INTRODUCED: July 27, 2015

#### AN ORDINANCE No. 2015-166-173

To authorize the special use of the property known as 3701 R Street for the purpose of the expansion of a community center open to the general public, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: SEPT 14, 2015 AT 6 P.M.

WHEREAS, the owner of the property known as 3701 R Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of the expansion of a community center open to the general public, which use, among other things, is not currently allowed by section 114-410.1 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 tend to create congestion in streets, roads, alleys and other public ways and places in the area

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	SEPT 14 2015	REJECTED:		STRICKEN:	
-		<del>-</del>			

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 3701 R Street and identified as Tax Parcel No. E000-1277/012 in the 2015 records of the City Assessor, being more particularly shown on a survey entitled "Compiled Plat Showing 4 Parcels of Land Covering 1.807 Acres Owned by the Salvation Army, East Planning District, City of Richmond, VA," prepared by Burgess & Niple, and dated May 7, 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 a community center, hereinafter referred to as "the Special Use," substantially as shown on plans entitled "Conceptual Site Plan, Salvation Army Boys & Girls Club, East Planning District, City of Richmond, Va," prepared by Burgess & Niple, and dated July 8, 2015, 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 use of the Property shall be a community center served by no fewer than seven on-site parking spaces, substantially as shown on the Plans. The community center may be operated as a social service delivery use, provided that operation of the programs and services provided on the Property shall be under the ultimate direction and oversight of a single nonprofit

organization and that the social service delivery use shall not include providing services, such as feeding, housing, counseling or medical treatment, to homeless individuals, except routine health screenings offered to the members of the community.

- (b) Signage on the Property shall be limited to (i) those signs exempt from the signage regulations of the zoning ordinance by section 114-503 of the Code of the City of Richmond (2004), as amended, (ii) those signs permitted in all zoning districts by section 114-505 of the Code of the City of Richmond (2004), as amended, and (iii) signage substantially as shown on the Plans, not to exceed an aggregate area of 62 square feet. Signage shall not be internally illuminated.
- (c) All building materials, material colors, and site improvements shall be substantially as shown on the Plans.
- (d) Hours of operation shall be 6:00 a.m. to 10:00 p.m., Sunday through Thursday, and 6:00 a.m. to 11:00 p.m., Friday through Saturday.
  - (e) Site landscaping shall be installed substantially as shown on the Plans.
- (f) All mechanical equipment serving the property shall be located or screened, or both, 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 (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, 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 within 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.

**Effective Date.** This ordinance shall be in force and effect upon adoption.

§ 7.

## O & R REQUEST

### O & R Request

JUN 26 7015 4-3773 **Chief Administration Office** 

JUN 3 N 2015

OFFICE OF CITY ATTORNEY

DATE:

June 24, 2015

TO:

The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Jr., Interim Deputy Chief Administrative Officer for Economic

Development and Planning

FROM:

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

RE:

To authorize the special use of the property known as 3701 R Street for the pur-

pose of a community center, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 3701 R Street for the purpose of a community center, upon certain terms and conditions.

REASON: Currently, the subject property is zoned in the R-5 Single-Family Residential District, which does not allow non-governmental community centers or non-profit private community centers open to the general public. The property is subject to an exception granted by the Board of Zoning Appeals in 1970 (BZA Case No.28-70), which permitted construction of the community center. A special use permit has been requested to accommodate the expansion of the community center.

**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 September 8, 2015 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

#### **BACKGROUND:**

An application has been received for a special use permit to authorize expansion of an existing 36,000 sq ft community center. The Boys & Girls Club community center currently offers programs and services for approximately 500 members and employs a staff of 10.

The subject property consists of a 1.134 acre (49,397 sq ft) parcel of land improved with a community center constructed, per tax assessment records, in 1978. Seven on-site surface parking spaces are provided for use by the community center. The property is a triangular parcel of land located at the intersection of P and R Streets, in the Oakwood neighborhood of the East planning district.

