INTRODUCED: April 25, 2016

## AN ORDINANCE No. 2016-133

## As Amended

To amend and reordain Ord. No. 80-103-90, adopted Jun. 16, 1980, as previously amended by Ord. No. 2003-26-24, adopted Feb. 10, 2003, and Ord. No. 2007-264-231, adopted Oct. 22, 2007, which authorized the special use of the property known as 1617 Monument Avenue as a day nursery, to authorize expansion of the existing day nursery and accessory parking on the properties known as 1617 Monument Avenue, 1627 Monument Avenue, and 1627 Rear Monument Avenue, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

### PUBLIC HEARING: MAY 23 2016 AT 6 P.M.

#### THE CITY OF RICHMOND HEREBY ORDAINS:

- I. That Ordinance No. 80-103-90, adopted June 16, 1980, as previously amended by Ordinance No. 2003-26-24, adopted February 10, 2003, and Ordinance No. 2007-264-231, adopted October 22, 2007, be and is hereby amended and reordained as follows:
- § 1. That the [real estate property] properties known as 1617 Monument Avenue, identified as Tax Parcel [Nos. W000-0666/024A and W000-0666/024B] No. W000-0666/024 in the [2003] 2016 records of the City Assessor, containing 19,500 square feet, more or less, located on the south right of way line of Monument Avenue between Allen Avenue and

AYES:	9	NOES:	0	ABSTAIN:	
·		-			
ADOPTED:	JUNE 27 2016	REJECTED:		STRICKEN:	

Lombardy Street, being more completely described as follows: beginning at a point on the south line of Monument Avenue, said point being 410 feet east of the east line of Allen Avenue extended; thence extending 130 feet in an easterly direction along the south line of Monument Avenue to a point; thence extending 150.0 feet in a southerly direction along a line of bearing S 36° 52' 30" W to the north line of a twenty foot east-west alley; thence extending 130 feet in a westerly direction along the north line of said alley (N 53° 08' 15" W) to a point; thence 150.0 feet in a northerly direction along a line of bearing N 36° 52' 30" E to the point of beginning, [and] a portion of the [real estate] property known as 1627 Monument Avenue (Rear) and identified as Tax Parcel No. W000-0666/062 in the [2002] 2016 records of the City Assessor, being more particularly shown as lots 436 through 440 on a survey entitled "Plat of Property Situated on the Southern Line of Lombardy Place and West of Stuart Circle, Richmond, Va.", prepared by Chas. H. Fleet & Assocs. Civil Engineer & Surveyors, and dated June 23, 1955, a copy of which is attached to and made a part of [this ordinance] Ordinance No. 2007-264-231, adopted October 22, 2007, and a portion of the property known as 1627 Monument Avenue and identified as Tax Parcel No. W000-0666/015 in the 2016 records of the City Assessor, being more particularly shown on a survey entitled "Survey Showing Improvements on Property Located at 1627 Monument Avenue, City of Richmond, Virginia," prepared by Bruce Robertson Land Surveying, P.C., and dated October 21, 2015, a copy of which is attached to and made a part of this ordinance, are hereby permitted to be used for the purpose of professional offices and a day nursery, together with accessory off-street parking, substantially as shown on the plans entitled "Stuart Circle Building, 1617 Monument Avenue, Richmond, Virginia 23220", prepared by Appich Architects, Inc., consisting of Sheet A-0, dated August 6, 2007, [Sheet A-0.1, dated August 28, 2002 and revised March 25, 2003,] and Sheets A-1, A-2, A-3, and A-4 dated August 6, 2007, which [plans] sheets are attached [hereto and is] to [be] and made a part of [this ordinance] Ordinance No. 2007-264-231, adopted October 22, 2007; Sheet A-0.1, entitled "Stuart Circle Building, 1617 Monument Avenue, Richmond, Virginia 23220", prepared by Appich Architects, Inc., dated August 28, 2002, and last revised March 25, 2016, a copy of which is attached to and made a part of this ordinance; and the plans entitled "Grace Covenant Presbyterian Church," prepared by Evolve Architecture, and consisting of Sheet 1 of 1 dated October 1, 2015, and Sheet 1 of 2 dated June 29, 2015, a copy of which is attached to and made a part of this ordinance, all of which are collectively referred to as "the Plans."

