

INTRODUCED: May 10, 2021

AN ORDINANCE No. 2021-135

To authorize the special use of the property known as 3511 P Street for the purpose of a community center, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUN 14 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 3511 P Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of a community center, which use, among other things, is not currently allowed by section 30-402.1(6)(c), concerning a prohibition on buildings located within 50 feet of an adjoining lot in an R and RO district, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUN 14 2021 REJECTED: _____ STRICKEN: _____

create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 3511 P Street and identified as Tax Parcel No. E000-1110/021 in the 2021 records of the City Assessor, being more particularly shown on a plat entitled “Plat Showing the Physical Improvements to E0001110021, 3511 P Street, Capital Christian Deliverance Center, 7th District, City of Richmond,” prepared by C.E. Duncan & Associates, Inc., and dated February 27, 2018, 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 the plans entitled “Oakwood Arts Renovation, 3511 P Street, Richmond, VA,” prepared by Johannas Design Group, dated January 24, 2020, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as a community center, substantially as shown on the Plans.

(b) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(c) Signs for the Special Use shall be regulated by the sign requirements for non-dwelling uses permitted by right in the R-5 Single-Family Residential District, pursuant to section 30-506 of the Code of the City of Richmond (2020), as amended.

(d) No off-street parking spaces shall be required for the Special Use.

(e) The Property may also be used for special events unrelated to the community center use, except that no more than 12 such events within any 12-month period shall be permitted. Six of such events shall host no more than 85 attendees, and the remaining six such events shall host no more than 50 attendees. Each special event shall be located within the buildings shown on the Plans. Each special event shall end no later than 11:00 p.m., Friday through Saturday, and no later than 10:00 p.m., Sunday through Thursday. No person associated with the special event shall perform any functions related to the event on the Property after midnight, Friday through Saturday, and no later than 11:00 p.m., Sunday through Thursday.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final,

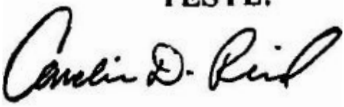
non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

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

§ 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.

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

A TRUE COPY:
TESTE:

City Clerk

City of Richmond

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

Item Request File Number: PRE.2020.319

O & R Request

DATE: April 28, 2021 **EDITION:** 2

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor)



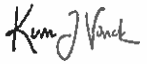
THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer



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



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



RE: To authorize the special use of the property known as 3511 P Street, for the purpose of a community center, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 3511 P Street, for the purpose of a community center, upon certain terms and conditions.

REASON: The request is to authorize the use of a former church building as a community center that is located in the R-5 Single-Family Residential zoning district. The proposal is not a permitted use in this zoning district. Therefore a special use permit is 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 June 7, 2021, meeting.

BACKGROUND: The subject property is an 11,250 square foot (.258 acre) parcel improved with a vacant church building, a vacant day nursery building, and a vacant utility building. It is located in the R-5 Single-Family Residential District where the proposed community facility does not meet the criteria for a permitted use. Specifically, the proposed use shall serve residents who live outside the adjoining neighborhood and the building is located within 50 feet of an adjoining lot that is located in a residential district.

The City of Richmond's Master Plan designates the subject property for Single-Family (Low Density) uses. Primary use is single-family detached dwellings at densities up to seven 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.

All properties surrounding the subject property are located within the same R-5 Single-Family Residential zoning district. Within the area of the subject property, those properties with improvements contain single-family detached dwellings.

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: \$2,400 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 24, 2021

CITY COUNCIL PUBLIC HEARING DATE: June 14, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
June 7, 2021

AFFECTED AGENCIES: Office of Chief Administration Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application and Narrative, Property and Plans, Map

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036



Application for **SPECIAL USE PERMIT**

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

Application is hereby submitted for: (check one)

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

Project Name/Location

Property Address: 3511 P Street Date: 5/7/2020
Tax Map #: E1110021 Fee: \$2400 (3240+1530+504=5320 sf per city records)
Total area of affected site in acres: 0.25 (approximately 11,250 sf)

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

Zoning

Current Zoning: R-5 Residential (Single Family)

Existing Use: church

Proposed Use

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

non-profit arts-related community center
Existing Use: church

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: BZA Variances: Appeals #3 dated 8/23/1927, Case #68-67 dated 5/8/1967; church/day nursery certificates of occupancy dated 2/7/1968 and 9/22/1974; CO for church dated 11/12/1999

