

INTRODUCED: September 9, 2019

AN ORDINANCE No. 2019-260

As Amended

To authorize the special use of the property known as 1836 Park Avenue for the purpose of office space and occasional events, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 14 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 1836 Park Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of office space and occasional events, which uses, among other things, are not currently allowed by section 30-412.1 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: 9 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 12 2019 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 1836 Park Avenue and identified as Tax Parcel No. W000-0861/052 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “ALTA/NSPS Land Title Survey for 1836 Park Ave, Richmond, VA,” prepared by Nyfeler Associates, and dated March 13, 2019, 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 office space and occasional events, hereinafter referred to as “the Special Use,” substantially as shown on the survey entitled “ALTA/NSPS Land Title Survey for 1836 Park Ave, Richmond, VA,” prepared by Nyfeler Associates, and dated March 13, 2019, 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 use of the Property shall be office use, including business, professional, and administrative offices, substantially as shown on the Plans. The Property may also be used for limited special events unrelated to the office use on a non-commercial basis.

(b) No more than 15 employees shall occupy the building in conjunction with the office use of the Property.

(c) The hours of operation for the office use open to the public on the Property shall be limited to 8:00 a.m. to 6:00 p.m., Monday through Friday.

(d) No parking spaces shall be required for the office use of the Property.

(e) No signs shall be permitted for the office use on the Property.

(f) The Property may be used as an event space unrelated to the office use for no more than 12 events per year. Six of these events may host no more than 100 attendees, and the remaining six of these events may host no more than 50 attendees. Each event shall be located within the building. Each event shall end no later than ~~[11:00 p.m., Monday through Friday]~~ 10:00 p.m., Sunday through Wednesday, and no later than 11:00 p.m., Thursday through Saturday. ~~[No event shall occur on Saturday or Sunday.]~~ For each event, the Owner shall provide valet parking service to one or more off-site parking areas. If amplified music is played during an event, the exterior doors of the building shall remain closed except for ingress and egress. No person associated with the event shall perform any functions related to the event on the Property after 11:00 p.m.~~[, Monday through Friday.]~~ For purposes of this subsection, “event” means the occasional hosting of events unrelated to the office use for the benefit of local nonprofit, community, arts, and other cultural organizations.

(g) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 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) The Owner shall make improvements within the right-of-way, including the installation of a street tree along North Meadow Street in a location adjacent to the Property specified by the Director of Public Works which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required

by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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.

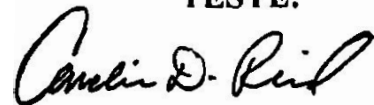
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property 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 within 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.

A TRUE COPY:

TESTE:



City Clerk

City of Richmond

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

Item Request
File Number: PRE.2019.306

O & R REQUEST

RECEIVED

SEP 03 2019

AUG 13 2019
4-9067
Office of the
Chief Administrative Officer

O & R Request

DATE: OFFICE OF THE CITY ATTORNEY
August 13, 2019

EDITION:1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request)
(This is no way reflects a recommendation on behalf of the Mayor)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic
Development and Planning

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

RE: To authorize the special use of the property known as 1836 Park Avenue for the purpose of
an office use, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 1836 Park Avenue for the purpose of an office use, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit which would authorize the use of an existing building, which was previously used for institutional purposes as a church, for office use and occasional special events. These uses are currently not permitted with the R-6 Single-Family Attached District. 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 October 7, 2019 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of an 8,045 SF (.19 acre) parcel of land located in the Fan District neighborhood of the Near West planning district. The property is improved with a building previously used as a church. The applicant proposes to adapt the building for use as an office and event space.

The City of Richmond's current Master Plan designates a future land use category for the subject property as Single-Family Residential at Medium densities. Primary uses for this category "...are single family and two family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi public uses. Typical zoning classifications that may accommodate this land use category: R 5A, R 6 and R 7. (City of Richmond Master Plan, 133)

The current zoning for this property is R-6 (Single-Family Attached Residential). All adjacent properties are located within the same R-6 Residential District.

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: September 9, 2019

CITY COUNCIL PUBLIC HEARING DATE: October 14, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
October 7, 2019

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, Survey, Map

STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734



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: 1836 Park Avenue Date: _____
 Tax Map #: W0000861052 Fee: \$1,800.00
 Total area of affected site in acres: 0.177 Acres

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

Zoning

Current Zoning: R-6

Existing Use: Church

Proposed Use

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

Office Use _____
 Existing Use: Church

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Jill and Andy Stefanovich

Company: c/o Roth Jackson Gibbson Conklin Attn: Jennifer Mullen
 Mailing Address: 11 S. 12th Street, Suite 500
 City: Richmond State: VA Zip Code: 23219
 Telephone: (977-3374) Fax: ()
 Email: jullen@rothjackson.com

Property Owner: Commonwealth Chapel

If Business Entity, name and title of authorized signee: ~~_____~~

(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: 1836 Park Avenue
 City: Richmond State: VA Zip Code: 23220
 Telephone: () Fax: ()
 Email: _____

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)