- § 2. That the Commissioner of Buildings is hereby authorized to issue to the owner of the [property] properties a building permit substantially in accordance with the [plans referred to above] Plans for the aforementioned purpose. The special use permit shall be transferable to the successor or successors in title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land subject to the following terms and conditions:
- (a) That the acceptance of the permits and the exercise of the privileges granted by this ordinance by the owner and its successor or successors in title shall constitute a warranty on the part of the owner and its successor or successors that title to the land and the building will be vested in the same person, firm, entity or corporation;
- (b) That the owner will be bound by, observe and will comply with all other laws, ordinances, [and] rules and regulations adopted pursuant thereto, applicable to the [land and buildings] properties, except as otherwise provided in this ordinance;

- (c) That [eighteen (18)] 17 off-street parking spaces shall be provided, substantially as shown on the [attached plans] Plans, in the existing parking area adjacent to the building. The parking area shall be signed to limit its use to office and day nursery staff during the facility's hours of operation. An additional [twenty-two (22)] 23 parking spaces shall be provided as overflow parking [for the day nursery] during the hours of operation specified [in section 2(d)(e) below] in this section in an existing surface parking lot to the south of the [property] properties across Lombardy Place, substantially as shown on the [attached plans] Plans;
- Avenue shall be limited to a day nursery, substantially as shown on [the attached plans] those parts of the Plans that are attached to Ordinance No. 2007-264-231, adopted October 22, 2007, and the use of portions of the basement, first, and second floors of 1627 Monument Avenue shall be limited to a day nursery substantially as shown on those parts of the Plans that are attached to this ordinance and subject to the following conditions:
  - a. The maximum occupancy of the day nursery located on the first floor of 1617 Monument Avenue shall be [forty five (45)] 40 children, [including no more than fifteen (15) children that are less than thirty (30) months of age;] and a [maximum of eight (8)] sufficient number of staff members, including the operators, [and the maximum occupancy of the day nursery located on the third floor shall be twenty six (26) children, none of whom are less than thirty (30) months of age, and a maximum of eight (8) staff members, including the operators, at any given time] as required by the Virginia Department of Social Services, or its successor agency, provided that the maximum occupancy of the building shall in no case exceed that permitted by applicable building

and fire codes;

- b. The maximum occupancy of the day nursery located in portions of the basement, first, and second floors of 1627 Monument Avenue shall be 96 children and a sufficient number of staff members, including the operators, as required by the Virginia Department of Social Services, or its successor agency, provided that the maximum occupancy of the building shall in no case exceed that permitted by applicable building and fire codes;
- $\underline{c}$ . The use of the outdoor play area shall be limited to a maximum of [thirty (30)] 30 children at a time;
- [e.] d. The day nursery hours of operation open to the public shall be limited to 6:30 a.m. to 6:30 p.m., Monday through Friday;
- [d.] e. The day nursery shall be [licensed] regulated by the Virginia Department of Social Services (or its successor agency)[.—A "Religious Exempt Child Day Center" qualification by the Virginia Department of Social Services (or its successor agency) shall not meet the licensing requirement set forth by this section. Should such a license not be granted within [twelve (12)] [12 months from the effective date of this amendatory ordinance granting the special use permit, the privileges granted by this ordinance shall terminate and this special use permit shall become null and void];
- (e) That the use of the second and [a portion of the] third floors of 1617 Monument Avenue shall be limited to the general (business, professional and administrative) and medical office uses, substantially as shown on the [attached plans] Plans. The office hours of operation open to the public shall be limited to 8:00 a.m. to 6:00 p.m., Monday through Saturday;

