

INTRODUCED: December 13, 2021

AN ORDINANCE No. 2021-367

To authorize the special use of the property known as 1000 Westover Hills Boulevard for the purpose of a residential use containing up to six dormitory-style units with shared sanitation facilities accessory to a church, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by
the City Attorney

PUBLIC HEARING: JAN 10 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 1000 Westover Hills Boulevard, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of a residential use containing up to six dormitory-style units with shared sanitation facilities accessory to a church, which use, among other things, is not currently allowed by section 30-410.1 of the Code of the City of Richmond (2020), as amended; and

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 14 2022 REJECTED: _____ STRICKEN: _____

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), 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 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 (2020), 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 1000 Westover Hills Boulevard and identified as Tax Parcel No. S006-0370/002 in the 2021 records of the City Assessor, being more particularly shown on a site plan entitled “Proposed Renovations to Living Water Community Center, 1000 Westover Hills Blvd, Richmond, VA 23225,” prepared by TKS Architects, Inc., and dated January 6, 2020, 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 a residential use containing up to six dormitory-style units with shared sanitation facilities accessory to a church, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Westover Baptist Church, Education Building Renovation,” prepared by Worley Associates, Architects, and dated May 7, 2021, 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 a residential use containing up to six dormitory-style units with shared sanitation facilities accessory to a church, substantially as shown on the Plans.

(b) No more than six individuals shall reside on the Property.

(c) No parking shall be required for the Special Use.

§ 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 (2020), 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 (2020), 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 (2020), 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 (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

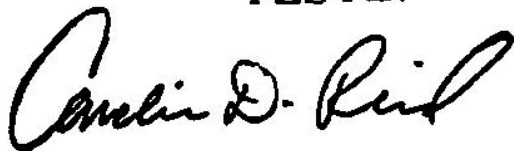
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made with the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, 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:

A handwritten signature in black ink, appearing to read "Carolin D. Reed". The signature is written in a cursive, flowing style.

City Clerk



City of Richmond

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

Item Request File Number: PRE.2021.915

O & R Request

DATE: November 12, 2021

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: J.E. Lincoln Saunders, Chief Administrative Officer

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

FROM: Kevin J. Vonck, Director, Dept. of Planning and Development Review

RE: To authorize the special use of the property known as 1000 Westover Hills Boulevard for the purpose of a residential use with up to six dormitory-style units with shared sanitation facilities accessory to a church, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 1000 Westover Hills Boulevard for the purpose of a residential use with up to six dormitory-style units with shared sanitation facilities accessory to a church, upon certain terms and conditions.

REASON: The applicant is requesting to authorize the special use of the property known as 1000 Westover Hill Boulevard for the purpose of converting the second floor of the Sunday school building into an accessory residential use, with six dormitory-style residential units sharing restroom and sanitation facilities. The property is located in an R-5 Single-Family Residential District, which does not permit the proposed dormitory-style residential use.

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 January 3, 2022, meeting.

BACKGROUND: The subject property consists of a single parcel of land that contains a lot area of 127,935 square feet (2.937 acres) and is improved with a church sanctuary and Sunday school building in addition to an accessory parking area.

The property is located in an R-5 Single-Family Residential District, which does not permit the proposed dormitory-style residential use.

Richmond 300 recommends a future land use of “Residential” for the property. The primary uses recommended for Residential are single family homes, accessory dwelling units and open space. Secondary uses include duplexes and small multi-family buildings (3-10 units), institutional and cultural uses. These uses should typically be located on major streets. The development style for Residential is houses on medium or large sized lots with homes setback from the street. Future development should continue or introduce a gridded pattern of development and new buildings should be built to a scale and design that is consistent with existing buildings. Buildings are generally one to three stories, with lots generally ranging up to 5,000 SF to 20,000 SF. General density should be 2-10 units per acre.

The portion of Westover Hills Boulevard that abuts the property is designated as a “Major Residential Street.”

The property falls within the Westover Hills Neighborhood Node. This area is envisioned to have a village-like quality with small retail, services, and restaurant offices that serve primarily the surrounding neighborhood, but dose also attract outside visitors. Over the next twenty years, the node could be enhanced by 1) discouraging a suburban development pattern (where buildings are pushed back with parking in front of them) and encouraging urban form with buildings that are closer to the street with parking located in the rear in shared lots, and 2) utilizing a Complete Streets approach to street design to ensure pedestrians, bicyclists, and transit users are adequately and safely accommodated in the public rights-of-way.