Currently, the subject property is zoned in the R-5 Single-Family Residential District, which does not allow non-governmental community centers or non-profit private community centers open to the general public. The property is subject to an exception granted by the Board of Zoning Appeals in 1970 (BZA Case No.28-70), which permitted construction of the community center.

The Land Use Plan of the City of Richmond's Master Plan designates the subject property for Public-Open Space land use. Primary uses in this category include publicly-owned and operated parks, recreation areas, open spaces, schools, libraries, cemeteries and other government and public service facilities...Typically, this category depicts larger-scale uses or open spaces, while small-scale facilities are incorporated within the predominant surrounding land use designations" (p. 135).

All surrounding properties are located within the same R-5 zoning district as the subject property. Single-family residential land use predominates the area, with some institutional, public open space, mixed use, commercial, and two-family and multi-family residential land uses being present as well.

FISCAL IMPACT / COST: The Department 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: \$2,400.00** 

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** July 27, 2015

CITY COUNCIL PUBLIC HEARING DATE: September 14, 2015

**REQUESTED AGENDA:** Consent

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, September 8, 2015

**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, Plans & Survey

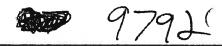
STAFF: Matthew J. Ebinger, AICP, Senior Planner

Land Use Administration (Room 511)

646-6308

PDR O&R No. 15-15

Recommended Action				
Key Issues:				
Retain on Consent Agenda				
Move to Regular Agenda				
Refer Back to Committee				
Remove from Council Agenda				
Strike Withdrawn	Continue to:			





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
<a href="http://www.richmondgov.com/">http://www.richmondgov.com/</a>

Application is hereby submitted for: (check one)  special use permit, new	RECEIVED				
special use permit, plan amendment special use permit, text only amendment	JUN 1 7 2015				
Project Name/Location Project Name: Boys & Girls Club Renovation & Expansion	Date:				
Property Address: 3701 R. Street	Tax Map #: E0001277/012				
Fee: \$2400 Total area of affected site in acres: 1.134 (See page 3 for fee schedule, please make check payable to the "City of Richmond")					
Current Zoning: R-5	Proposed Use Please include a detailed description of the proposed use in the required applicant's report)  Expanded & Renovated Club				
BZA 28-70 5-6-1970  Applicant/Contact Person: Adena M. Patterson,	AICP				
Company: McGuireWoods LLP					
Mailing Address: 901 E. Cary Street					
City: Richmond	State: VA Zip Code: 23219				
Telephone: ( 804 ) 775-7764	Fax: ( 804 ) 775-1061				
Email: apatterson@mcguirewoods.com					
Property Owner: The Salvation Army, a Georgia Co	orporation				
If Business Entity, name and title of authorized signee:					
(The person or persons executing or attesting the execution of this Appl been duly authorized and empowered to so execute or attest.)  Mailing Address: P. O. Box 12400					
City: Richmond	State: VA Zip Code: 23241				
Telephone: (804) 389-1539	Fax: _(804 ) 225-0154				
Email: timothy.carter@uss.salvationarmy.org					
Property Owner Signature:					
The names, addresses, telephone numbers and signatures of all owner needed. If a legal representative signs for a property owner, please attawill not be accepted.	s of the property are required. Please attach additional sheets as ach an executed power of attorney. Faxed or photocopied signatures				
NOTE: Please attach the required plans, checklist, and a check for mits)	the application fee (see Filing Procedures for special use per-				