- (f) There shall be no exterior alterations or additions to the existing building and parking area except for those shown on the [attached plans] Plans and except for normal repair and maintenance. Approval of this special use shall not eliminate the requirements for certificates of appropriateness, issued by the Commission of Architectural Review, for any improvements made to the [property] properties;
- (g) That facilities for the collection of refuse <u>and recycling items</u> shall be provided in accordance with the requirements of the Department of Public Works[<del>, and such facilities shall be so located or screened as not to be visible from adjacent properties, or public streets and alleys</del>] <u>and the screening and enclosure standards of section 30-660 of the Code of the City of Richmond (2015)</u>, as amended;
- (h) That existing landscaping and proposed site improvements including an outdoor play area shall be retained or provided, substantially as shown on the [attached plan] Plans and as approved by the Commission of Architectural Review;
- (i) That storm or surface water shall not be allowed to accumulate on the land, and adequate facilities for drainage of storm or surface water from the land or building shall be provided at the owner's cost and expense so as not to adversely affect or damage adjacent properties or public street and alleys and the use thereof;
- (j) That identification of the premises shall be limited to one sign, not exceeding six square feet in area, mounted flat on a vertical surface of the western or southern side of the building;
- (k) [That should the owner use or permit usage of the premises for any purpose which is not permitted by this ordinance or fails, refuses or neglects to comply with the provisions foregoing paragraphs (a) through (i) and does not terminate such use or comply with such provisions within

ninety days after written notices so to do has been given to the owner by the Commissioner of Buildings, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void:

- (h) That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the [premises] properties is abandoned for a period of [twenty-four] 24 consecutive months, use of the [real estate] properties shall be governed thereafter by the zoning regulations prescribed for the district in which the [real estate is] properties are then situated; [and]
- (m) Application (l) That application for a building permit or a certificate of zoning compliance shall be made within [twenty four (24)] 24 months from the effective date of this ordinance. This building permit shall expire and shall become null and void if any necessary construction has not commenced within [one hundred eighty (180)] 180 days from the date of the building permit or if construction is suspended or abandoned for a period of [one hundred eighty (180)] 180 days at any time after such construction has commenced, as provided in any applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit or a certificate of zoning compliance not be made within [twenty-four (24)] 24 months after the effective date of this ordinance or should the building permit expire and become null and void after the expiration of the [twenty-four (24)] 24 month time period for making application for the building permit, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void[-]; and
- [(n) No] (m) That no permit or certificate of zoning compliance 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 subject property have been paid.

- (n) The owner shall implement a traffic flow plan, which may be amended from time to time, with copies provided to the Director of Planning and Development Review and the Director of Public Works.
- § 3. That the privileges granted by this ordinance may under certain circumstances be revoked[. Upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit pursuant to the provisions of sections 114-1050.7 through 114 1050.11 of the Code of the City of Richmond (2004), as amended, if (a) the property owner does not abate the violation within thirty (30) days of the issuance of the notice or (b) three (3) notices of violation are issued to the property owner within any twelve (12) month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner] 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 of this ordinance shall constitute a violation of section [114-1080] 30-1080 of the Code of the City of Richmond[, (2004)] (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.
  - § 4. This ordinance shall be in force and effect upon adoption.
  - II. This amendatory ordinance shall be in force and effect upon adoption.





# City of Richmond

# **Intracity Correspondence**

Pre Introduction to Council: PRE. 2016-116

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



APR 15 2016

File Number:

PRE. 2016-116

OFFICE OF CITY ATTORNEY

To amend and reordain Ord. No. 80-103-90, adopted Jun. 16, 1980, as previously amended by Ord. No. 2003-26-24, adopted Feb. 10, 2003, and Ord. No. 2007-264-231, adopted Oct. 22, 2007, which authorized the expansion of the existing day nursery, in the property known as 1617 Monument Avenue, to authorize expansion of the existing day nursery and accessory parking in the property known as 1617 Monument Avenue, 1627 Monument Avenue, and 1627 Rear Monument Avenue, upon certain terms and conditions.