Applicant/Contact Person: Scott Corwin
Company: Johannes Design Group
Mailing Address: 1901 West Cary Street
City: Richmond State: Virginia Zip Code: 23220
Telephone: (804) 358-4993 Fax: ()
Email: scott@johannesdesign.com

Property Owner: Oakwood Arts Inc.
If Business Entity, name and title of authorized signee: Shannon Castleman

(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: 2216 East Broad Street
City: Richmond State: Virginia Zip Code: 23223
Telephone: (804) 229-0429 Fax: ()
Email: shannon@oakwoodarts.org

Property Owner Signature: [Signature] (Oakwood ARTS)

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)



May 18, 2020

RE: 3511 P Street Proposed Community Center Use

Existing Property

The property at 3511 P Street is in the Oakwood neighborhood. The 11,250 square foot lot contains a 1530 square foot (sf) church building, a 3240sf day nursery addition, and a 540sf building previously used as a residence. The church building is located on the northeastern corner of the property, the day nursery extends toward the northwestern corner of the property, and the residence building is on the southeastern corner of the property. The property is adjacent to a residential lot on its southern edge, an alley on its eastern edge, P Street on its northern edge, and 35th Street on its western edge. (Note that a Zoning Confirmation letter by William C. Davidson dated August 11, 2017, incorrectly lists the area of the church and nursery building as 5550sf, and incorrectly includes a basement at 3240sf.)

The church building was constructed prior to the City's first Zoning Ordinance and has been subject to two variances. The first variance in 1927 waived the side and rear yard requirements for the single-family residence. A certificate of occupancy for day nursery use was issued originally on January 16, 1968, for forty children and five staff, and another CO on August 22, 1974 increased the staff to eight. Based on the arrangement of nine foot pews before demolition, the occupancy of the church sanctuary was approximately 90. There was no on-site parking.

The property was purchased in 2019 by its current owner, Oakwood Arts Inc., a nonprofit organization serving primarily the Oakwood Neighborhood.

Proposed Community Center

The owner of the property is in the process of renovating the existing church building and is applying for a special use permit (SUP) to repurpose the complex into a community center. It will create a secular space focused on education and the arts.

The nonprofit's goals are to make art and careers in creative industries accessible to all through community engagement, inspiring programming, and experiential education. Programs include classes and workshops focusing on necessary digital and technical skills to enable students to succeed in the creative workforce. Curriculum involves technology-based after-school art classes for teenagers

and young adults, recreational fine arts classes for the community, and basic technology classes for senior members of the community to help bridge the digital divide. An international artist-in-residence program for a community-based project, an exhibition space, a lending library, and additional community programs are included. The spaces will also be available for community-led meetings and programs.

In a little more than two years since the nonprofit was established, it has launched a range of successful arts and technology programs, established lasting partnerships with other community organizations, and introduced more than 300 teens and young adults to a wide variety of creative careers. The current renovation will allow Oakwood Arts Inc. to create a headquarters and further support and enhance the community it serves.

Special Use Permit

The Zoning Confirmation letter states that the zoning district for the property is R-5. It did not determine existing parking requirements or provisions, currently required to be at one per two employees for a day nursery, or four spaces, plus one per eight seats for the main sanctuary, or eleven spaces, plus one for the residence, or 16 spaces total, of which none were provided; *this SUP requests that the parking requirement is waived.*

The letter further confirms that the district allows nonprofit community centers and incidental uses operated for members and guests, provided that it meets five conditions, all addressed in this SUP:

- a. Principal points of vehicular access to the premises shall be located on arterial or collector streets. *This condition is met as the property is located on a collector street.*
- b. Portions of the premises devoted to outdoor activities shall be effectively screened from view from abutting properties in R and RO districts by evergreen vegetative or structural screens not less than six feet in height. *This condition is met as the new deck included in the permitted renovation is not visible to abutting properties.*
- c. No building shall be located within 50 feet of an adjoining lot in an R and RO district. *This condition is not met by the existing buildings on the property; this SUP requests that this condition is waived.*
- d. Swimming pools and adjoining deck areas shall be completely enclosed with a fence or wall not less than four feet in height, and no swimming pool or adjoining deck area shall be located within 50 feet of an adjoining lot in an R or RO district. *This condition is not relevant to this SUP.*
- e. A plan of development shall be required. *This SUP fulfills this condition.*