# THE SALVATION ARMY BOYS & GIRLS CLUB APPLICANT'S REPORT

#### **History**

The Salvation Army and its various programs have a 125+ year history in Richmond, beginning its service in 1886. From 1920 to 1945 the Church Hill Corps served the Church Hill area. After the closing of the Corps, the building, a former Masonic Lodge, continued to serve the youth of the area. In 1949 the Church Hill facility became the Red Shield Boys Club and by 1954, the Red Shield Boys Club had affiliated with the Boys Clubs of America and chartered as The Salvation Army Boys Club. The Salvation Army Boys Club moved to its present day location at 3701 "R" Street in Church Hill in 1971 and facility was renamed The Salvation Army Boys Club and Neighborhood Center, and later the Boys & Girls Club. The Salvation Army School of Performing Arts was launched in three locations in 2007. The Church Hill location offers free music lessons to children, including keyboard, guitar, percussion, woodwind, and brass. Other elements of the performing arts include gospel choir, mime, sacred dance, and drama for different age groups. In addition to the performing arts school, the Church Hill Outpost also began Christian programming in 2007 for people of all ages. In May 2010, The Salvation Army celebrated 125 years of service to Central Virginia.

#### **Background**

The Richmond Salvation Army Boys & Girls Club building (the "Club") is approximately 38,000 square feet in size and was constructed in 1971-72. The building has remained virtually unchanged, even as its services, programs, and usage have expanded over the years. Today the Club has nearly 500 members with a daily average attendance of more than 115 youth. The Club has programming for children ages 6 to 18 and places an emphasis on life-skills training, educational assistance, and tutoring while also promoting cultural and fine arts programs, proper nutrition, athletics and physical fitness.

During the school year, the Club is open from 2:00 p.m. to 7:00 p.m. five (5) days a week. A full week day camp is scheduled during the summer. The pool can only operate in the summer months due to the lack of temperature control and insufficient heating and air conditioning. The Club employs ten (10) people.

As the demands of the community have increased, the lack of space within the building has hampered efforts to expand programs. In particular, areas for continuing and adult education, space for fitness initiatives, and the size at the Teen Center has limited the programing. Major mechanical components, the finishes, and interior materials are approaching the end of their useful life. The lack of sufficient HVAC and de-humidification equipment prevent the indoor pool from serving the community with year-round programs. The Club's ability to expand its programs is hindered by its lack of an elevator, limiting floor-to-floor accessibility. The small locker facilities and restrooms are not sufficient nor are they compliant with ADA requirements.

#### Scope of Work

When fully implemented, the additions and renovations will ensure that the Richmond Boys & Girls Club is able to meet the immediate and prospective needs of its staff and constituents well into the future. The following expansions and renovations are planned and will be phased as funding becomes available.