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

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: December 13, 2021

CITY COUNCIL PUBLIC HEARING DATE: January 10, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
January 3, 2022

AFFECTED AGENCIES: Office of the Chief Administrative 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, Site Plan, Plans, Map

STAFF: Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646-5648



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: 1000 Westover Hills Blvd, Richmond, Va 23225 Date: 7/1/21
 Tax Map #: S006-0370/002 Fee: \$300
 Total area of affected site in acres: N/A

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

Zoning

Current Zoning: R-5

Existing Use: Church and Education

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
Dorm-style housing to accomodate up to 6 individuals.

Existing Use: _____

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: Drew Nagy

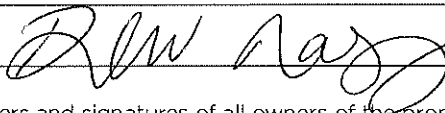
Company: Westover Baptist Church
 Mailing Address: 1000 Westover Hills Blvd.,
 City: Richmond State: VA Zip Code: 23225
 Telephone: (757) 235-4531 Fax: ()
 Email: drew.a.nagy@gmail.com

Property Owner: Westover Baptist Church

If Business Entity, name and title of authorized signer: Drew Nagy, Pastor

(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: 1000 Westover Hills Blvd.
 City: Richmond State: VA Zip Code: 23225
 Telephone: (804) 233-9261 Fax: ()
 Email: wbcrichmond@gmail.com

Property Owner Signature: 

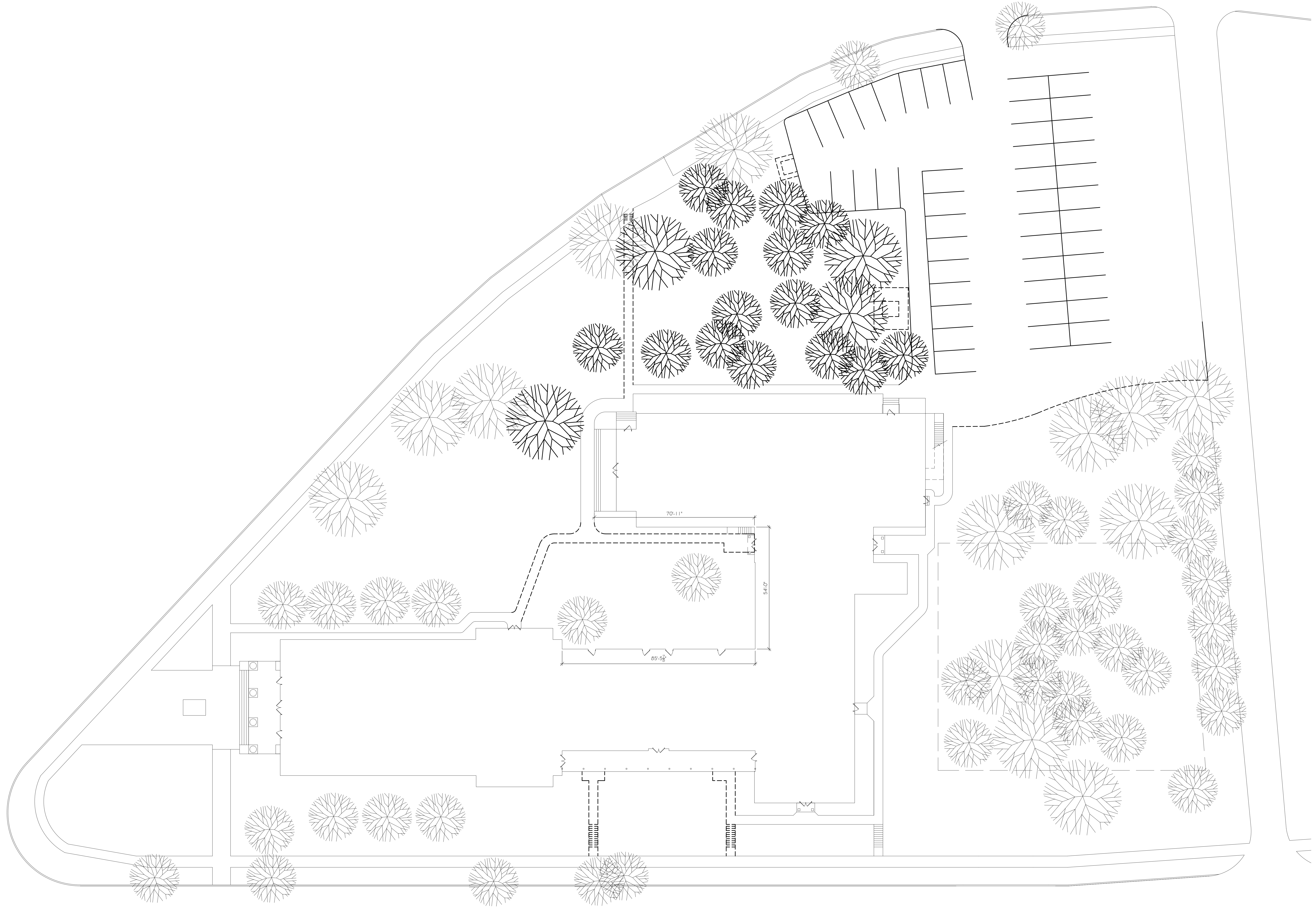
The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

