INTRODUCED: March 13, 2017

#### AN ORDINANCE No. 2017-073

To authorize the special use of the property known as 1117 West Franklin Street for the purpose of an expansion of an existing institutional use, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

\_\_\_\_

Approved as to form and legality by the City Attorney

\_\_\_\_

PUBLIC HEARING: APR 10 2017 AT 6 P.M.

WHEREAS, the owner of the property known as 1117 West Franklin Street, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of an expansion of an existing institutional use, which use, among other things, is not currently allowed by sections 30-412.6, concerning lot coverage requirements, and 30-412.8, concerning height requirements, 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:	8	NOES:	0	ABSTAIN:	
ADOPTED:	APR 10 2017	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 property known as 1117 West Franklin Street and identified as Tax Parcel No. W000-0531/009 in the 2017 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing a Boundary and Topographic Survey on a Parcels of Land Being #1109 to #1125 Franklin Street, Congregation Beth Ahabah, Trustees, City of Richmond Virginia," prepared by Dewberry Consultants LLC, dated November 25, 2014, and last revised January 28, 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 the expansion of an existing institutional use, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Congregation Beth Ahabah, Richmond, VA," prepared by Shinberg Levinas, dated November 9, 2016, and last revised March 8, 2017, 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 an expansion of the existing institutional use, substantially as shown on the Plans.

- (b) The height of the expansion shall not exceed the height of existing adjacent structures, substantially as shown on the Plans.
- (c) All building materials, material colors, and site improvements shall be substantially as shown on the Plans, subject to the requirements of Chapter 30, Article IX, Division 4 of the Code of the City of Richmond (2015), as amended.
- (d) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- § 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:
- (a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.
- (b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.
- (c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.
- (d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws.

- (e) The Owner shall make improvements within the right-of-way substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.
- (f) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.
- § 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:
- (a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.
- (b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

- (c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.
- (d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.
- (e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.
- (f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.
- § 6. **Implementation.** The 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.

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

# RECEIVED

FEB 2 2 2017

### **City of Richmond**

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

OFFICE OF CITY ATTORNEY

Item Request File Number: PRE. 2017.054

O & R REQUEST

FEB 1 3 2017

O & R Request

Office of the **Chief Administrative Officer** 

DATE:

February 13, 2017

**EDITION:**1

-6225

TO:

The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor (by request)

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

**THROUGH:** Selena Cuffee-Glenn, Chief Administrative Officer

**THROUGH:** Peter L. Downey, Jr., 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 1117 West Franklin Stred for the

purpose of an expansion of an existing institutional use, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1117 West Franklin Street for the purpose of an expansion of an existing institutional use, upon certain terms and conditions.

REASON: The proposed expansion would not meet the lot coverage or height requirements of the underlying R-6 zoning 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 April 3, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property consists of a 40,382.79 SF or .927 acre parcel of land improved with a five (5) building institution. All are a part of The Fan District neighborhood, the West Franklin Street City Old and Historic District, and Near West Planning District.

The City of Richmond's current Master Plan designates the subject property for Single-Family (Medium Density) Residential land use. Primary uses for this category "...are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre." (p.133) The plan describes additional appropriate uses for this category such as public facilities, parks, and places of worship. The current Zoning District for the property is R-6 Residential (Single-Family Attached). All adjacent properties are located within the same R-6 Residential (Single-Family Attached) District.

**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:** March 13, 2017

CITY COUNCIL PUBLIC HEARING DATE: April 10, 2017

REQUESTED AGENDA: Consent

**RECOMMENDED COUNCIL COMMITTEE: None** 

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, April 3, 2017

**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, Map

STAFF: Jonathan Brown, Senior Planner

Land Use Administration (511)

804-646-5734

PDR O&R 17-02



## Application for SPECIAL USE PERMIT

SUP-009607-2016

anning 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
Project Name: CONGREGATION BETH AHABAH Date: 11/29/2016
Property Address: 1117 - 1125 W. FRANKLIN ST Tax Map #: W 53 1009
Fee: 2, 100 00/100 Total area of affected site in acres: 0,929 (See page 3 for fee schedule, please make check payable to the "City of Richmond")
Zoning Current Zoning: R-6  Proposed Use (Please include a detailed description of the
Existing Use: WoR SHIP & SCHOOL  Is this property subject to any previous land use cases?  Yes No
☐ If Yes, Aplease list the Ordinance Number:
Applicant/Contact Person:
Mailing Address: 901 W. CARY ST
City: RICHTMOND State: VA Zip Code: 23220
Telephone: (804) 358-4993 Fax: (804) 358-8211
Email: doug @ johannasdesign.com
Property Owner: TRUSTESS CONGREGATION BETH KHABAH
If Business Entity, name and title of authorized signee: RUSSELL FINER, EXECUTIVE DIRECTOR
(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: 1111 W. FRANKLIN ST.
City: RICHMOND State: VA Zip Code: 23220
Telephone: (804) 358-6757 Fax: (804) 358-345/
Email: Isalzhan & Salzhanreal estater net
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)

