

RECEIVED

JUN 17 2015

Application is hereby submitted for: (check one)

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

LAND USE ADMINISTRATION

Project Name/Location

Project Name: ACCA Shrine Temple

Date: 6/5/15

Property Address: 1712 Bellevue Avenue, Richmond, VA 23227

GPIN #

Tax Map #: N017-0228/018

Fee: \$2846.40

Total area of affected site in acres: 10.464 +- Acres

(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-53

Proposed Use

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

Existing Use: Community Center Building

Is this property subject to any previous land use cases?

Yes No

If Yes, please list the Ordinance Number:

Special events venue for non-Shrine use

Applicant/Contact Person: Gloria L. Freye

Company: McGuireWoods LLP

Mailing Address: 901 East Cary Street

City: Richmond

State: VA

Zip Code: 23219

Telephone: (804) 775-1152

Fax: (804) 698-2055

Email: gfreyemcguirewoods.com

Property Owner: ACCA Shrine Temple

If Business Entity, name and title of authorized signee: Benjamin D. Holder, Recorder

(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: 1712 Bellevue Avenue

City: Richmond

State: VA

Zip Code: 23227

Telephone: (804) 264-0509

Fax: ()

Email: recorder@accashriners.com

Property Owner Signature: Benjamin D. Holder

Benjamin D. Holder, Recorder

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)

Special Use Permit
Applicant Report
1712 Bellevue Avenue, Richmond, VA 23227
GPIN # N017-0228/018

RECEIVED

JUN 17 2015

INTRODUCTION

The applicant, the ACCA Shrine Temple ("Shriners") own the 1712 Bellevue Avenue, referred to as GPIN #N017-0228/018 on the City of Richmond's tax map (the "Property"). The Property is zoned R-53 Multi-Family. Since 1959, the Property has been used as a fraternal lodge/community center operated by the Shriners, a not for profit fraternal organization, for its members and charitable fundraising events sponsored by its members.

The Property is bordered by Interstate 95 on the west, by the Scottish Rite Temple on the north (R-53), single family homes on the east (R-1) and a retirement facility (R-73) on the south. The Property is located outside but adjacent to the Hermitage Road Historic District. The Land Use Plan recommends Institutional development.

REQUEST

The Shriners are requesting a Special Use Permit ("SUP") to allow the Property to be rented as a special events venue to non-Shrine members. The R-53 Multi-Family zoning restricts non-Shrine events to four (4) events within 12 months. The Shriners want to establish a reliable source of revenue to fund its charitable and fraternal mission and to maintain the 56 year old Property by renting the facilities for community and private events throughout the year.

BACKGROUND

The Shriners is a fraternity of men dedicated to supporting 22 Shriners Hospitals for Children (the "Hospitals"). The Hospitals provide medical care to children under the age of 18 without regard to their ability to pay. The Hospitals specialize in treating children with spinal cord injuries, cleft lip and palette, birth defects, orthopedic injuries and defects, and life threatening burns. Currently, ACCA Shriners support approximately 400 children from the Richmond Metropolitan Area, traditionally donate between \$150,000 - \$200,000 annually to the Hospitals and spend between \$45,000 - \$70,000 annually transporting children and their families to the Hospitals.

As a 501(c)3 non-profit corporation, the Shriners rely heavily on fundraising events conducted by its members and on generous contributions from corporations and the general public. Funds are used to support the Hospitals, the fraternal activities, and to maintain the facilities. Over the years, the number of ACCA Shriners continues to decline which has severely reduced income from membership dues and the number of people needed to conduct fundraising events. Additionally, the average age of members is in the high sixties and their fixed incomes have also reduced fundraising abilities. The facilities are generally in good condition, but like its members, are aging and maintenance costs continue to increase.

To offset increasing facility costs, the decline in memberships and reduced fundraising activities, the Shriners wish to expand the use of the Property to a special events venue available for non-Shrine member events. Obtaining approval of a special events venue will provide a reliable source of revenue that could forestall the sale of the Property and the potential development of apartments under the current zoning or the development of an institutional use as recommended in the Land Use plan.

EXISTING CONDITIONS

The Property is improved with a 34,023 square foot 2-story brick Temple Building, a 6,223 square foot 1-story brick Activity Building and a paved parking lot containing a total of 376 spaces (364 + 12 HC). The Temple Building contains a ballroom with stage, an assembly room, offices, kitchen and meeting rooms. The Activity Building is finished space with a kitchen, assembly area and bathrooms.