Neighborhood

The Property is located in the Oakwood neighborhood. It is expected to have four (4) full-time and six (6) part-time employees. The hours of operation will be 9AM to 7PM, Monday through Friday, plus accessory events directly related to the stated mission; events beyond normal business hours shall conclude no later than 10PM Monday through Thursday, 11PM on Friday and Saturday, and 7PM on Sunday. The intensity of the proposed use will be similar to the existing church and day nursery.

Master Plan

The 2000-2020 Richmond Master Plan's existing land use plan from 2000 marks this property as "Commercial" and the land use plan from 2017 labels it as "Single-Family (Low Density)". The Master Plan explains that existing corner commercial lots such as this property "should be restricted to neighborhood commercial uses" and "are deemed appropriate only as long as ABC licenses are not included in their operation". It explains that "(e)xpansions or conversion of these uses to more intense uses should be discouraged". This proposal does not change the property to a more intense use as it is expected to have similar activity as the existing church and day nursery.

City Charter Conditions for SUP

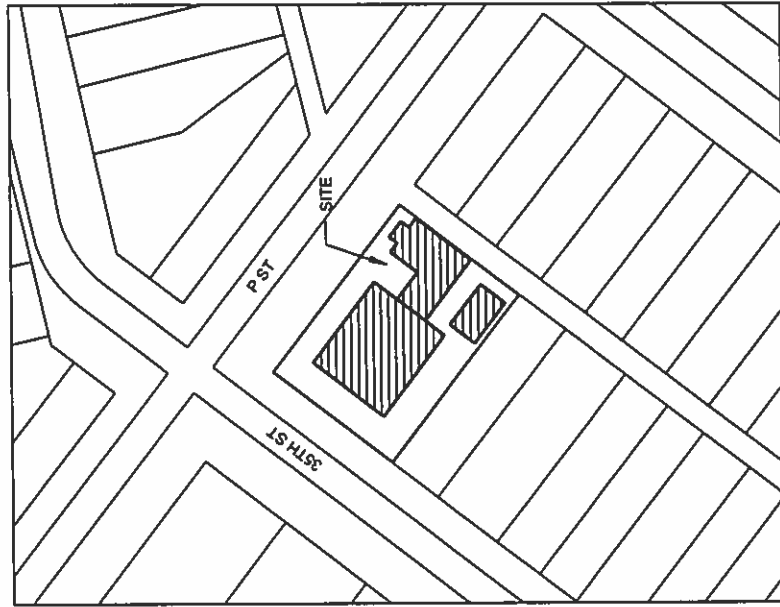
- A. The proposed special use will not be detrimental to the safety, health, morals, and general welfare of the community involved. *The proposed special use will benefit and aid of the community.*
- B. The proposed special use will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved. *The proposed special use is not more intense than the existing use.*
- C. The proposed special use will not create hazards from fire, panic or other dangers. *The renovation will be constructed in accordance with all applicable building codes.*
- D. The proposed special use will not tend to cause overcrowding of land and an undue concentration of population. *The proposed special use will not cause more crowding than when used as a church and nursery.*
- E. The proposed special use 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.
- F. The proposed special use will not interfere with adequate light or air.

OAKWOOD ARTS RENOVATION

3511 P STREET

RICHMOND, VA

VICINITY MAP



DRAWING LIST

- SUP0 COVER SHEET
- SUP1 FLOOR PLAN
- SUP2 ELEVATION

PROJECT INFO

SCOPE: Special use permit application to change existing church to community center

OWNER: Oakwood Arts Inc.

