#### INTRODUCED: July 23, 2018

#### AN ORDINANCE No. 2018-212

To amend and reordain Ord. No. 93-271-235, adopted Oct. 11, 1993, which authorized the use of the property known as 1133 West Franklin Street for the purpose of conversion and use of the existing building as offices, Sunday school rooms, and meeting rooms accessory to the existing church at 1205 West Franklin Street, and as a single dwelling unit, together with accessory parking, to authorize additional signage, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

#### PUBLIC HEARING: SEPT 10 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 93-271-235, adopted October 11, 1993, be and is hereby amended and reordained as follows:

§ 1. That the [real estate,] property known as 1133 West Franklin Street, located on the south side of Franklin Street between Boyd and Birch Streets, being more completely described as follows: beginning at a point on the south right of way line of Franklin Street, said point being 28.00 feet east of the point of intersection of the east right of way line of Birch Street and the south right of way line of Franklin Street; thence in an easterly direction along the south right of way of

| AYES:    | 8            | NOES:     | 0 | ABSTAIN:  |  |
|----------|--------------|-----------|---|-----------|--|
|          |              |           |   |           |  |
| ADOPTED: | SEPT 10 2018 | REJECTED: |   | STRICKEN: |  |

Franklin Street 27.75 feet to a point; thence in a southerly direction 144.26 feet between parallel property lines to a 20 foot wide public alley, is hereby permitted to be used for the purpose of conversion and use of the existing building as offices, Sunday school rooms, and meeting rooms accessory to the existing church at 1205 West Franklin Street, and as a single dwelling unit, together with accessory parking, substantially as shown on the site plan, floor plans and elevation drawings entitled: "Plans for Proposed Use" and "Proposed Elevations", prepared by Marcellus Wright Cox & Smith, Architects, dated August 31, 1993, copies of which are attached [hereto and made a part of this ordinance] to Ordinance No. 93-271-235, adopted October 11, 1993, as modified by the plans entitled "St. James's Protestant Episcopal Church, 1131 West Franklin Street, City of Richmond, Virginia," prepared by Hulcher & Associates, Inc., dated February 7, 2008, and last revised March 12, 2008, and the plans entitled "St. James Episcopal Church," prepared by Signs Unlimited Inc., and dated November 8, 2017, copies of which are attached to and incorporated into this amendatory ordinance.

§ 2. That adoption of this ordinance shall constitute the granting of a special use permit for the [real estate] property, which shall be transferable from the owner of the [real estate] property to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of said [real estate] property a building permit in accordance with the above-referenced plans for such purpose(s), subject to the following terms and conditions:

(a) That the owner of the property shall be bound by, observe, and shall comply with all other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and building, except as otherwise provided in this <u>amendatory</u> ordinance;

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(b) That application for a building permit shall be made within [twelve months] 730 days from the effective date of this <u>amendatory</u> ordinance, which building permit shall expire by limitation and become null and void if construction is not commenced within [one hundred eighty] 180 days from the date of the building permit, or if construction is suspended or abandoned for a period of [one hundred eighty] 180 days at any time after the work is commenced, as provided in applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within [twelve months] 730 days from the effective date of this <u>amendatory</u> ordinance or should the building permit expire and become null and void, the privileges granted by this <u>amendatory</u> ordinance shall terminate and the [special use permit shall become null and void] property shall be governed by Ordinance No. 93-271-235, adopted October 11, 1993;

(c) That the use of the property shall be as offices, Sunday school rooms, and meeting space accessory to the existing church located at 1205 West Franklin Street, and as a single dwelling unit, substantially as shown on the [attached] plans attached to Ordinance No. 93-271-235, adopted October 11, 1993, provided, however, that the use of the rooms on the second floor of the building designated on such plans as "office" may also be used for religious educational activities on Sundays. Use of the offices, Sunday school rooms, and meeting space shall be limited to members or staff of, and groups associated with, the church at 1205 West Franklin Street. Occupancy of offices, Sunday school rooms, and meeting space shall be limited to a maximum of [forty (40)] 40 persons, provided, however, that there shall be no limitation imposed by this ordinance on the occupancy of such rooms when used for religious educational activities on Sundays;