## O & R Request

DATE:

March 28, 2016

**EDITION:1** 

MAR 3 0 2016

TO:

The Honorable Members of City Council

Chief Administration Office City of Richmond

THROUGH: Dwight C. Jones, Mayor

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer.

THROUGH:

wney, Jr., Deputy Chief Administrative Officer for Economic Development

FROM:

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

To amend and reordain Ord. No. 80-103-90, adopted Jun. 16, 1980, as previously amended by Ord. No. 2003-26-24, adopted Feb. 10, 2003, and Ord. No. 2007-264-231, adopted Oct. 22, 2007, which authorized the expansion of the existing day nursery, in the property known as 1617 Monument Avenue, to authorize expansion of the existing day nursery and accessory parking in the property known as 1617 Monument Avenue, 1627 Monument Avenue, and 1627 Rear Monument Avenue, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend and reordain Ord. No. 80-103-90, adopted Jun. 16, 1980, as previously amended by Ord. No. 2003-26-24, adopted Feb. 10, 2003, and Ord. No. 2007-264-231, adopted Oct. 22, 2007, which authorized the expansion of the existing day nursery, in the property known as 1617 Monument Avenue, to authorize expansion of the existing day nursery and accessory parking in the property known as 1617 Monument Avenue, 1627 Monument Avenue, and 1627 Rear Monument Avenue, upon certain terms and conditions.

REASON: The expanded day nursery would not meet the zoning standards for such a use,

particularly the square footage of outdoor play area per child provided on the site. 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 May 16, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The special use permit currently encumbers a 0.448 acre (19,514 SF) parcel of land (1617 Monument Avenue) improved with a three-story building constructed, per tax assessment records, in 1910, an 18-space surface parking area, and an outdoor play area consisting of approximately 2,500 SF. The special use permit also encumbers a portion of 1627 Rear Monument Avenue, which is improved with a surface parking area and is provided access via an alley known as Lombardy Place.

If amended, the special use permit would be expanded to include an adjacent 0.517 acre (22,521 SF) parcel of land (1627 Monument Avenue) improved with a church constructed, per tax assessment records, in 1920. Both 1617 and 1627 Monument Avenue have frontage on Monument Avenue and the alley Lombardy Place, between North Allen Avenue and North Lombardy Street, in The Fan neighborhood of the Near West planning district. 1617 and 1627 Monument Avenue are also located within the Monument Avenue City Old & Historic District.

The properties are zoned in the R-6 - Single-Family Attached Residential District and the day nursery use does not meet the zoning standards for such a use in the R-6 district. As referenced above, 1617 Monument Avenue is subject to a special use permit (Ordinance No. 2007-264-231) which authorized a previous expansion of the day nursery use.

The City of Richmond's Master Plan recommends Single-family (Medium Density) land use for the property. The Master Plan defines the primary uses for this category as single-family and two-family detached and attached dwellings at densities of 8 to 20 units per acre, and includes residential support uses such as schools, places of worship, and neighborhood parks, among others (p. 133).

All surrounding properties are located within the same R-6 zoning district as the subject properties. A mix of single-, two-, and multi-family residential land uses are present in the area, with commercial, office, mixed-use, and institutional land uses 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: \$200.00** 

File Number: PRE. 2016-116

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** April 25, 2016

CITY COUNCIL PUBLIC HEARING DATE: May 23, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None.

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, May 16, 2016.

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.:** Amend and reordain Ord. No. 80-103-90, adopted Jun. 16, 1980, as previously amended by Ord. No. 2003-26-24, adopted Feb. 10, 2003, and Ord. No. 2007-264-231, adopted Oct. 22, 2007

REQUIRED CHANGES TO WORK PROGRAM(S): None.