ZONING: R-5 Residential (Single-family)

EXISTING USE: Church

PROPOSED USE: Community Center

REVISIONS

OAKWOOD ARTS + P35 GALLERY

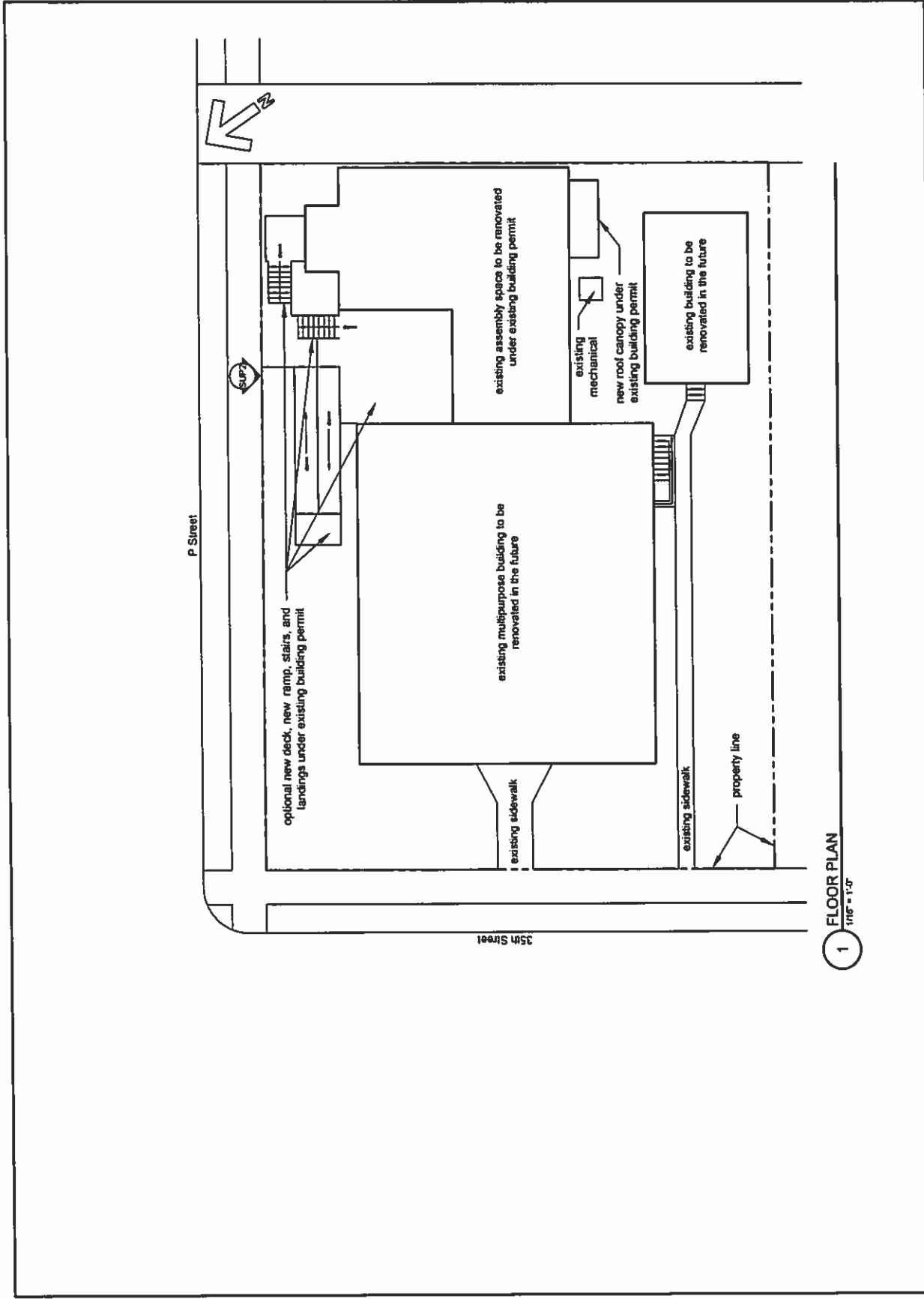
SHEET TITLE
COVER SHEET

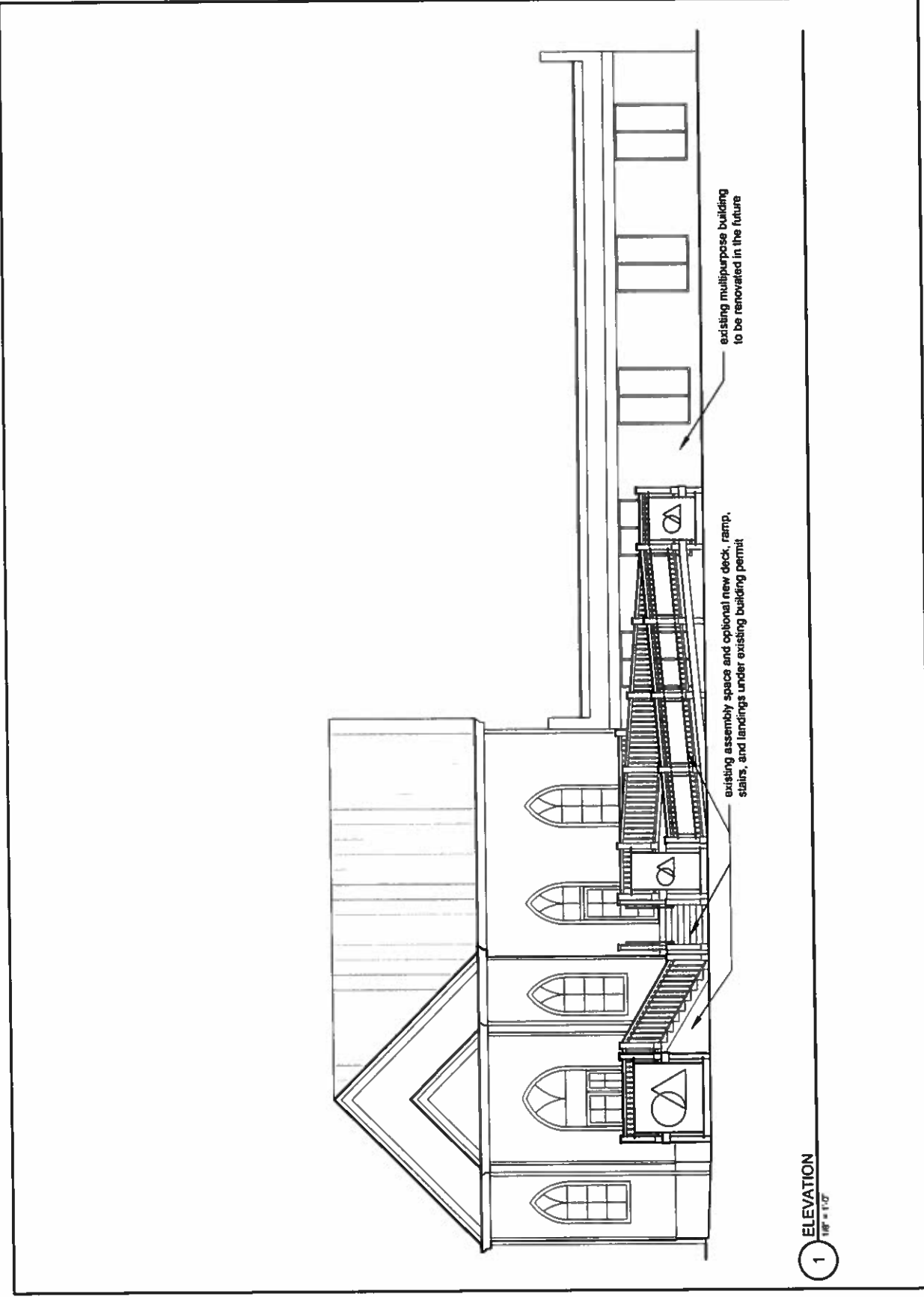