# Special Use Report Congregation Beth Ahabah 1111-1125 West Franklin Street

#### **INTRODUCTION**

Congregation Beth Ahabah has occupied property on West Franklin Street since the original sanctuary was constructed in 1904. The current campus for the congregation is comprised of 5 buildings located on just under one acre of property that is currently zoned R-6. #1109 and 1111 W. Franklin are not part of the scope of work for this project. The current scope of work includes interior renovations at #1117 and 1125, and interior renovations to #1121 with additions connecting to the buildings on each side, #1117 and 1125.

The Education Building, at 1121 West Franklin Street, was constructed in 1957 and is just to the west of the Temple structure. This two-story brick and glass, modern style building, has little architectural character and is out of scale with the neighborhood. The Education Building renovation and addition will provide direct connection of the three main structures that are used by the congregation - the Temple, the Education Building, and the Joel House.

Some of the main goals for this project are to create one central entrance that will be accessible, improve connectivity and functionality, and enhance security for the congregation. In order to connect the three buildings the footprint of the Education Building will be expanded by 1,749 square feet.

A new facade will be constructed in front of the Education Building that will provide visual connection between the Joel House and the Temple. The height of the facade addition will align with the parapet of the Joel House and will be similar in height to many of the nearby residences.

This project will also remove a vehicular cut through between West Franklin Street and the alley that is located between the Education Building and the Joel House. This will improve pedestrian safety for the neighbors as well as the congregation. The elimination of the drive lane back to the alley will also reduce automobile traffic in the alley that is behind the residences along West Avenue.

#### **SPECIAL USE PERMIT**

This project will require a Special Use Permit because of two items that do not conform to existing R-6 zoning requirements. There is no change of use proposed for the campus facilities and the number of employees and hours of operation will not change.

HEIGHT: The new facade of the education building will exceed the allowed 35 foot building height limit (plus 4' parapet). This new facade will align with the height of the existing Joel House (1125 W. Franklin) and other structures along West Franklin Street. Every structure in the block is currently three stories or more and exceeds the 35 foot height, with the exception of the Beth Ahabah Education Building. The drawings indicate the proposed height of this element.

LOT COVERAGE: The five buildings on the Congregation Beth Ahabah site cover 54.3% of the lot. The proposed addition footprint of 1749 sf and will bring the lot coverage to 58.6%. A BZA case in April of 2000 approved additions to the Joel House that allowed a lot coverage of up to 58.7%. Aspects of that proposed project were changed and the allowed lot coverage was not fully realized at that time. A review of adjacent parcels indicates that many of the neighboring properties also exceed the 55% coverage limit.

#### CHARTER REQUIREMENTS

The City Charter requires that the proposed special use will not:

1. be detrimental to the safety, health, morals and general welfare of the community involved;

- a. Congregation Beth Ahabah has operated for over 100 years in this location. It is a proven good neighbor and many members of the congregation live within the immediate vicinity.
- 2. tend to create congestion in streets, roads, alleys and other public ways and places in the area involved;
  - a. The proposed additions will not create congestion in streets, roads, alleys and other public ways and places. Elimination of the vehicular cut through between Franklin Street and the alley will be a benefit the community by improving pedestrian safety and reducing automobile traffic in the alley.
- 3. create hazards from fire, panic or other dangers;
  - a. The renovation and new construction will be in accordance with all life-safety code requirements and will not create hazards from fire, panic or other dangers.
- 4. tend to cause overcrowding of land and an undue concentration of population;
  - a. The small footprint of the proposed addition will not overcrowd the land and there will be no change in the concentration of population.
- adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or
  - a. This project will not adversely affect or interfere with existing public improvements. The proposed work will enhance the connectivity and access to the private religious school on the Beth Ahabah campus and will provide handicap accessibility to the second floor of the education building.
- 6. interfere with adequate light and air.
  - a. The proposed work will not interfere with adequate light and air and is not adjacent to any residential buildings.

#### **OTHER REVIEWS**

#### **Commission of Architectural Review**

The congregation has worked with the staff of the Commission of Architectural Review (CAR) and presented 3 times to the commission. A Certificate of Appropriateness was approved at the September 27, 2016 meeting of the CAR.