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

STAFF:

Matthew J. Ebinger, AICP, Senior Planner

Land Use Administration (Room 511)

804-646-6308

PDR O&R No. 16-10





Application for SPECIAL USE PERMIT

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
http://www.richmondgov.com/ RECEIVED

Application is hereby submitted for: (check one)  special use permit, new special use permit, plan amendment special use permit, text only amendment	ISEADMINISTRATION					
Project Name/Location	•					
Project Name: Grace Covenant Child Development	t Center	Date: 9/23/2015				
Property Address: 1617 and 1627 Monument Aven  \$200.00  Fee: Total area of affected site in (See page 3 for fee schedule, please make check payab	acres: approx 1					
Zoning  Current Zoning:  Existing Use: day nursey and church  Proposed Use (Please include a detailed description of the proposed use in the required applicant's rep						
Is this property subject to any previous land use cases?  Yes No  I If Yes, □ please list the Ordinance Number:  2007-264-231	Amend sections 1 to include a portion of 1627  Monument Avenue, 3(d), 3(d)(a) and 3(d)(d),					
Applicant/Contact Person: Jennifer D. Mullen Company: Roth Doner Jackson Gibbons Condlin Mailing Address: 919 E. Main Street, Suite 2110	n PLC					
City: Richmond	State:VA	Zip Code: 23219				
Telephone: _( 804 ) 977-3374	Fax: <u>(804</u> )	441-8438				
Email: jmullen@rothdonerjackson.com	_ /\	2 - 0 4				
Property Owner: Trustees of Grace Covenant Church Waren & Zille						
If Business Entity, name and title of authorized signee: Warren Zirhle, Toustee						
(The person or persons executing or attesting the execution of this Appleen duly authorized and empowered to so execute or attest.)		impany certifies that he or she has or have				
Mailing Address: _1627 Monument Avenue City: _Rlchmond State: Va Zip Code: 23220_						
Telephone: _()	Fax: _()					
Email:						
Property Owner Signature:		17				
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 require ach an executed power of a	ed. Please attach additional sheets as attorney. Faxed or photocopied signatures				
NOTE: Please attach the required plans, checklist, and a check for mits)	the application fee (see F	Filing Procedures for special use per-				

919 East Main Street, Suite 2110, Richmond, VA 23219 4625 (804) 441-8440 (main) (804) 441 8438 (fax)

OCT 06 2015

RECEIVED

Jennifer D. Mullen (804) 977-3374 (direct) jmullen∉rothdonerjackson.com

October 5, 2015

LAND USE ADMINISTRATION

Ms. Lory Markham
City of Richmond Department of Community Development
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, Virginia 23219

Re: Special Use Permit Amendment: 1617 and 1627 Monument Avenue

Dear Lory:

This letter shall serve the Applicant's Report accompanying the application for an amendment to the existing Special Use Permit authorized by Ordinance 2007-264-231 (the "SUP") to permit the properties known as 1617 Monument Avenue and 1627 Monument Avenue for a day nursery for up to 136 children, which would be permitted between the two buildings as follows: 40 within the first floor of the building located at 1617 Monument Avenue and 96 children located in a portion of the building located at 1627 Monument Avenue in one room in the basement, two rooms on the first floor and two rooms on the second floor. The day nursery operation in both buildings shall meet the requirements established by the Virginia Department of Social Services (or its successor agency) for its use. The operations of the day nursery will be staffed by the necessary staff members for such operation. The use within 1627 Monument Avenue is within rooms currently used for nursery and Sunday school operations in rooms 101, 102, 207 and 210 by Grace Covenant Presbyterian Church, as well as the Forum Room in the basement. The basement room has been renovated and will serve as the Pre-K room.

Grace Covenant Child Development Center ("GCCDC") provides a valuable resource for the City as a quality child care facility conveniently located on Monument Avenue in the Fan District. Over the last twelve years, GCCDC's mission is to provide the values of Christian life to children from a broad range of social, economic and ethnic backgrounds and establish the foundation of a well-balanced education through a safe and loving environment. GCCDC's programs are designed to blend free play with teacher-guided activities within classrooms with a low student to teacher ratio, helping to focus on all areas of development of the children. GCCDC is open five days a week currently between the hours of 7:30 a.m. to 6 p.m.