DATE
1.24.2020

PROJECT NO
1753

SHEET NO

SUP0



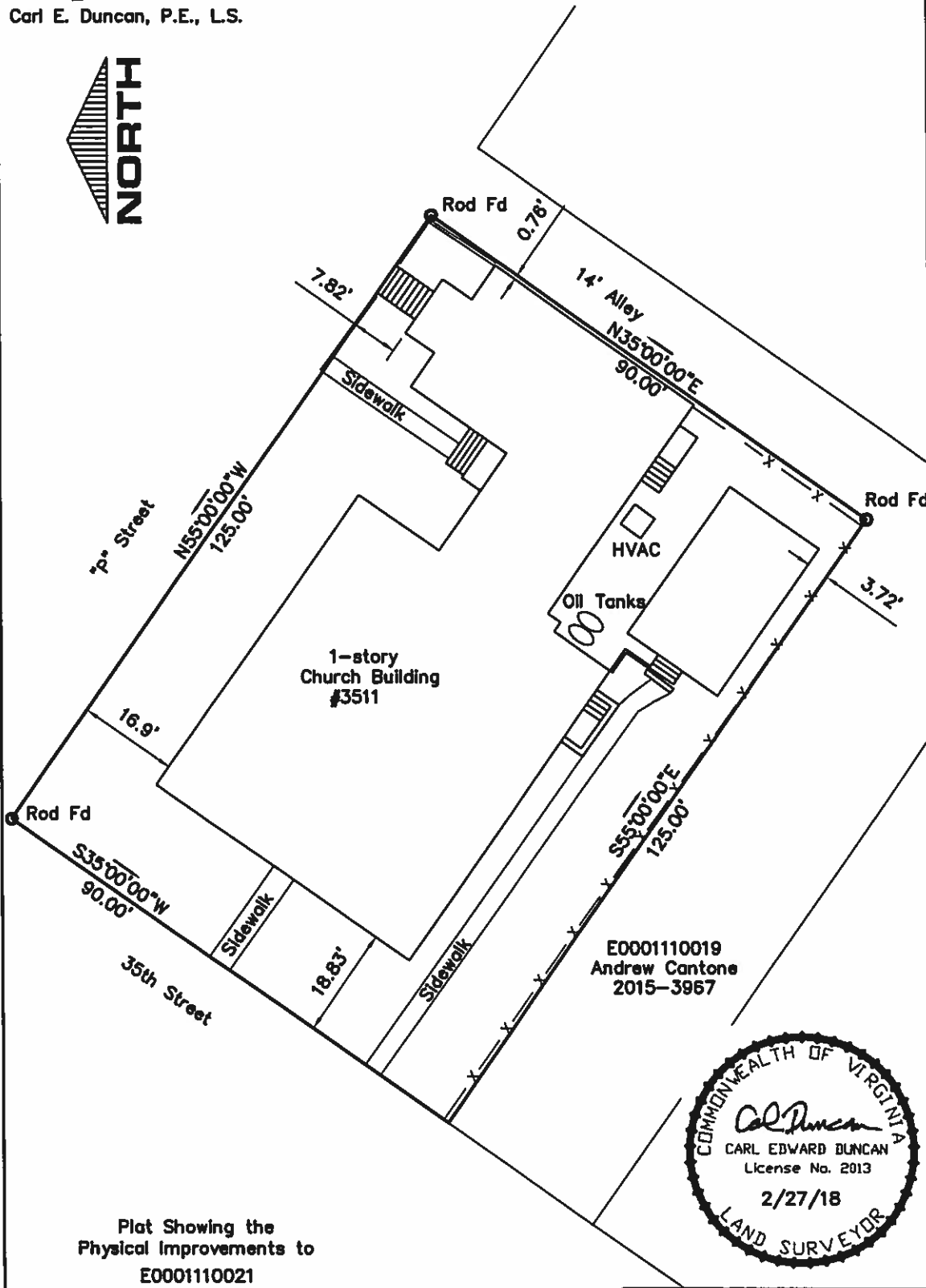


1 ELEVATION
1/8" = 1'-0"

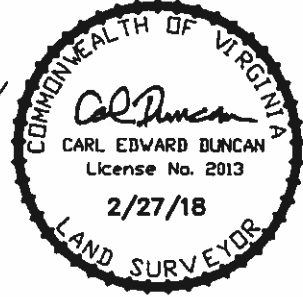
I hereby certify that an accurate survey of the property was made on February 27, 2018 and that any encroachments are noted hereon. This survey was made without benefit of a title report and there may be encumbrances present that are not shown.

Carl E. Duncan

Carl E. Duncan, P.E., L.S.