#### Applicant's Report

#### 2 | Page

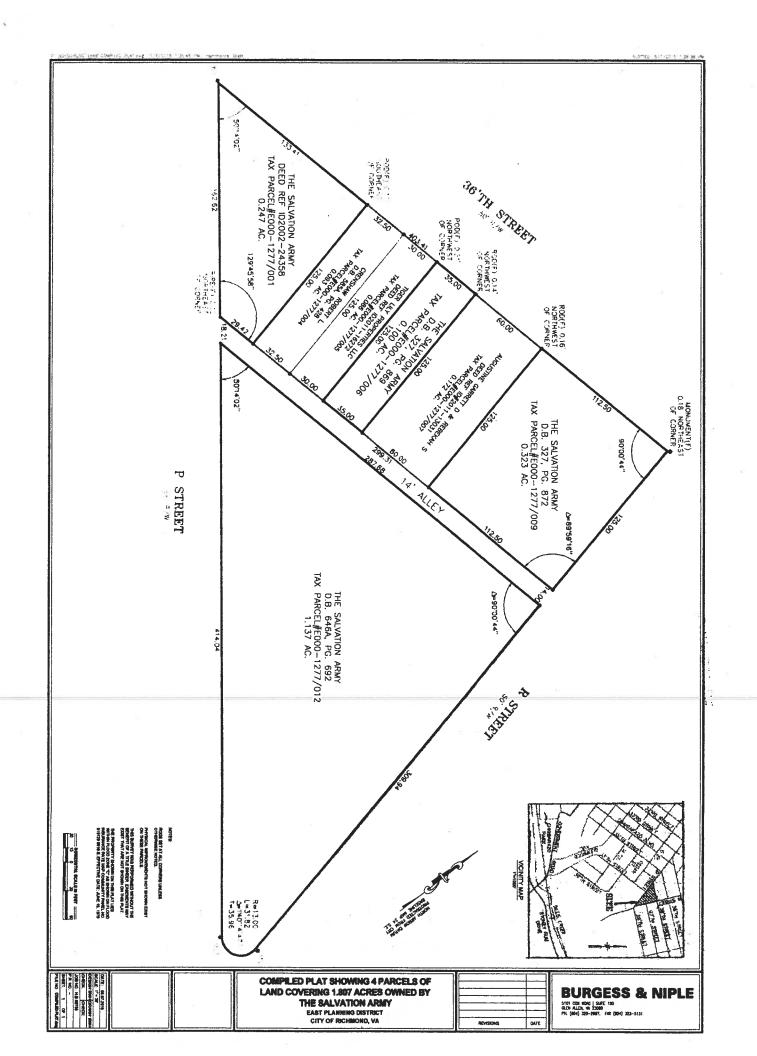
- Add a 7,900 square foot area to both the first and second floor to create:
  - o A new classroom and a new multi-purpose room on the main level
  - o Allow for the expansion of the existing locker rooms
  - o Provide space for a new fitness area and additional storage
  - o Provide new classrooms/meeting rooms on the first floor
  - o Allow needed/required improvements (e.g. ADA) to be completed without limiting existing space during construction
- Renovate the existing pool and pool equipment
- Replace major mechanical components of the building's HVAC
- Install a two-stop elevator
- Replace the gym flooring and fitness equipment