#### Neighborhoods

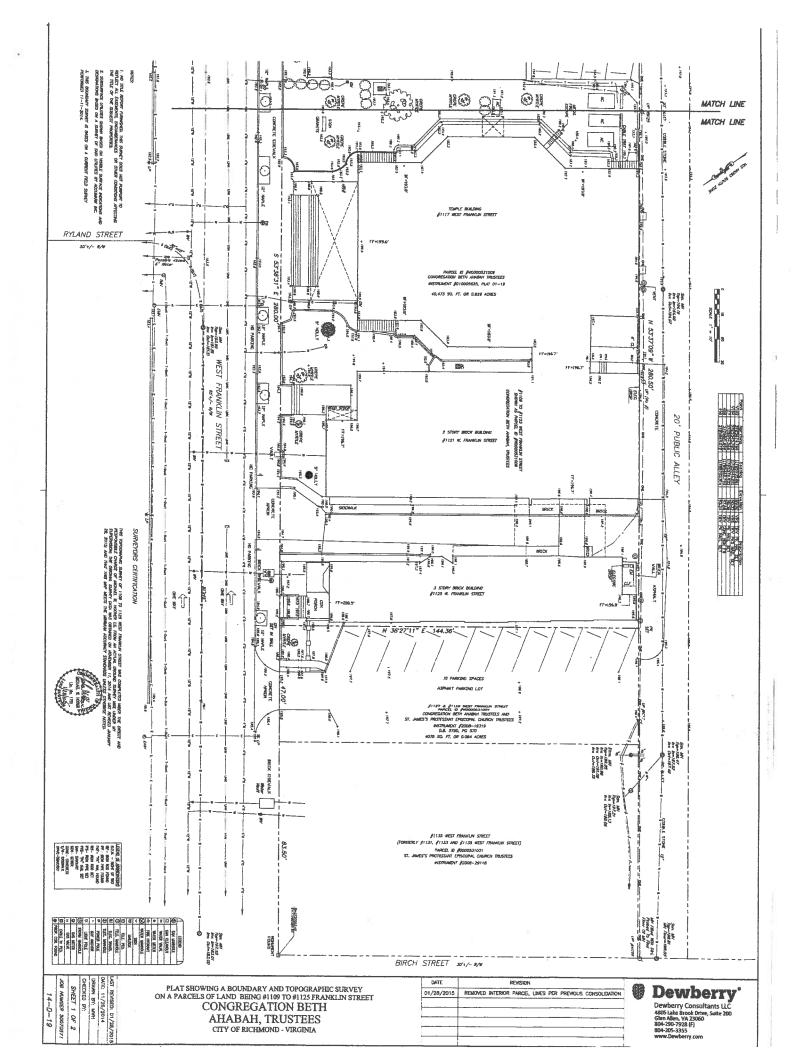
This project was been presented to a joint meeting of the West Avenue Improvement Association (WAIA) and the Fan District Association (FDA) on June 1, 2016.

The project, as amended and approved by CAR, was presented to WAIA on October 17, 2016 with no opposition voiced.

An additional presentation will be made to the Fan District Association once the SUP application has been submitted.

Additional meetings with neighbors will be scheduled if requested.

November 29, 2016



TEN HAT SEL ELEV-1855 BOYD STREET ACHORAL LATERAL LATERA LATERAL LATERAL LATERAL LATERAL LATERAL LATERAL LATERAL LATERAL #1101 WEST FRANKLIN STREET lē 1 S 36"15"17" W 144.47" 20' PUBLIC • PLABLE ALLEY HOOD RIMP È COMPRETE DECK сонсисте осок S Jump ě 2. SARSARYACE LITUTE'S GYOWN BISSED ON VISIBLE STAFFACE ANDICATIONS DESIGNATIONS BISSED ON A SURVEY OF SHID LITUTUS BY ACCUMANY MC. @ # MATCH LINE SIGN MATCH LINE **O** 100 SURVEY DOES NOT PLUMPORT TO NOTES OR DIVISION COMMITTIONS AFFECTING RYLAND STREET 50'+/- R/W DATE: 11/28/2014

DATE: 11/28/2014

DEAMN: 8Y: MAYH

CHECKED BY:

SHEET 2 OF 2

JOB MAJBER 50070571

01/28/2015

PLAT SHOWING A BOUNDARY AND TOPOGRAPHIC SURVEY ON A PARCEL OF LAND BEING #1109 TO #1125 FRANKLIN STREET CONGREGATION BETH

AHABAH, TRUSTEES CITY OF RICHMOND - VIRGINIA

14-D-19

DATE

REVISION

Dewberry' Dewberry Consultants LLC 4805 Lake Brook Drive, Suite 200 Glen Allen, VA 23060 804-280-7928 (f) 804-205-3355 www.Dewberry.com

# Lot Diagram



EXISTING AREA	21,919 SF	
NEW ADDITIONS	1,749 SF	
PROPOSED TOTAL BUILT AREA	23,668 SF	
EXISTING LOT AREA	40,382.79 SF *	
PROPOSED LOT COVERAGE	58.6%**	_