E0001110019
 Andrew Cantone
 2015-3967



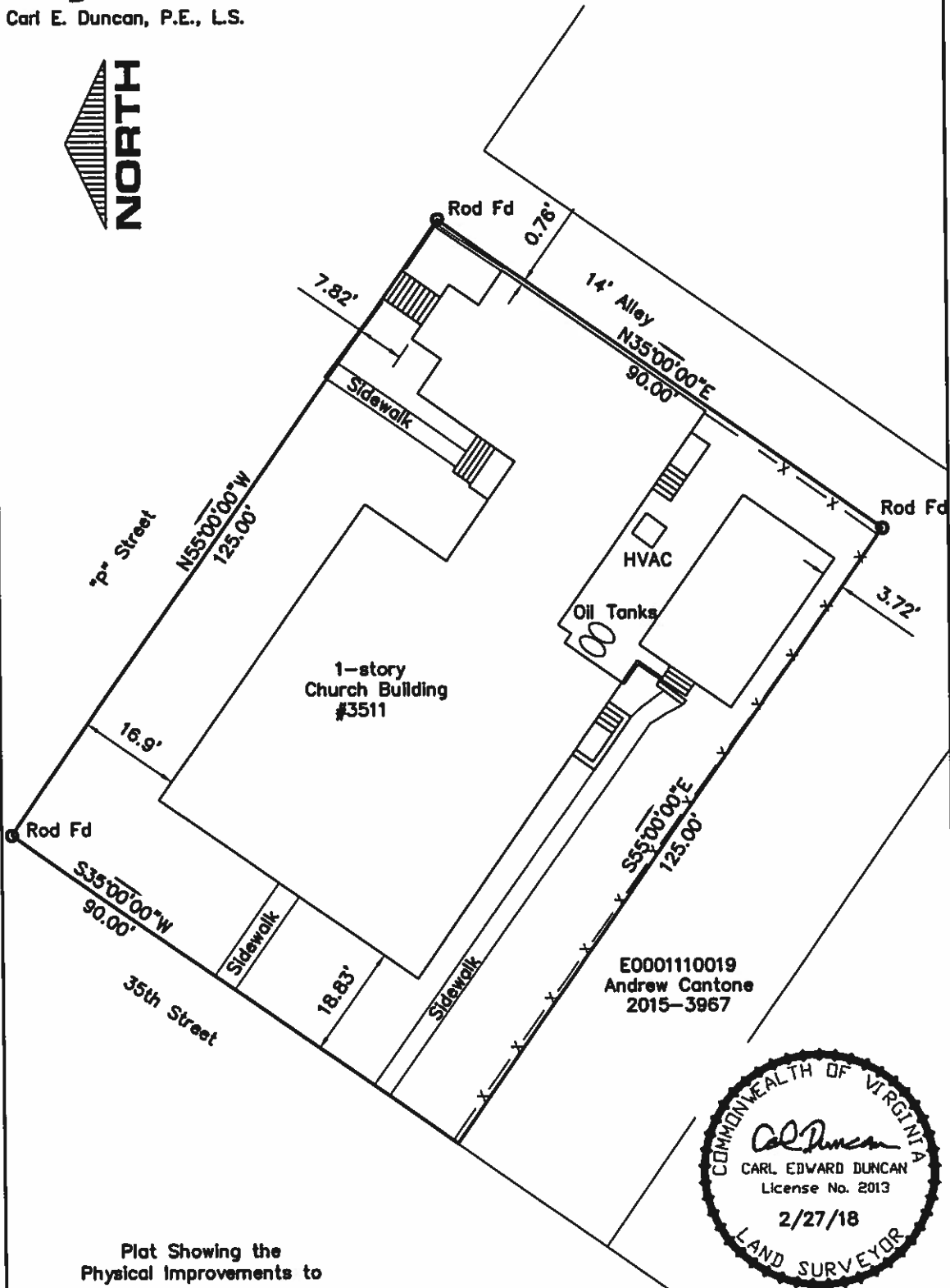
Plat Showing the
 Physical Improvements to
 E0001110021
 3511 P Street
 Capital Christian Deliverance Center
 7th District
 City of Richmond

C. E. Duncan & Associates, Inc.
 2609 Rocky Oak Road
 POWHATAN, VIRGINIA 23139
 (804) 598-8240 Fax (804) 598-8240
 DATE: 2/27/18 SCALE: 1"=20'
 DRAWN BY: CED JOB NO.: 18-0273

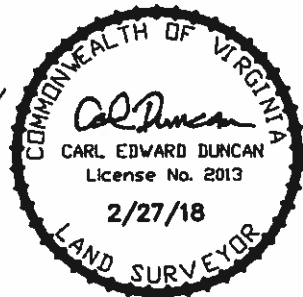
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E0001110019
Andrew Cantone
2015-3967



Plat Showing the
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