(d) That two [<del>(2)</del>] parking spaces shall be provided on the [premises] property, substantially as depicted on the [attached] plans attached to Ordinance No. 93-271-235, adopted October 11, 1993. The on-site parking area shall be paved with an all-weather, dust-free surface and parking spaces shall be delineated on the pavement surface. Seventeen [<del>(17)</del>] additional spaces shall be made available for the users of the [premises] property within the existing parking lots at 1102-1104 [and/or] or 1127-1131 West Franklin Street during the periods of occupancy of 1133 West Franklin Street;

(e) That 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 as not to be visible from adjacent properties and public streets;

(f) That final grading and drainage plans shall be approved by the Director of [Community Development] Public Utilities prior to the issuance of building permits;

(g) 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 and building shall be provided and maintained at all times by the owner at its costs and expense so as not to adversely affect or damage adjacent property or public streets and alleys and the use thereof;

(h) That [identification of] signage on the [premises] property shall be limited to: (i) signage permitted in all districts pursuant to section 30-505 of the Code of the City of Richmond (2015), as amended, (ii) one [(+)] sign, attached flat against a vertical exterior wall of the front elevation of the building, at the first floor level[-Such], which sign shall not exceed four [(+)] square feet in area, and (iii) one freestanding sign substantially as shown on the plans entitled "St. James's Protestant Episcopal Church, 1131 West Franklin Street, City of Richmond, Virginia," prepared by Hulcher & Associates, Inc., dated February 7, 2008, and last revised March 12, 2008,

and the plans entitled "St. James Episcopal Church," prepared by Signs Unlimited Inc., and dated November 8, 2017, copies of which are attached to the plans attached to this amendatory ordinance, subject to the requirements of Chapter 30, Article IX, Division 4 of the Code of the City of Richmond (2015), as amended;

(i) That in all other respects, the property shall be subject to the applicable zoning regulations.

§ 4. That [should the owner use the premises for any purpose which is not permitted by this ordinance, or fails, refuses or neglects to comply with all applicable terms and conditions, and does not terminate such use or comply with such terms and conditions within sixty days after written notice to do so has been given by the Zoning Administrator,] the privileges granted by this ordinance [shall terminate and the special use permit shall become null and void, unless an application for a special use amendment is filed with the Director of the Department of Community Development, which shall stay the sixty day period] may be revoked pursuant to the provisions of sections 30-1057.7 through 30-1057.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms <u>and conditions</u> of this ordinance shall constitute a violation of [<del>\$32.1-1080</del>] section 30-1080 of the Code of the City of Richmond[<del>, 1985</del>] (2015), as amended, and all future amendments to such law, or <u>any</u> other applicable [<del>provision</del>] laws or regulations.

§ 5. That when the privileges granted by this <u>amendatory</u> ordinance terminate and the special use permit becomes null and void or when use of the [premises] property is abandoned for a period of [twenty four] 730 consecutive [months] calendar days, use of the [real estate] property shall be governed thereafter by the zoning regulations prescribed for the district in which the [real estate] property is then situated.

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- § 6. This ordinance shall be in force and effect upon adoption.
- II. This amendatory ordinance shall be in force and effect upon adoption.

# RECEIVE**City** of Richmond

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OFFICE OF CITY ATTOFFILe Number: PRE.2018.270

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Office of the O & R Request FFICE OF CITY ATT Chief Administrative Officer

**EDITION:1** 

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**DATE:** June 27, 2018

OF FILL OFFICE OF GITM

- TO: The Honorable Members of City Council
- **THROUGH:** The Honorable Levar M. Stoney, Mayor (This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer

- THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and NV Planning
- FROM: Mark A. Olinger, Director, Department of Planning and Development Review
- **RE:** To amend and reordain Ord. No. 93-271-235, adopted October 11, 1993, which authorized the use of the real estate, property known as 1133 West Franklin Street, for the purpose of conversion and use of the existing building as offices, Sunday school rooms, and meeting rooms accessory to the existing church at 1205 West Franklin Street, and as a single dwelling unit, together with accessory parking, upon certain terms and conditions, to authorize additional signage, upon certain terms and conditions.

ORD. OR RES. No.

**PURPOSE:** To authorize an amendment to a special use permit for the property known as 1133 West Franklin Street for the purpose of permitting a free standing, directional sign, upon certain terms and conditions.