PROPOSED USE

The Property is well suited and equipped to host a variety of events and activities. The Property serves as a transitional use and a good buffer between Interstate 95 and the residences located on Hermitage Road. The Property is easily accessible from Interstate 95 via the Hermitage Road exit. The size of the facilities and the amenities provided along with ample on-site parking offer ideal space for corporate meetings and training sessions, wedding receptions, and large group meetings, for example, the Quality Deer Management Group and special events such as Ducks Unlimited, Maggie Walker School Fundraiser, and the Rotary Club Casino Night.

The Shriners already have policies in place that regulate member functions, which would also apply to any non-Shrine functions. In addition, the Shriners propose the following terms and conditions to govern rentals for non-Shrine functions:

1. **Attendance.** The number of attendees shall be limited as follows:
 - 480 persons in Ballroom
 - 300 persons in Assembly Room
 - 375 persons in Activity CenterThe maximum number of attendees on the Property at one time shall be 500.
2. **Music and Entertainment.** Music and entertainment must cease at 12:00 midnight and the premises vacated by 1:00 a.m. for the Ballroom and Assembly Room. Outside doors and windows from the Ballroom shall remain closed during events. Music and entertainment in the Activity Center must cease at 10:30 p.m. and the building vacated by 11:00 p.m. Music and entertainment at outdoor events shall not be permitted before 10:00 a.m. nor past 30 minutes past Sundown.
3. **Security.** Security officers are required to attend any event serving alcoholic beverages. Security officers shall be on duty one-half hour before the scheduled event and one half hour following the end of the event. A Shrine member shall be present at every event to monitor the enforcement of the rules and regulations, and to assist guests and the security officers.

4. Number of Events. The number of rentals for non-Shriner events shall be limited to 52 in a calendar year. The number of events that may be conducted outdoors whether Shriner or non-Shriner sponsored shall be limited to 24.
5. Hours. The hours of rentals for non-Shriner events shall be from:
9:00 a.m. to 10:00 p.m. Monday – Thursday
9:00 a.m. to 12:00 midnight Friday and Saturday
10:00 a.m. to 7:00 p.m. Sundays
The exception is New Year's Eve events which may end at 2:00 a.m.
6. Tents. Tents shall be removed within 24 hours of the event.
7. Lighting. Light at the property line shall not exceed 0.5 footcandle.

Extending the use of the Property as a limited and restricted special events venue for non-Shriner events is appropriate as the character of the use is consistent with its current use for events by the Shriners. Subject to the proposed conditions, the use would remain compatible and would not have a negative impact on the surrounding area.

FINDINGS OF FACT

The following are factors listed in Section 17.11 of the Charter and Section 114-1050.1 of the Zoning Ordinance to be considered with the review of special use permit applications. The proposed SUP will

- NOT be detrimental to the safety, health, morals and general welfare of the Community.

The proposed special events venue would allow the Property to continue to be used for events and activities similar to those already conducted for Shriner related functions. The extension of these activities to non-Shriner functions will be governed by the same policies as currently applied to Shriner functions. The conduct of those attending non-Shriner events will be held to the same standards as those attending Shriner events.

- NOT tend to create congestion in streets, roads, alleys and other public ways and places in the area.

The Property has ample parking for the number of proposed attendees. There will be no change in access to the Property. The use of the alley will remain unchanged.

- NOT create hazards from fire, panic or other dangers.

The buildings are well equipped and designed for large groups with appropriate emergency exits.

- NOT tend to overcrowding of land and cause an undue concentration of population.

The buildings and adequate parking already exist. No new construction is proposed.

- NOT adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

The above referenced City services will not be adversely affected. The special events venue will not generate any school age children. The utilities and infrastructure are in place and adequate for the proposed use.

- NOT interfere with adequate light and air.

The light and air available to the Property and adjacent properties will not change. No expansion or construction of buildings is proposed.