Jennifer D. Mullen

Richmond Office
(804) 977-3374

jmullen@rothjackson.com

BY HAND DELIVERY
Matthew J. Ebinger, AICP
Planning and Development Review
900 E. Broad St., Room 511
Richmond, VA 23219

April 30, 2019

RE: Special Use Permit: 1836 Park Avenue

Dear Matthew:

This letter shall serve as the Applicant's Report for the accompanying application for a Special Use Permit ("SUP") for the property located at 1836 Park Avenue (the "Property") to authorize use of the Property for office and accessory event space. The Property is located on the northeast corner of Park Avenue and Meadow Street in the Fan District, with office and residential to the north toward Broad Street, Meadow Park to the south, residential to the east and restaurant and residential to the west. The Property is zoned R-6 but has been used as a church without off-street parking. The building is currently used by The Chapel which has expanded its ministry and is looking for a larger space for their services, study groups, and events. The applicant proposes to reuse the building for office space for a small team (up to 15 people) that works with companies and their executive on management and strategic consulting to effect change within their organizations and communities. The building will house regular office use by the team, a small number of clients sporadically coming for meetings, as well as occasional hosting of dinners and early evening events for clients and for the benefit of local nonprofits and community organizations.

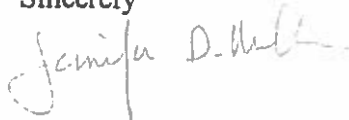
This proposed use is compatible with the surround neighborhood uses, as well as consistent with the Master Plan recommendations to provide accommodation for new and diverse development opportunities where appropriate, while preserving the urban character of an area almost entirely built out. The building itself provides an environment that cultivates the creative and inspirational culture the applicant is trying to drive. The proposed use the requirements set forth in the City Charter that the use will not (i) be detrimental to the safety, health, morals and general welfare of the community involved; (ii) tend to create congestion in the 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 cause overcrowding of land and an undue concentration of population; (v) adversely affect or interfere with public or private schools,

{00868512;v1}

Matthew J. Ebinger, AICP
April 30, 2019
Page 2

parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or (vi) interfere with adequate light and air.

Sincerely

A handwritten signature in cursive script, appearing to read "Jennifer D. Mullen".

Jennifer D. Mullen

Cc: Jill and Andy Stefanovich via email



LEGAL DESCRIPTION
Nyfeler Associates JN 19012
3/13/2019

A parcel of land located in the City of Richmond, Virginia, and shown on plat entitled "ALTA/NSPS LAND TITLE SURVEY FOR 1836 PARK AVE RICHMOND, VA" by Nyfeler Associates, LLC dated 03/13/2019 and more particularly described as follows:

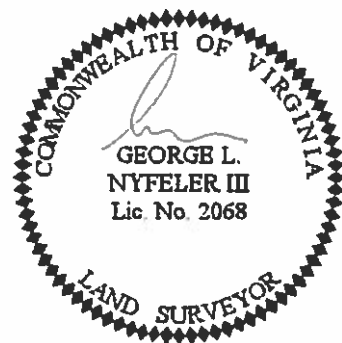
Beginning at a monument, said monument being located at the Northeast corner of the intersection of North Meadow Street and Park Avenue, said monument also being the Point of Beginning;

Thence North $36^{\circ}16'18''$ East, along the eastern line of said North Meadow Street, a distance of 103.51 feet to nail;