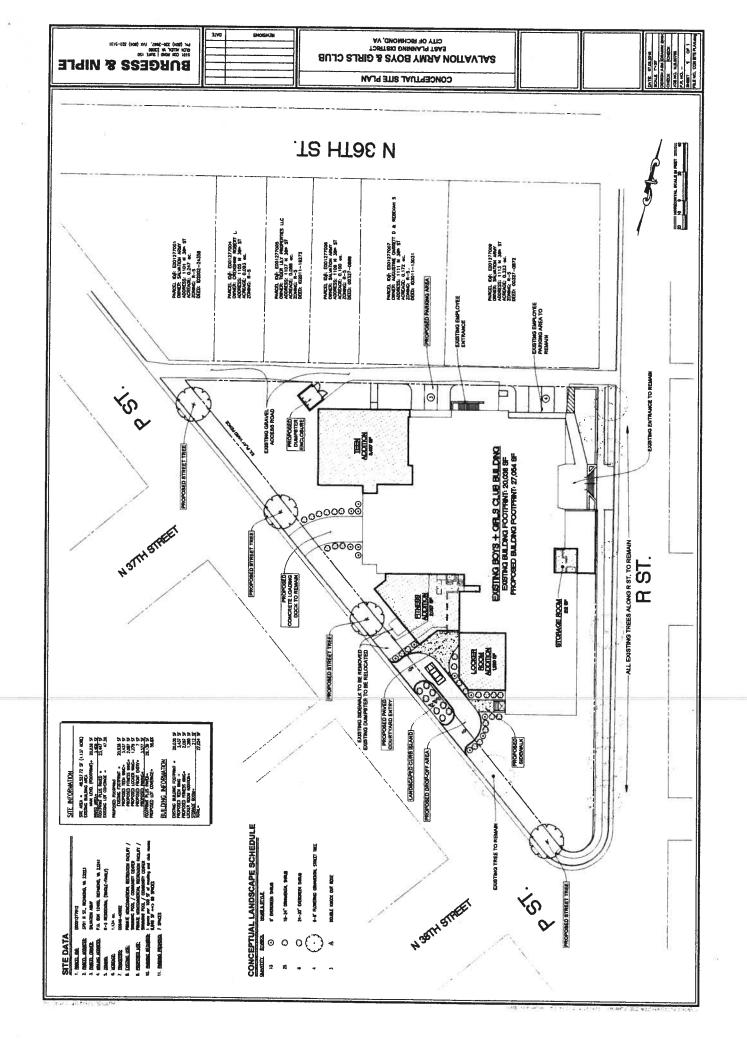
#### **Special Use Permit Request**

The Club is zoned R-5 (Single Family Residential District). The East Planning District of the Comprehensive Plan designates the area for single-family residential use. The Existing Land Use Plan recognizes the Institutional/Semi-public use of the Club. Retaining the Club in its current location and providing all of the additions on the current parcel will not be a detriment to the health, safety, morals, or welfare of the community, but will actually encourage all these elements of community. There will be no risk of fire or crowding. There will be no impact on public schools, parks, playgrounds, or public utilities. The proposed expansion will have no negative effect on light or air, and no impact on existing and future area development. There are no issues with traffic congestion or overcrowding, nor will the expansion of the facility interfere with public facilities in the area. The Club serves the community and its location allows for easy access by residents in the area.

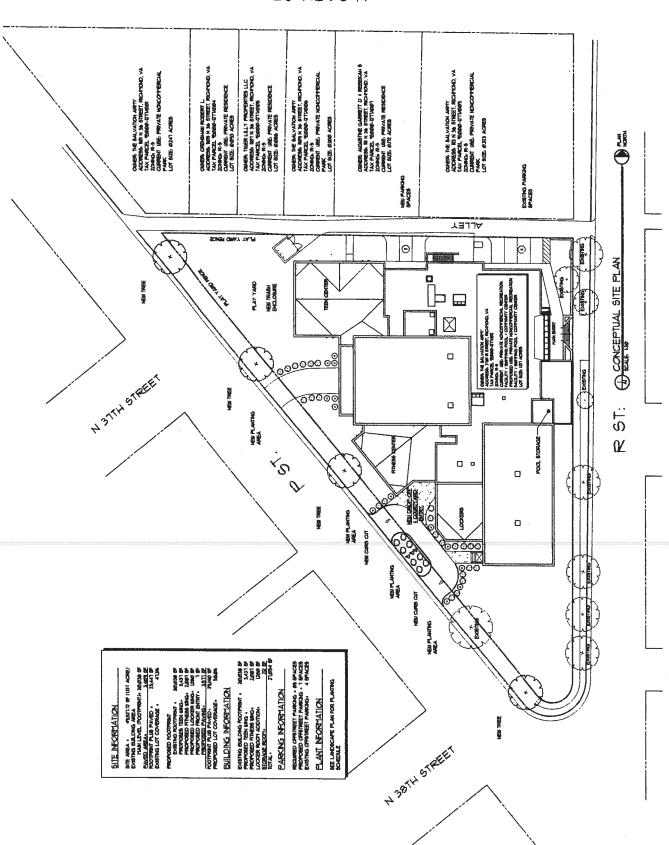
In order to continue the Club's mission and service, the expansion and renovation is necessary. To accomplish such expansion, approval of a Special Use Permit (SUP) is needed. In addition to specifically providing for the Club's various uses and programs, the following approvals are also requested as part of the SUP.

- 1. <u>Lot coverage</u>. The lot coverage allowed in the R-5 zoning district is 35%. The existing building lot coverage is 47.5%. Once the additions and renovations are complete, the lot coverage will be 60%.
  - 2. <u>Front yard</u>. The property has a valid variance allowing a 13 foot setback for the front yard (BZA case #28-70). This application requests approval of the 13 foot front yard for the existing building and an area of expansion.
  - 3. On-site parking. The Club has seven (7) existing parking spaces on-site. Many on-street parking spaces are available along "R" Street and "P" Street as well as additional surrounding streets. As many of the Club members are too young to drive, ride the school bus to the Club, or walk, the need for additional parking is minimized. For the members who do drive, most of them also walk to the Club. Based on 40+ years of experience, the existing seven (7) on-site parking spaces are sufficient.
- 4. <u>Time limit for SUP</u>. Because the improvements are based on fundraising, the applicant requests that the SUP be granted without the two-year time limit for the start of construction.