**REASON:** The reason for the amendment request is to allow the applicant to install a freestanding sign, which is not currently permitted by existing special use permit.

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

**BACKGROUND:** The subject property consists of an 11,380 SF or .26 acre parcel of land improved with a three story institutional and office building constructed, per tax assessment records, in 1920. The property is located in the Fan neighborhood near the VCU Monroe Park Campus and within Near West Planning District. It is also located with the West Franklin Street City Old & Historic District.

The City's Master Plan recommends Single-Family Medium Density land use for the subject property. Primary uses are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses.

Currently, adjacent properties on this block of West Franklin Street are a combination of private institutional and multi-family residential uses. Adjacent and nearby properties are zoned in the same R-6 Single-Family Attached Residential District as the subject property.

**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:** \$1,800 application fee.

DESIRED EFFECTIVE DATE: Upon Adoption.

**REQUESTED INTRODUCTION DATE:** July 23, 2018

CITY COUNCIL PUBLIC HEARING DATE: September 10, 2018

**REQUESTED AGENDA:** Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, September 4, 2018.

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 Ord. No. 93-271-235

REQUIRED CHANGES TO WORK PROGRAM(S): None.

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

STAFF: Jonathan Brown, Senior Planner Land Use Administration (Room 511) 646-5734

|   | LEGISLATION REPORTS  |   |  |
|---|--|---|--|
| Date Introduced: July 23, 2018                | Resolution/Ordinance Title:<br>Amendment to City Code Appendix<br>A, Section 28-924    | #: To be assigned   |  |
| Patron(s):<br>Honorable Mayor Levar M. Stoney | Does your DCAO/Director<br>Recommend:<br>Support/Oppose/Neutral                        | Assigned Committee:<br>Finance & Economic<br>Development  |  |
| Department: Utilities                         | Fiscal Impact: None  | Anticipated Introduction Date:<br>July 23, 2018   |  |
|   | vertent omission of the non-residential st<br>og the fiscal year 2019 budget amendment |   |  |
| Effective Date: Upon adoption                 | Council Public He  | Council Public Hearing Date:  |  |
|   |  | NUMBER OF STREET, STREE |  |

| Date Introduced:     Resolution/Ord       Patron(s):     Does your DCA0       Recommend:     Support/       Department:     Fiscal Impact: |                   | #:<br>Assigned Committee:      |  |  |
|--|-------------------|--------------------------------|--|--|
| Recommend:<br>Support/   |                   |                                |  |  |
| Department: Fiscal Impact:   |                   |                                |  |  |
|  |                   | Anticipated Introduction Date: |  |  |
| Background:  |                   |                                |  |  |
| Effective Date:  | Council Public He | Council Public Hearing Date:   |  |  |

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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.richmonclgov.com/

Date: 04/10/2018

Application is hereby submitted for: (check one)

- **u** special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

### **Project Name/Location**

Property Adress: 1133 West Franklin Street Tax Map #: W0000531001 Fee:

Total area of affected site in acres: 2613

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

# Zoning

✓

Current Zoning: R-6

Existing Use: Place of Worship

# Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Install up to 10 sq ft of directional signage related to Church activities

Existing Use: Place of Worksip

No

Is this property subject to any previous land use cases? Yes

If Yes, please list the Ordinance Number: No. 93-271-235

#### Applicant/Contact Person: Laura Strickler, Junior Warden of the Vestry

| Company; St. James's Episcopal Church      |           |                 | — |
|--|-----------|-----------------|---|
| Mailing Address: 1205 West Franklin Street |           |                 | — |
| City: Richmond                             | State: VA | Zip Code: 23221 | — |
| Telephone: _(804 ) 5,391,293               | Fax: (804 | ) 3,534,837     | — |
| Email: laurastrickler@gmail.com            |           | /               | — |

#### Property Owner: St. James Protestant Episcopal Church, Inc.

If Business Entity, name and title of authorized signee: Laura Strickler, Jurier Warden of the Vestry

(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: 1205 West Franklin Street

| City: <u>Richmond</u>  |           | <br>State: VA | Zip Code: 23220 |
|------------------------|-----------|---------------|-----------------|
| Telephone: _(_804      | 3,551,779 | <br>Fax: (804 | ) 3,534,837     |
| Email: alisk@doers.org |           |               |                 |

