AN ORDINANCE No. 2020-142

To authorize the special use of the properties known as 1705, 1707, and 1711 Westover Hills Boulevard, and 4922 New Kent Road for the purpose of retail, office, and commercial uses accessory to an existing church, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JUL 22 2020 AT 6 P.M.

WHEREAS, the owner of the properties known as 1705, 1707, and 1711 Westover Hills Boulevard, and 4922 New Kent Road, which are situated in a R-5 Single-Family Residential District, desires to use such properties for the purpose of retail, office, and commercial uses accessory to an existing church, which use, among other things, is not currently allowed by sections 30-410.1 and 30-410.2 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 (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 tend to create

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	JUL 27 2020	REJECTED:		STRICKEN:	

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 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 properties known as 1705, 1707, and 1711 Westover Hills Boulevard, and 4922 New Kent Road, and identified as Tax Parcel Nos. S006-0221/011, S006-0221/014, S006-0221/015, and S006-0221/016, respectively, in the 2020 records of the City Assessor, being more particularly shown on a plot on sheet number 1 of the plans entitled "Westover Hills Methodist Church, Richmond, Virginia," prepared by Ballou and Justice, and dated September 15, 1955, 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 retail, office, and commercial uses accessory to an existing church, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Westover Hills Methodist Church, Richmond, Virginia," prepared by Ballou and Justice, and dated September 15, 1955, hereinafter referred to as "the Plans," copies of which are attached to and made a part of this ordinance.
- (b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as "the Owner." The conditions contained in this ordinance shall be binding on the Owner.
- § 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:
- (a) The Special Use of the Property shall be as retail, office, and commercial uses accessory to an existing church, substantially as described in the Applicant Report, a copy of which is attached to and made a part of this ordinance.

- (b) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
 - (c) The Special Use shall utilize the existing parking area on the Property.
- § 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:
- (a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.
- (b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.
- (c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.
- (d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws.
- (e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.
- § 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

- (a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.
- (b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.
- (c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.
- (d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.
- (e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.
- (f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or

otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

- **Implementation.** The Zoning Administrator is authorized to issue a certificate of § 6. 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.
 - **Effective Date.** This ordinance shall be in force and effect upon adoption. § 7.

A TRUE COPY:

TESTE:

Carelin D. Reil

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.2020.101

O & R Request

DATE:

April 27, 2020

EDITION:1

TO:

The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)

(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Lenora G Reid, Acting Chief Administrative Officer Gr 5/1/2020

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

FROM:

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

RE: To authorize the special use of the properties known as 1705, 1707, 1711 Westover Hills Boulevard and 4922 New Kent Road for the purpose of allowing certain retail, office, and commercial uses accessory to a church, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the properties known as 1705, 1707, 1711 Westover Hills Boulevard and 4922 New Kent Road for the purpose of allowing certain retail, office, and commercial uses accessory to a church, upon certain terms and conditions.

REASON: The subject properties are in the R-5 Single-Family Residential zoning district. The proposed accessory uses, specifically a retail bakery/coffee shop and use of the church kitchen for culinary arts training, are not permitted in the R-5 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 June 15, 2020, meeting.

BACKGROUND: The subject properties comprise the Westover Hills Methodist Church, parsonage, and associated property, located on Westover Hills Boulevard between New Kent Road and King William Road, in the Forest Hill Neighborhood within the City's Old South Planning District.

The City of Richmond's Master Plan designates the subject property for Single-Family (Low Density) uses. Primary use is single-family detached dwellings at densities up to seven 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.

All properties surrounding the subject property are located within the same R-5 Single-Family Residential zoning district. Within the area of the subject property, properties are improved with single-family detached dwellings.

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: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 26, 2020

CITY COUNCIL PUBLIC HEARING DATE: June 22, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission

June 15, 2020

AFFECTED AGENCIES: Office of Chief Administration Officer

Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD, OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036



Application for SPECIAL USE PERMIT

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street. Room 511
Richmond. Virgina 23219
(804) 646-6304
http://www.chmondoov.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: 1705 + 1707 Westones thus Blvd. Date: 1115/2020 Tax Map #:500-071011 + 1014 Fee: 305 Total area of affected site in acres: 305
(See page 6 for fee schedule, please make check payable to the "City of Richmond")
Zoning 2.5 Residential (Single Camily)
Existing Use. Parsgray & Place of Wording
Proposed Use (Please include a defailed descript on of the proposed use in the required applicants report) This coast (rust) thin 1 baking for proposed use in the required applicants report) Existing Use This coast and church use fight of the by increasing pathons and church use by increasing pathons and coast of the state of the species and associated by the pathons are pathons as a second associated by the pathons are pathons as a second associated by the pathons are pathons as a second associated by the pathons are pathons as a second associated by the pathons are pathons as a second associated by the pathons are pathons as a second associated by the pathons are pathons as a second associated by the pathons are pathons as a second associated by the pathons are pathons as a second associated by the pathons are pathons as a second associated by the pathons are pathons as a second associated by the pathons are pathons as a second associated by the pathons are pathons as a second associated by the pathons are pathons as a second as
If Yes please list the Ordinance Number:
Applicant/Contact Person: Westered Herr Ubite Onethinus (Insect 18:11 Humme) Company Wylord Herrs District Order Church Mailing Address: 1705 Westered Higs Blyd. City: Richard. State VA Zip Code: 23225 Telephone: (924 75) U42 - 4364 (Bill Humme) Fax () Email WM HUMMER. Verizon Oct
Property Owner: Westover His Dunen Arthodol Church 54-0506434 If Business Entity name and title of authorized signee: Susan Stanky Church Brand of Trusters
(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 1705 Weston's Incls Blvd. City Aschmond State VA Zip Code' 23725 Telephone (804) 732-1749 Fax () Email Westones Authoric Communication
Property Owner Signature: Suran 5 Stanley
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

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

Applicant Report

Overview:

[1] Westover Hills United Methodist Church (WHUMC) is partnering with the Next Move Program (a 501 (c)(3) organization). Next Move creates guided internship experiences for young adults with disabilities. The aim of Next Move is to combat the 70% unemployment rate for young adults with diverse needs in Virginia. Through education and job training they empower these individuals to achieve their goals. 80% of Next Move's graduates have gained employment or acceptance to post-secondary programming.