EXISTING "D" & "E": 3894 SF

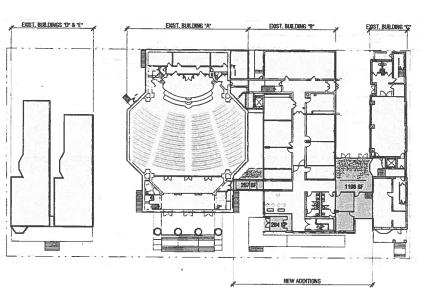
\* BASED ON CITY OF RICHMOND ZONING PARCEL MAPPER, PARCEL ID: W00000S31008 TOPOGRAPHICAL SURVEY: 40,473 SF CITY OF RICHMOND PLAT: 40,458 SF

\_\_\_\_\_ EXISTING 18": 6982 SF

\* MAX. LOT COVERAGE 55%, PER ZONING ORDINANCE SEC. 114-412.6; MAX. LOT COVERAGE 58.7%, PER BOARD OF ZONING APPEAL MIRUTES, DATED APRIL 5 2000

EXISTING \*C\*: 3051 SF

LOT DIAGRAM 1 LOT DIAGRAM
A100 LEVEL 00
LEVEL 01 & LIGHTING
A102 LEVEL 02
A201 BUILDING ELEVATIONS
C1 SITE PLAN
SURVEY 1 of 2
SURVEY 2 of 2

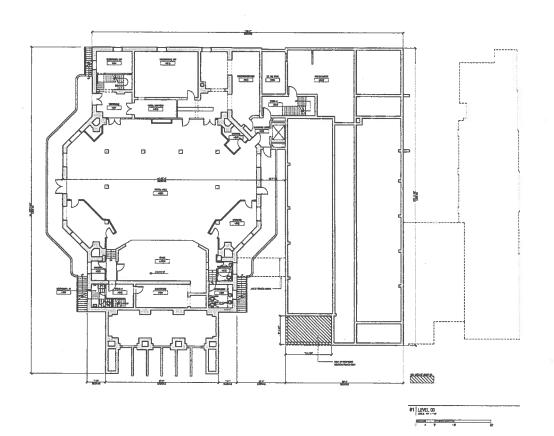


EXISTING "A": 7992 SF

NEW ADDITIONS: 1749 SF

X**O**Z





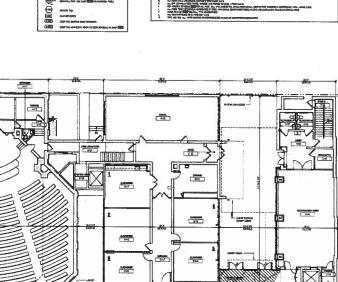
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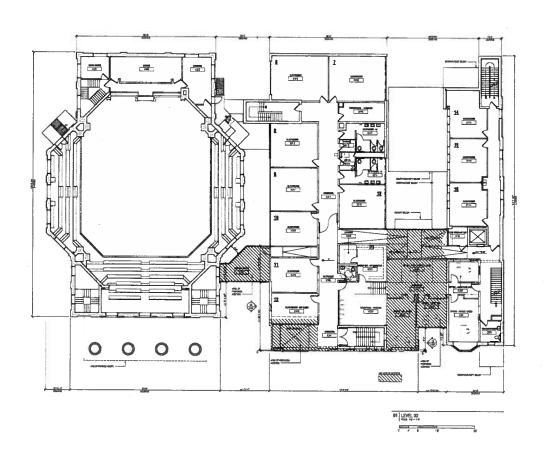
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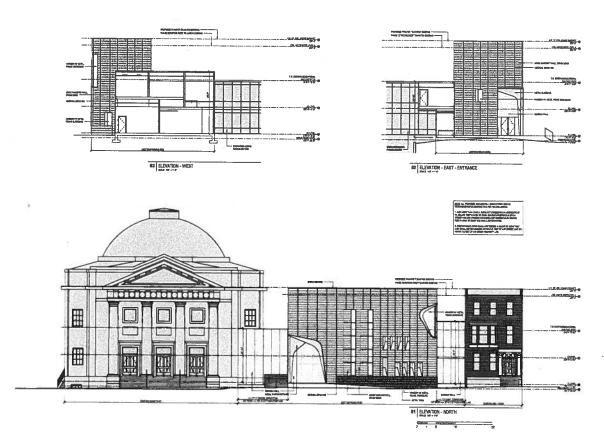








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SHINDERG LEVINGS CONGREGATION BETH AHABAH L117-1125 WEST-FRANCES ST PROMOTE NO 22220 CTR. DICHER MARIE WILL GUILLING WILL M. D. SLOO THE PARTY OF THE P BUILDING ELEVATIONS A201