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

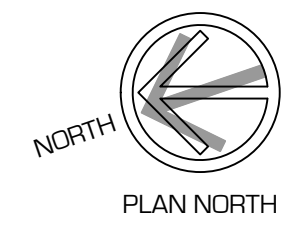
Westover Baptist Church seeks to convert the second floor of its educational wing into a dorm-style residence that would accommodate up to 6 individuals. The residents would be members of the church community who want to live in intentional community while working and serving for Westover Baptist Church. Residents would be expected to work a certain number of hours per week as well as attend daily prayer meetings.

Given the small-scale nature of this project, the proposed use will not be detrimental to the safety or health of the surrounding community, cause congestion in streets, nor interfere with adequate light and air. In fact, the hope is that the proposed use will only have beneficial effects in all these areas. Potential residents will seek to positively contribute to the welfare of the Forest View neighborhood and other surrounding areas through prayer and community service.

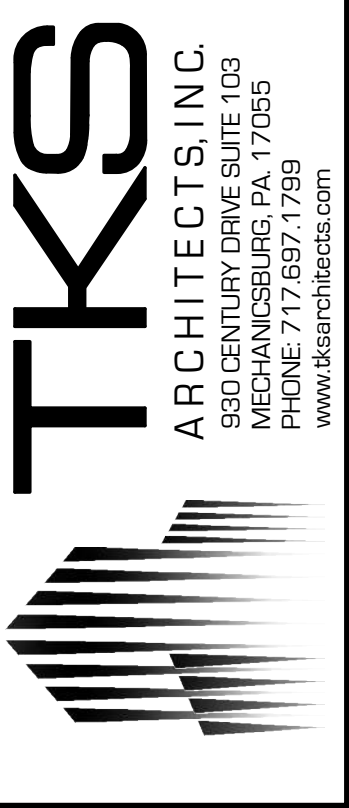
DATE: 01/06/2019 10:00 AM PROJECT: 19038



SITE DEMOLITION PLAN
SCALE: 1/16" = 1'-0"



THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY. NOT FOR CONSTRUCTION



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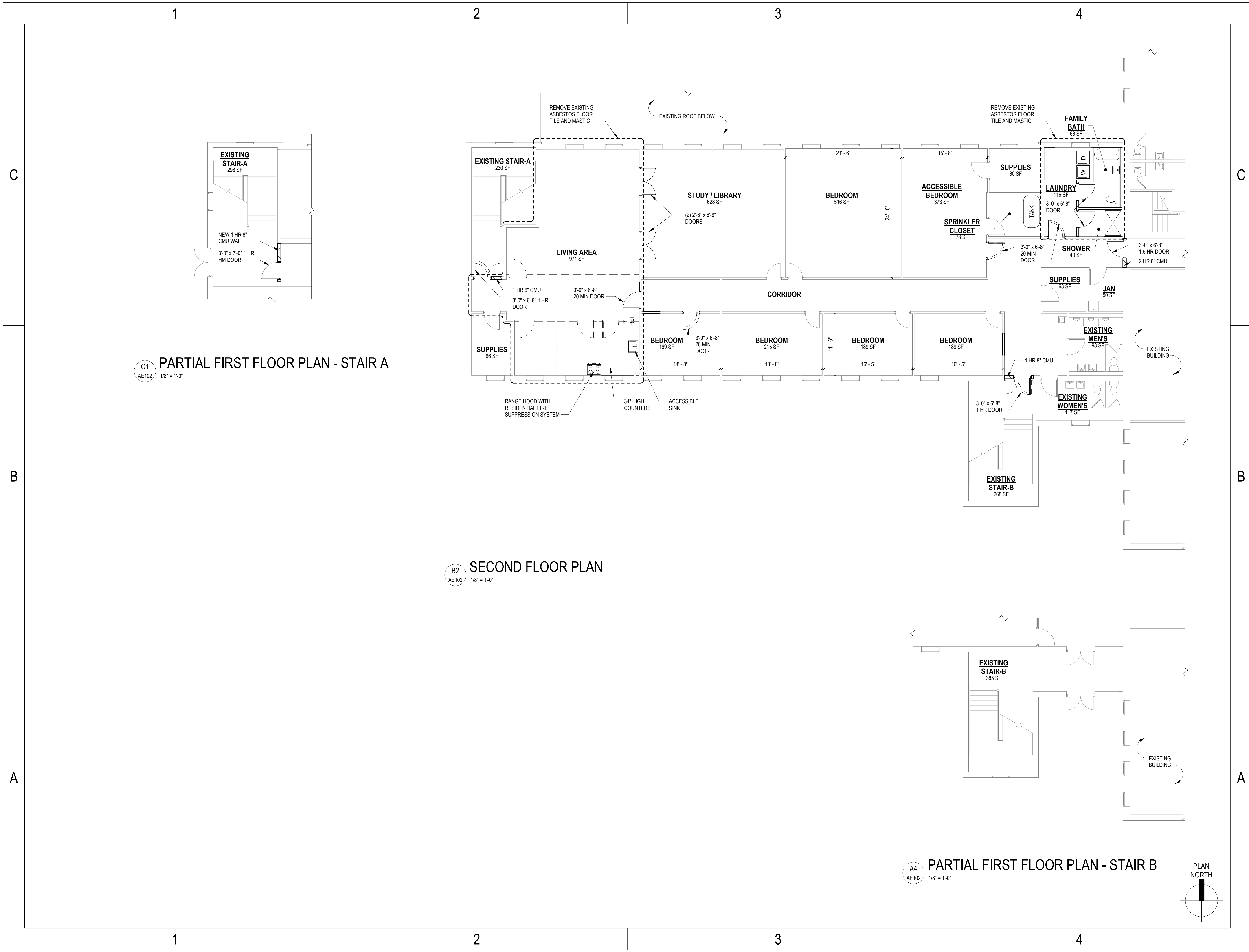
CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AND PROMPTLY REPORT ANY ERRORS TO TKS ARCHITECTS

DATE: 01.06.20
DRAWN BY: KSH
CHECKED BY: OCT
PROJECT #: 19038

| # | REVISIONS: | DATE: |
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| 3 | | |
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PROPOSED RENOVATIONS TO:
LIVING WATER COMMUNITY CENTER
1000 WESTOVER HILLS BLVD
RICHMOND, VA 23225

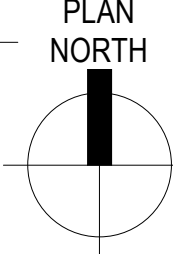
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C1
AE102
PARTIAL FIRST FLOOR PLAN - STAIR A
1/8" = 1'-0"

B2
AE102
SECOND FLOOR PLAN
1/8" = 1'-0"

A4
AE102
PARTIAL FIRST FLOOR PLAN - STAIR B
1/8" = 1'-0"

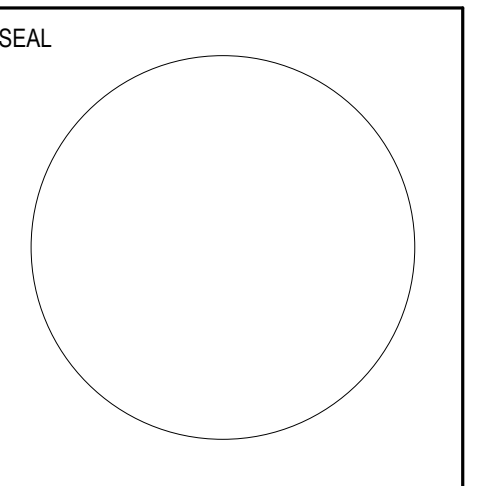


PRELIMINARY - NOT FOR CONSTRUCTION

SCHEMATIC DESIGN

WORLEY ASSOCIATES
ARCHITECTS

908 N. THOMPSON STREET
RICHMOND, VIRGINIA 23230



CONSULTANT

Westover Baptist Church
**Education Building
Renovation**
Richmond, Virginia

REVISIONS

| NO. | DATE | DESCRIPTION |
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|---|------------|
| COMM. NUMBER | 2111 |
| PROJ. ISSUE DATE | 7 MAY 2021 |
| PROJ. MGR. | R. WORLEY |
| DRAWN BY | L. MCCOURT |
| SCALE | AS SHOWN |
| WORLEY ASSOCIATES © 2021 ALL RIGHTS RESERVED | |

SHEET TITLE
FLOOR PLANS

SHEET IDENTIFIER
AE102