The planned partnership with between WHUMC and Next Move will include use of the Church kitchen. Interns of the Next Move Program will gain food preparation skills in the kitchen that will help them to gain both employment and independence. Next Move interns will inhabit the kitchen along with teachers/supervisors who will always be overseeing and training the interns.

Additionally, the Church Parsonage (a separate house that is adjacent to the Church on the Church property) will be used as a retail space where the baked goods made by the interns in the Church kitchen will be sold to the public. Interns are trained on the selling and serving of the baked goods. Next Move Supervisors will always be on site at the coffee shop. The retail space is expected to only be open Monday-Saturday from 8:00 AM – 1 p.m.

The partnership with WHUMC and the Next Move Program will enhance the Westover Hills community with no negative impact on the surrounding area.

The special use of the kitchen is to include other entities to help offset the cost of the kitchen in support of our partnership with the Next Move Program.

- [2] Westover Hills United Methodist Church has future plans for the following that might require approval for special use.
- The commercial kitchen will be available for use by other nonprofits, B-corporations or small businesses who require the use of the commercial kitchen space but do not have one of their own. The commercial kitchen will also potentially be used for church programs that provide training in food service to local residents for whom this would be a benefit, particularly those from lower income households.
- We plan to expand ministries to those with developmental and other disabilities to include groups formed around the performing arts or social groups. This could involve small theater-like productions in our sanctuary.
- WHUMC may in the future use the garage located between the church and parsonage as a community took library and workshop. Only local residents would have access to the use of the

tools and space, as it is intended as a convenience and a gathering place where community-building can take place.

- WHUMC may use portions of the facility as a co-working space during weekdays.

Compatibility with Surrounding Area

The WHUMC church and parsonage buildings are located on Westover Hills Blvd. All of the above-named activities are easily accommodated in our current facility and parking lot.

- [1] The Parsonage, where the retail bake shop would be located, is adjacent to the Church itself and to the Church parking lot and the parking lot is adjacent to the Church 'Tot Lot' (community playground). There are no private residences directly adjacent to the Parsonage (coffee shop). The neighbors nearest to the Parsonage have been contacted and support the use of a coffee shop within the Parsonage (see attached). Additionally, neighbors have previously approved of the Church Tot Lot which is a popular gathering place within the Westover Hills/Forest Hills neighborhoods. The Westover Hills Neighborhood Association also supports the Next Move Program's plan to open a coffee shop in the Parsonage.
- [2] All activities listed herein would operate from the current church facility. Any income derived from these activities will be used to support the specific ministries that generated the income as well as the general activities of the church. All envisioned activities are designed to enhance the well-being of residents of the local community and the surrounding Richmond area.

A - Safety and Community Welfare:

Activities in [1] and [2] above will not pose any safety concerns and will enhance the welfare of the community.

- [1] The retail bake shop space will provide Individuals with disabilities training in job and life skills while providing the neighborhood with a place for neighbors to meet and get to know one another. An additional benefit will be the availability of refreshments for the nearby 'Tot Lot' (a playground also located on the Church property). The coffee shop will enhance the community in a similar way that the very popular Tot Lot has by bringing people together.
- [2] The community kitchen, community tool library and workshop and performing arts activities will provide opportunities for community and skill building for local residents with no adverse effect on the local neighborhood. All applicable permits, certifications and background checks will be maintained for all activities, as is current practice.

B - Congestion Concerns:

A church parking lot that is easily accessible from Westover Hills Blvd and adjacent to the Parsonage will provide ample parking for all activities listed in [1] and [2]. Off-street parking is also available on Westover Hills Blvd in front of the church and parsonage where all activities will take place. Many of the visitors will be from the neighborhood and will walk or bicycle to the coffee shop. At any given time the coffee shop will most likely only have a few customers present. There will be minimal activity during high traffic times of the day.

The Next Move Program students will use public school transportation to and from the Church site and will not use any parking spaces.

C - Potential Hazard Concerns:

No hazardous materials will be used and all safety procedures will be followed for all spaces. All permits and inspections will be maintained, as is current practice.

D - Overcrowding Concerns:

The retail bakery space is expected to have only a few customers at a time and the hours are expected to be limited from 8:00 AM until 1 p.m., Monday-Saturday. The Program serves six students and two or three staff persons at one time. Other programming is most typically in groups of twelve or less, far under the capacity of the church and parsonage buildings. An occasional larger event will may take place within the church sanctuary, social hall, or grounds, similar to what is already taking place at the church in various programming. Workshop use would be limited by occupancy requirements, and would therefore remain small.

E - Adverse Effects/Interference Considerations:

None of the activities listed in [1] or [2] above will interfere with public land, private schools, parks, playground, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements. In fact, all activities will provide services to underserved populations at a location that is convenient to the surrounding area. The retail bake shop will provide an additional community-building opportunity with its proximity to the church owned playground and preschool.

F - Adequate Light and Air:

The uses proposed above will have no impact on the light and air and all activities are in spaces where adequate light and air are available.

















