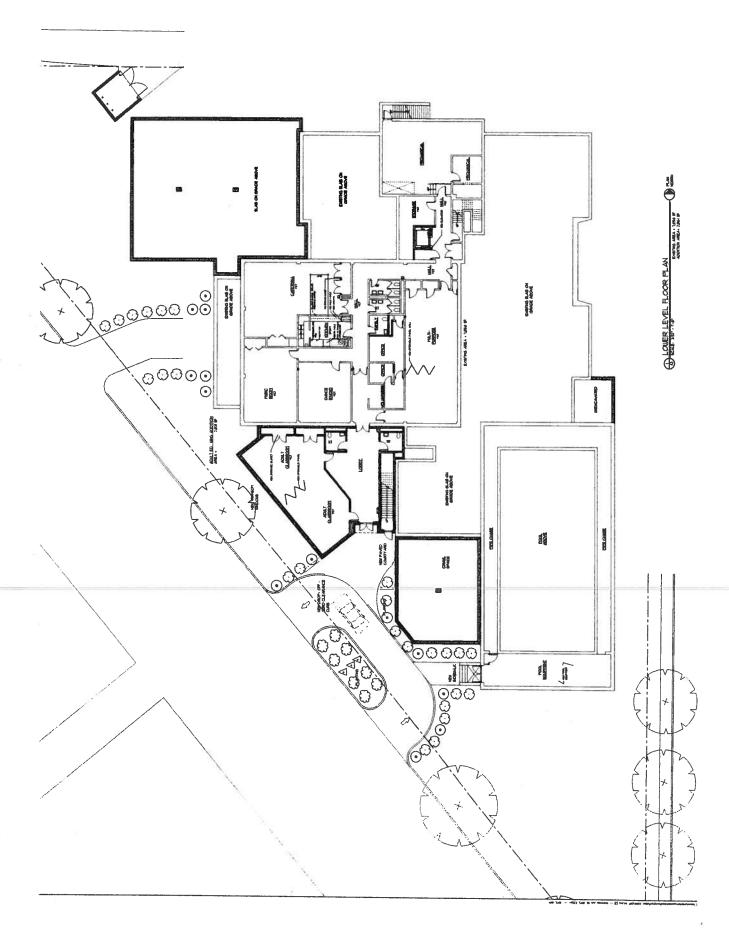




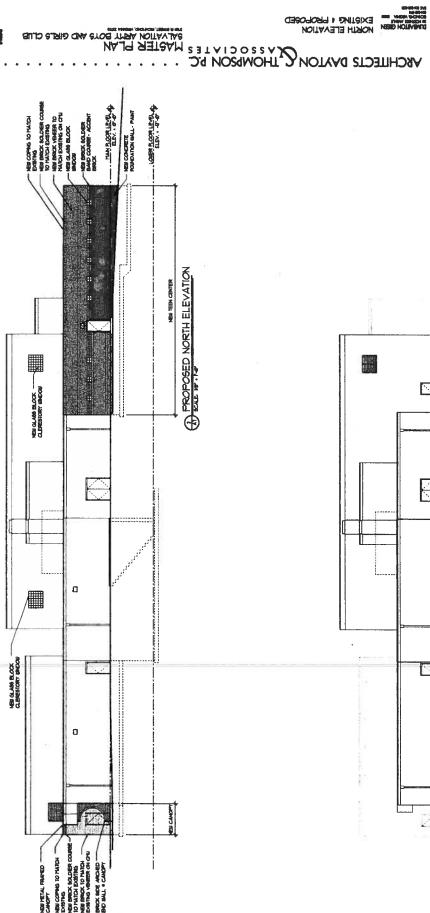
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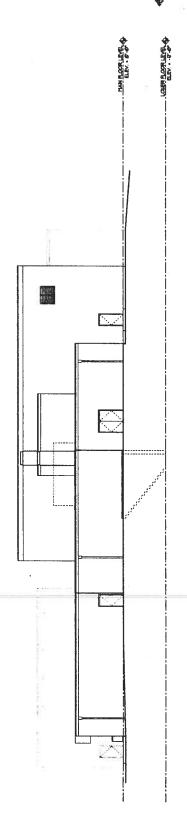