The proposed use is appropriate for the Property and it meets the criteria set forth in the Charter of the City of Richmond 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 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, parks, playgrounds, [00395931;v1]

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

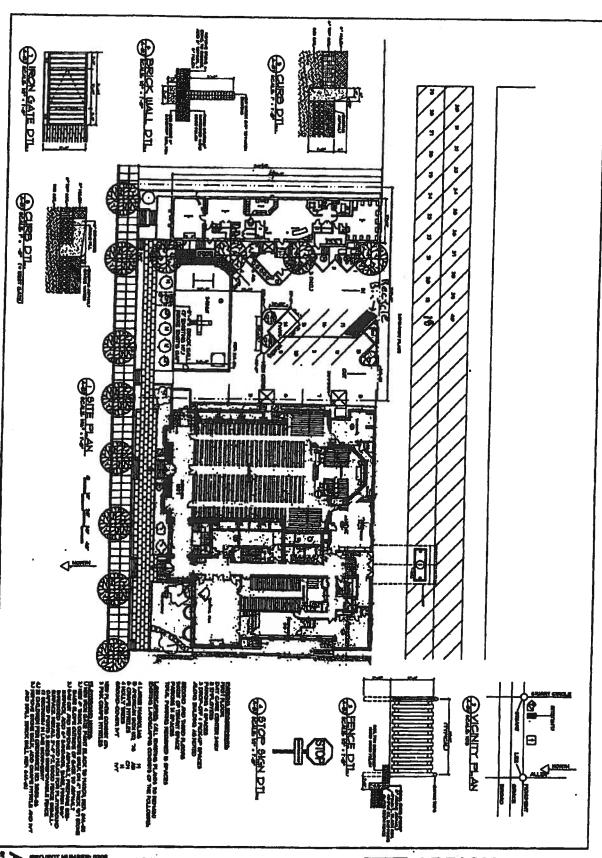
Thank you for your time and consideration of this request, please let me know if you have any questions.

Sincerely,

ennifer D. Mullen

## **Enclosures**

cc: The Honorable Charles R. Samuels Monument Avenue Preservation Society Fan District Association