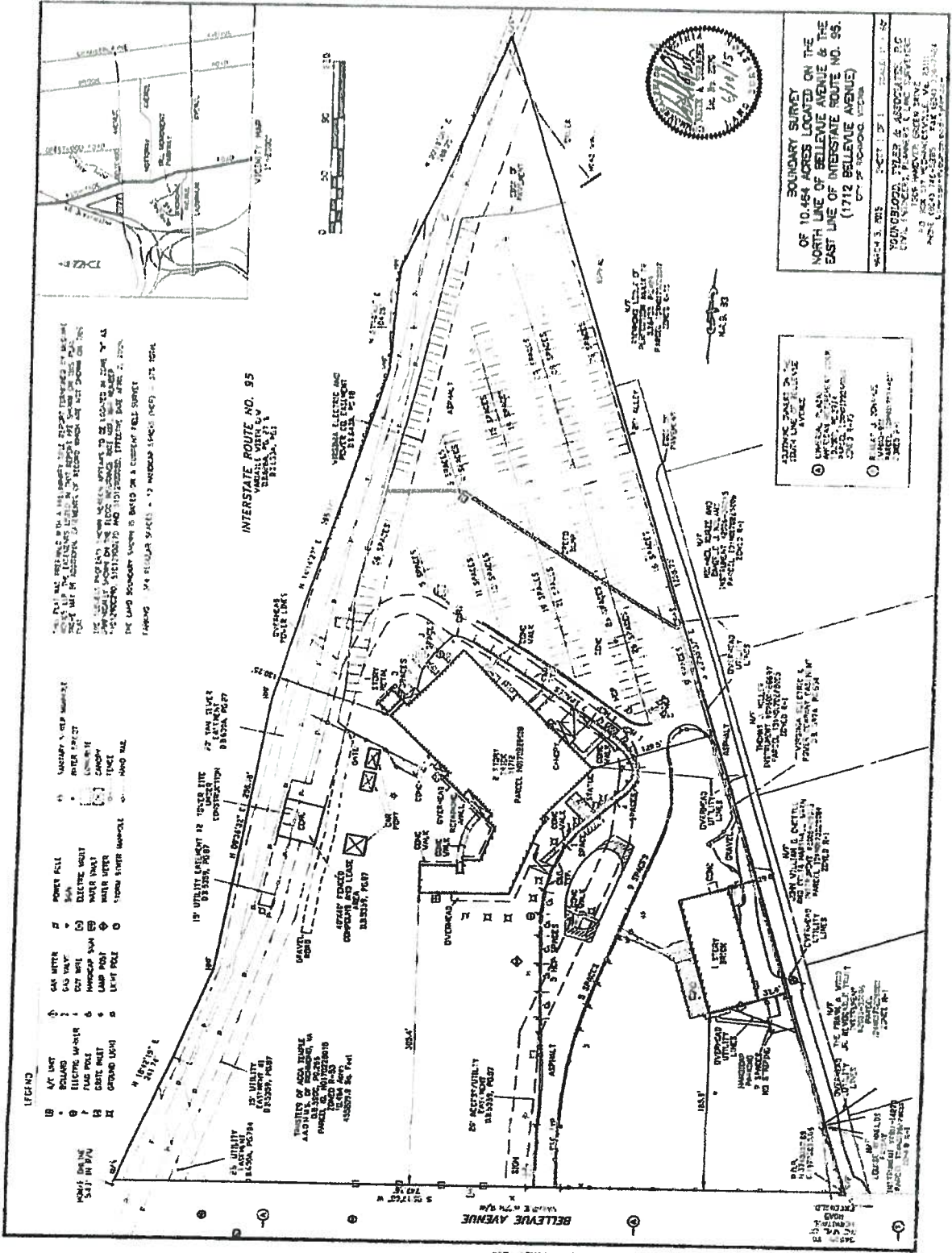
Sincerely,



Gloria L. Freye

GLF/rcm

BEGINNING AT A POINT ON THE NORTH LINE OF BELLEVUE AVENUE; SAID POINT HAVING A N.A.D. 83 SOUTH ZONE COORDINATE VALUE OF N:3740222.69 E:11782673.66; SAID POINT BEING 340.25' WEST OF THE WEST LINE OF HERMITAGE ROAD EXTENDED, THENCE CONTINUING ALONG THE NORTH LINE OF BELLEVUE AVENUE S86°17'08"W, A DISTANCE OF 747.16' TO A POINT; THENCE LEAVING THE NORTH LINE OF BELLEVUE AVENUE AND CONTINUING ALONG THE EAST LINE OF INTERSTATE ROUTE NO. 95 N18°42'19"E, A DISTANCE OF 241.74' TO A POINT; THENCE N06°36'32"E, A DISTANCE OF 286.38' TO A POINT; THENCE N14°14'27"E, A DISTANCE OF 365.17' TO A POINT; THENCE N01°10'43"E, A DISTANCE OF 104.26' TO A POINT; THENCE N20°19'38"E, A DISTANCE OF 269.25' TO A POINT; THENCE LEAVING THE EAST LINE OF INTERSTATE ROUTE NO 95 S20°55'37"E, A DISTANCE OF 1258.75' TO THE POINT AND PLACE OF BEGINNING CONTAINING 10.464 ACRES OF LAND.



RECEIVED
 JUN 17 1955
 LAND USE ADMINISTRATION

J:\PROJECTS\RSU-V&E\PROJECTS\ADMINISTRATIVE\2/31/2015 6:42 PM YRA\F&C