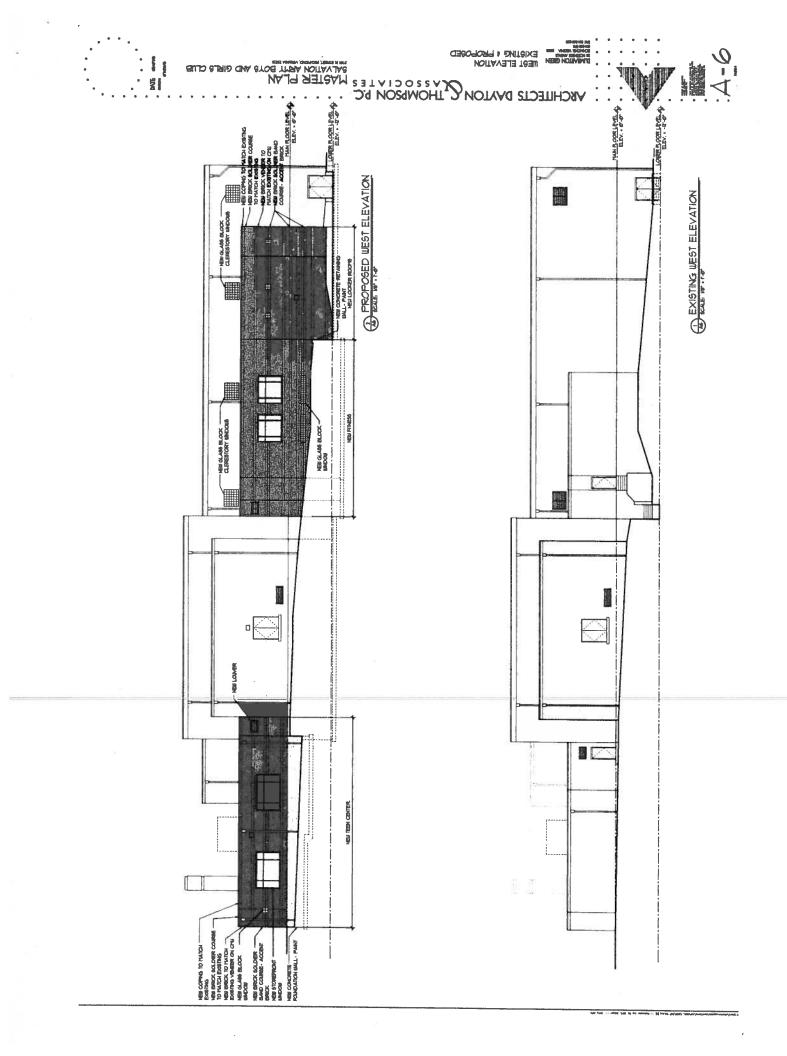


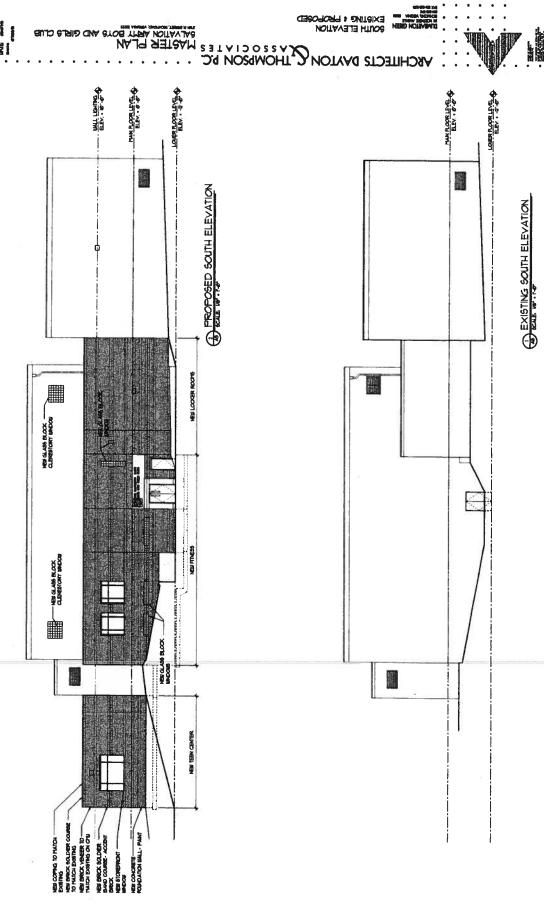
EXISTING NORTH ELEVATION



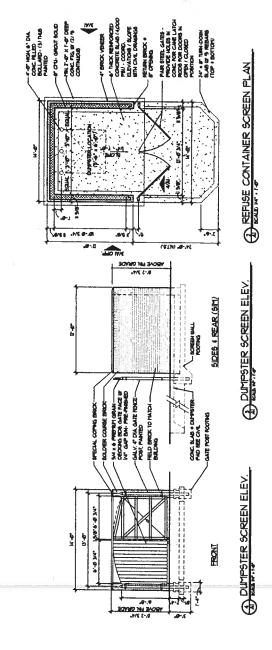
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PHOTOMETRIC PLAN

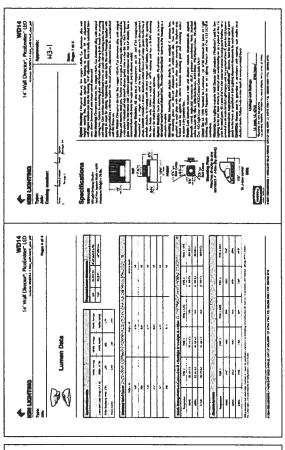