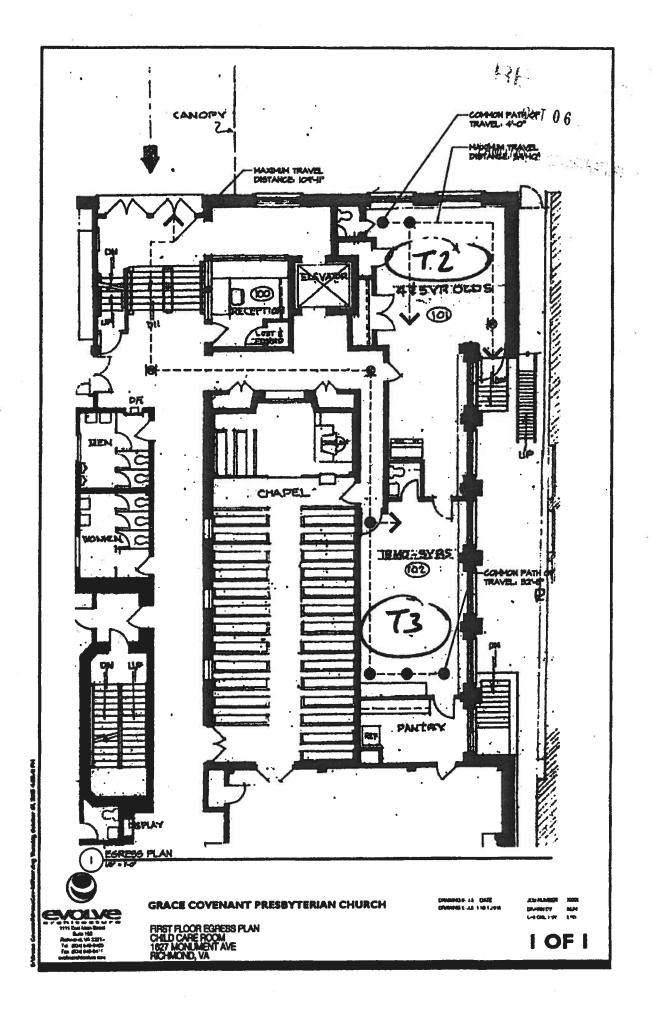


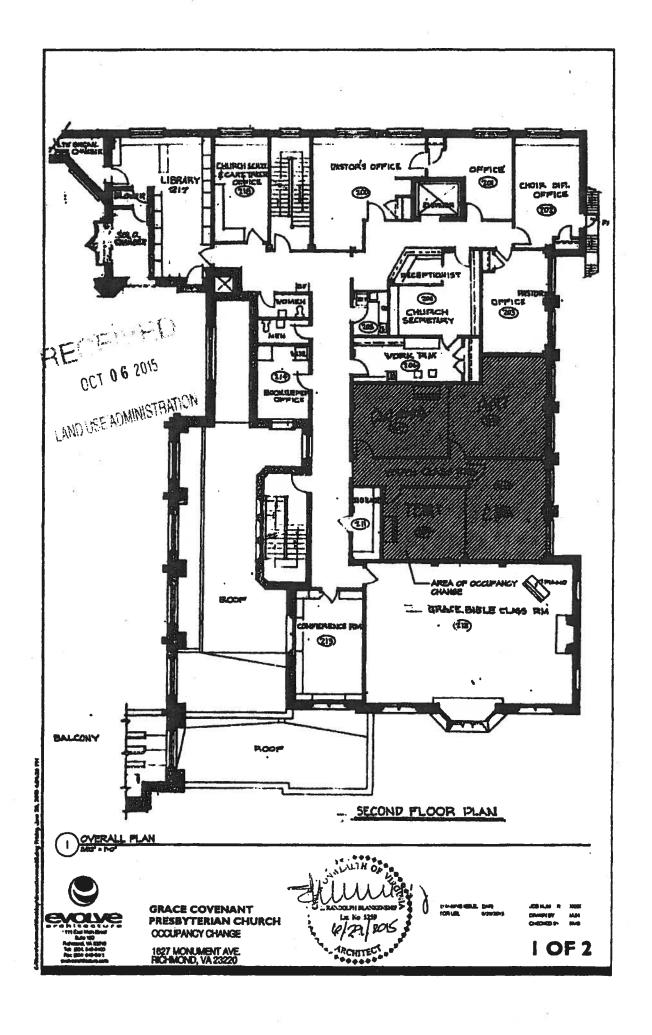
BUKON March 35, 2016

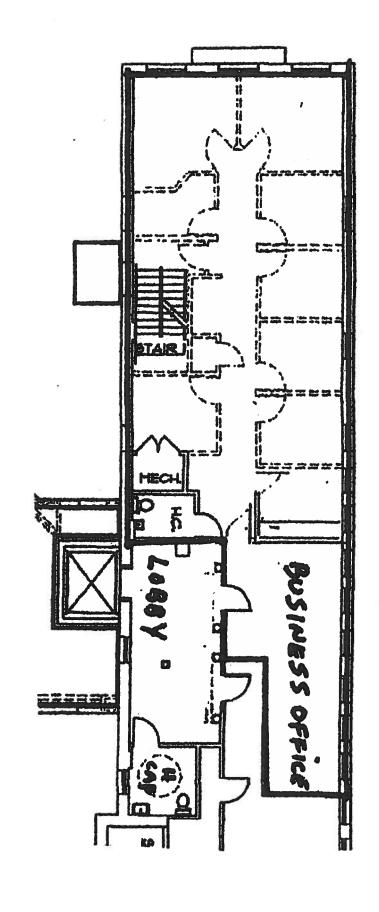
RICHMOND, VIRGINIA 23220



APPICH ARCHITECTS





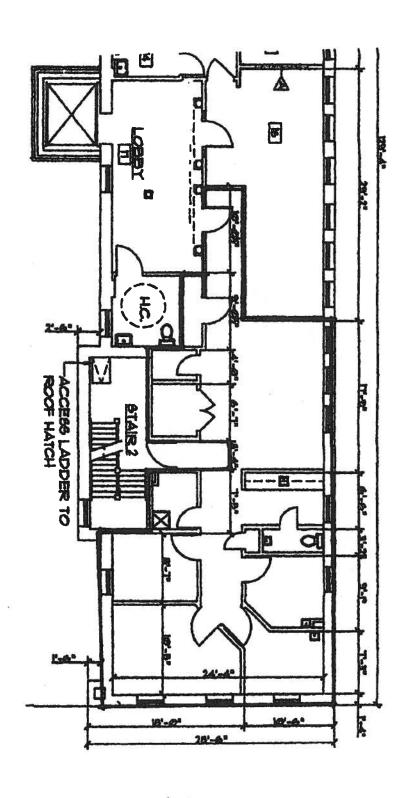