#### Property Owner Signature: Laura Strickler

Digitity ingreet by Laura Stackler Date 19 81 05:08 09:07.32 -04:00\*

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)



| SCH. 20<br>CONCRETE   | A       J         A       B         B       C         B       C         C       Valentine Hall<br>Classrooms<br>Meeting Spaces         A       A         B       C         B       C         C       Parking Deck         C       Parkinson Room<br>Peterkin Parlor         C       Gibson Hall<br>Atrium<br>Conference Rooms<br>Wheelchair Access &         C       Church<br>Parkinson Room<br>Peterkin Parlor         C       Gibson Hall<br>Atrium<br>Conference Rooms<br>Wheelchair Access &         C       Children's Center         Parish House<br>Church Offices         N.T.S.         "(W) X 36" (H) X .125" THICK ALUMINUM PANEL<br>W" ROUNDED CORNERS<br>ED BOTH SIDES BLACK<br>IN SLIT POST AND PANEL SYSTEM         "X 8' SQUARE ALUMINUM TUBING POSTS<br>ACCRN FINIAL PAINTED BLACK<br>TED INTO THE GROUND 3' DEEP WITH<br>RETE         3M 220 WHITE & OYSTER VINYL<br>GILL SANS MT BOLD & BASKERVILLE ACCT | Scale:<br>Notes:<br>Sign Type:<br>(1) SLIT POST FLAG SIGN  |
|---|--|--|
| Approved as drawn :     Approved with noted changes :     Rejected - Revise and Resubmit : Approved By : Approval Date: |  | This drawing is the property of Signs Unlimited, Inc.<br>The undersigned agrees it shall not be reproduced,<br>copied, or disposed of directly or indirectly, nor used<br>for any other purpose without expressed permission<br>of Signs Unlimited, Inc. |

St. James's Parish House Church Offices





A NI

Basement Meeting Room

Children's Center

Gibson Hall
 Atrium
 Conference Rooms
 Wheelchair Access &

Memorial Garden

< Church

**«** Michaux House

**≪ Parking** Accessible Parking હ Parking Deck



The proposed new sign will use this existing signage's color and fonts choices.



#### St. James's Episcopal Church

1205 W. Franklin Street, Richmond, VA 23220

# 6/4/2018

City of Richmond Department of Planning & Development Review Land Use Administration Division 900 East Broad Street Richmond, VA 23219

#### To Whom it May Concern:

On behalf of St. James's Episcopal Church, I am submitting this application for a Plan Amendment to our Special Use Permit, in order to allow identifying and directional signage to be placed in front of our building, located at 1133 W. Franklin Street.

Enclosed in this package you will find:

- 1. Applicant Report with Photograph
- 2. Completed Application for Special Use Permit Amendment
- 3. A site plan, with location of proposed signage marked
- 4. Signage plan drawings and photograph depicting font / color selections.

I have included a fee of \$1,800.

Thank you for your consideration,

Laura Strickler

Junior Warden of Vestry of St. James's Episcopal Church

804.539.1293 \* laurastrickler@gmail.com

## St. James's Episcopal Church

1205 W. Franklin Street, Richmond, VA 23220

# **Special Use Permit Plan Amendment Applicant Report**

We respectfully request an amendment to the Special Use Permit for the property located at 1133 West Franklin Street, to allow signage to be placed on our property in front of the building for identification and directional purposes.

As a part of the complex of buildings belonging to St. James's Episcopal Church, the buildings located at 1133 West Franklin Street house our Sunday School classrooms, meeting rooms, fellowship hall and parish kitchen. This building is located between our parking deck and our sanctuary complex.

Appropriate identifying and directional signage has been installed at our other buildings at 1205 West Franklin Street, and we request the ability to do the same at 1133. The property is used for both church and community activities, yet is almost impossible to identify, beyond the approved address numbers on the building.

We expect this signage will allow easier and quicker identification of our facilities for visitors and direct both members and visitors to our two parking decks. There will be no impact on the safety of the public, no creation of congestion in street, and will not cause any hazards.

Thank you for your consideration.