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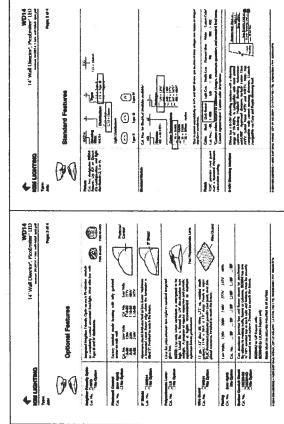
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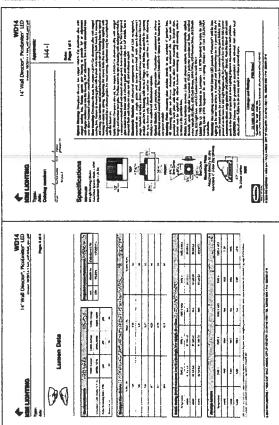


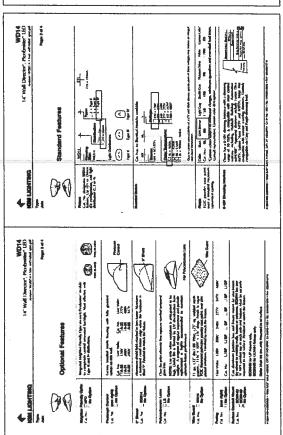


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