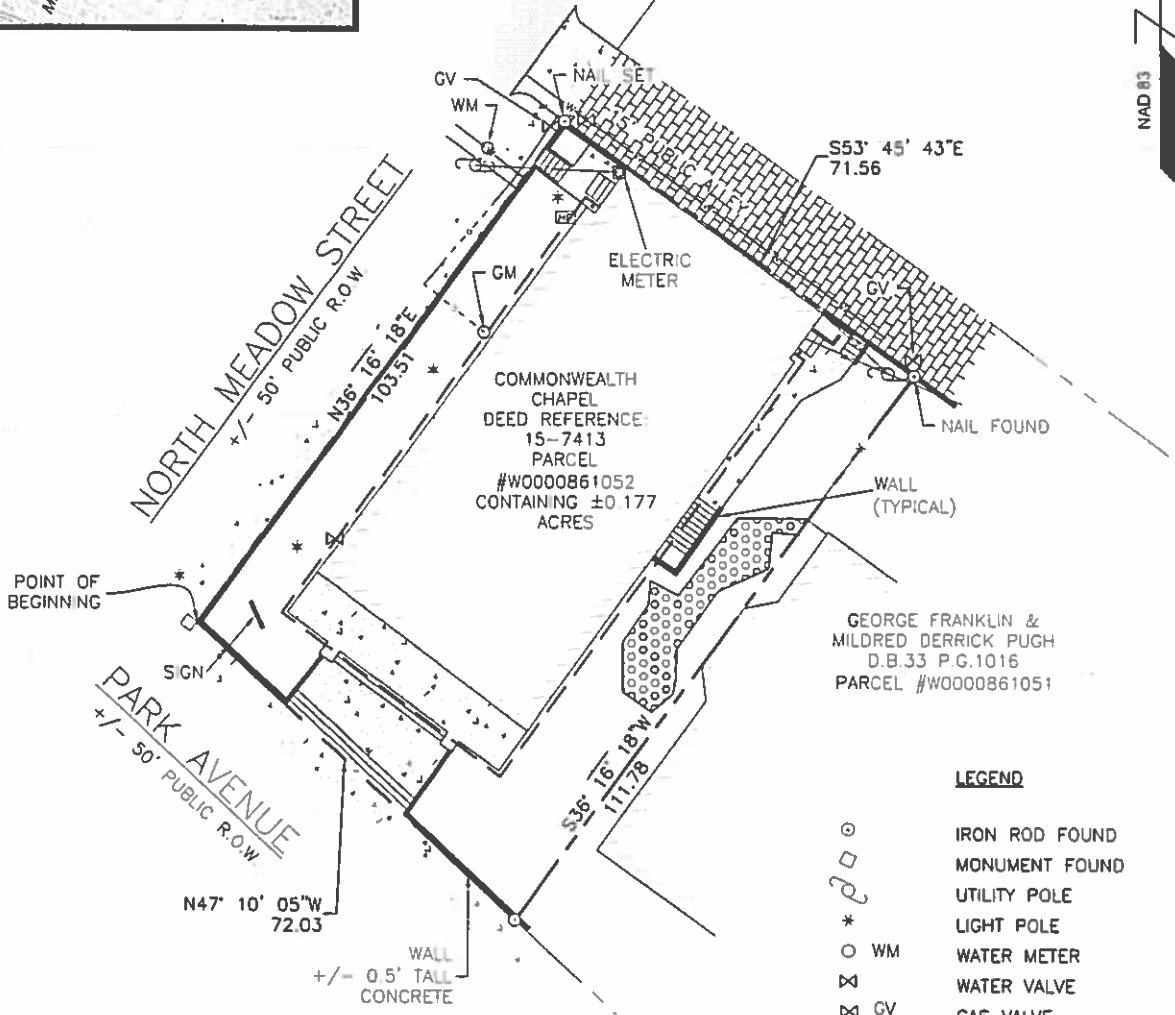
Thence South $53^{\circ}45'43''$ East leaving said eastern line of North Meadow Street and along the southern line of a 15' public alley, a distance of 71.56 feet to a nail;

Thence South $36^{\circ}16'18''$ West, leaving said southern line of a 15' public alley, a distance of 117.78 feet to an iron rod on the northern line of Park Avenue;

Thence North $47^{\circ}10'05''$ West, along said northern line of Park Avenue, a distance of 72.03 feet to the Point of Beginning and containing +/- 0.177 acres.



VICINITY MAP 1" = 2,000'



COMMONWEALTH CHAPEL DEED REFERENCE: 15-7413 PARCEL #W0000861052 CONTAINING ±0.177 ACRES

GEORGE FRANKLIN & MILDRED DERRICK PUGH D.B.33 P.G.1016 PARCEL #W0000861051

LEGEND

- IRON ROD FOUND
- MONUMENT FOUND
- UTILITY POLE
- LIGHT POLE
- WM WATER METER
- GV WATER VALVE
- GV GAS VALVE
- GM GAS METER
- FENCE
- UNGROUND GAS LINE
- OVERHEAD UTILITY LINE
- WATER LINE
- SANITARY SEWER
- PROPERTY LINE
- BUILDING OVERHANG
- BUILDING
- ASPHALT
- CONCRETE
- COBBLESTONE
- SLATE

ALTA CERTIFICATION

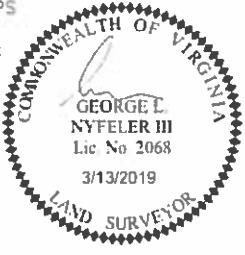
To Chicago Title Insurance Company, Safe Harbor Title Company, and Jill F. and Andrew E. Stefanovich:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS. The field work was completed on 2/21/2019.

Date of Plat or Map: 3/13/2019.

Utilities shown from field located evidence.

Chicago Title Insurance Company Commitment No. SHTC19-154 Schedule B, Part II lists no easements.



ALTA/NSPS LAND TITLE SURVEY

FOR:

**1836 PARK AVE
RICHMOND, VA**



619 W CARY ST. RICHMOND, VA 23220
804-277-4231
www.NyfelerAssociates.com

DATE:	3/13/2019
JOB NUMBER:	19012
SCALE:	1"=20'
DRAWN BY:	KAH
APPROVED BY:	GLN

MOTION

To amend Ordinance No. 2019-260 as follows:

Page 4, Line 8

After the word “than”, strike the text “11:00 p.m., Monday through Friday” and insert the text “10:00 p.m., Sunday through Wednesday, and not later than 11:00 p.m., Thursday through Saturday”

Page 4, Line 9

After the period following the inserted word “Saturday”, strike the text “No event shall occur on Saturday or Sunday” and the following period

Page 4, Line 14

After the hour “11:00 p.m.”, strike the comma, the text “Monday through Friday”, and the following period