STUART CIRCLE BLD'S

SUITE 301 (NORTH SIDE) & 1,726 57 ft.

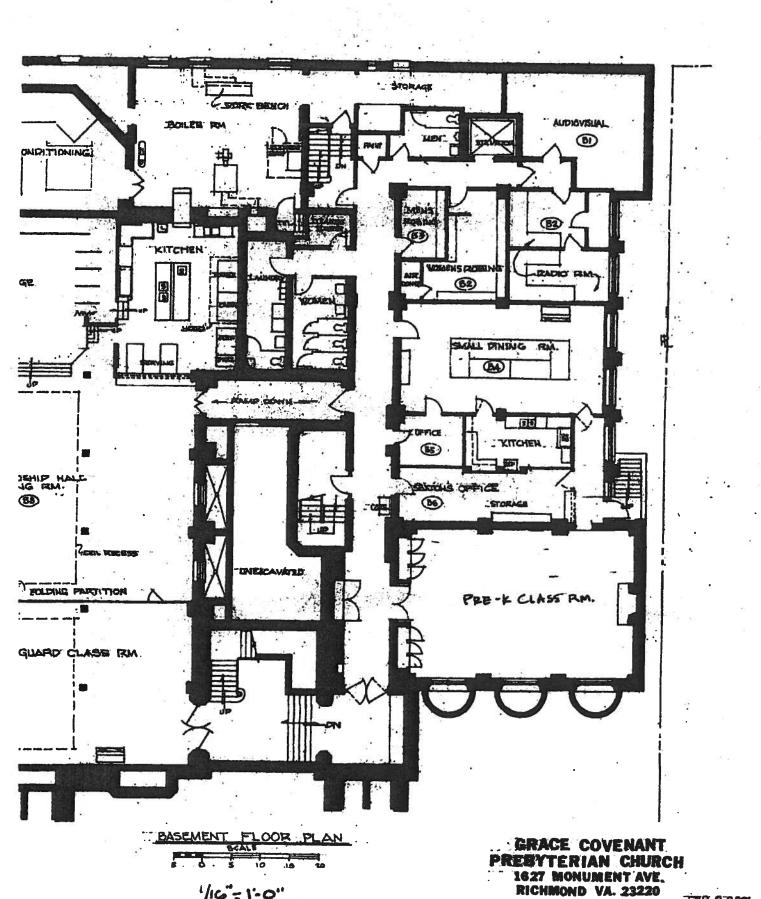
1617 MONUMENTARE

Shat loft



SUITE 302 (SOUTH SIDE) ± 1002 Sq. FT. 16/1 Monument Are

Sheet doff



1/16"-1-0"

FEB 8 2001