



Legislation Details (With Text)

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| File #: | ORD. 2019-261 | Version: | 2 | Name: | |
| Type: | Ordinance | Status: | Adopted | | |
| File created: | 8/7/2019 | In control: | City Council | | |
| On agenda: | 10/7/2019 | Final action: | 10/14/2019 | | |
| Title: | To authorize the special use of the property known as 2100 North 29th Street for the purpose of a private school, upon certain terms and conditions. | | | | |
| Sponsors: | Mayor Stoney (By Request) | | | | |
| Indexes: | | | | | |
| Code sections: | | | | | |
| Attachments: | 1. Ord. No. 2019-261, 2. Staff Report, 3. Application Form and Applicant's Report, 4. Plans, 5. Survey, 6. Map | | | | |

| Date | Ver. | Action By | Action | Result |
|------------|------|---------------------|--------------------------|--------|
| 10/14/2019 | 2 | City Council | adopted | Pass |
| 10/7/2019 | 2 | Planning Commission | recommended for approval | |
| 9/9/2019 | 2 | City Council | introduced and referred | |

To authorize the special use of the property known as 2100 North 29th Street for the purpose of a private school, upon certain terms and conditions.

WHEREAS, the owner of the property known as 2100 North 29th Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of a private school, which use, among other things, is not currently allowed by sections 30-410.4, concerning lot area and width, and 30-410.5, concerning yard setbacks, 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 (2018), 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 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 2100 North 29th Street and identified as Tax Parcel No. E012-0374/001 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “New Middle School, Anna Julia Cooper Episcopal School, City of Richmond, Virginia, Existing Site & Demolition Plan,” prepared by Hulcher & Associates, Inc., and dated May 13, 2019, 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 private school, hereinafter referred to as “the

Special Use,” substantially as shown on sheets C1, C2, C3, C9, and C10 of the plans entitled “New Middle School, Anna Julia Cooper Episcopal School, City of Richmond, Virginia,” prepared by Hulcher & Associates, Inc., and dated May 13, 2019, and on the plans entitled “Special Use Permit Plans, Anna Julia Cooper Episcopal School, New Middle School, 2100 North 29th St., Richmond Virginia 23223,” prepared by Boynton, Rothschild, Rowland, Architects PC, and dated May 13, 2019, hereinafter referred to, collectively, 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 private school, substantially as shown on the Plans.

(b) No fewer than 13 parking spaces shall be provided on the property, substantially as shown on the Plans.

(c) Any signs for the Special Use shall conform to the requirements for non-dwelling uses permitted in the R-5 District pursuant to section 30-506 of the Code of the City of Richmond (2015), as amended

(d) A sign and landscape plan, including the location of existing and proposed street trees, must be submitted to and approved by the Director of Planning and Development Review prior to the issuance of any building permit.

(e) No work shall occur within ten feet of a City-owned tree without the prior approval of the Director of Public Works.

(f) 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 public right-of-way, including the installation of (i) a sidewalk along Purcell Street, North 29th Street, and Newbourne Street and (ii) a 16-foot alley and entrances, all 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 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.

O & R Request

DATE: August 13, 2019

EDITION: 1

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: Selena Cuffee-Glenn, Chief Administrative Officer

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

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

RE: To authorize the special use of the property known as 2100 N 29th Street in order to allow a private

school building, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 2100 N 29th Street in order to allow a private school building, upon certain terms and conditions.

REASON: The subject property (formerly known as 2820 and 2822 Purcell; 2100, 2106, 2108, 2110, and 2112 N. 29th Street; 2805 and 2807 Newbourne Street) is located in the R-5 Single-Family Residential District. Private elementary and secondary schools are permitted uses in this district. However, as proposed, the school building cannot meet the setback and lot coverage requirements of the R-5 District.

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 October 7, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The applicant is the Anna Julia Cooper School Episcopal School and is an independent faith-based school that provides full-tuition scholarships to fourth through eighth grade students with limited economic resources. These students are primarily from the surrounding neighborhood.

The subject property, known as 2100 N 29th Street, is comprised of approximately 1.28 acres and is located on the block bounded by the Purcell Street to the south, N. 29th Street to the east, and Newbourne Street to the north. The subject property is located in the Woodville neighborhood of the East Planning District.

The City of Richmond's Master Plan designates a future land use category for the subject property as Single-Family Medium Density. 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.

The subject property is located in the R-5 Single-Family Residential District. Adjacent properties to the south and west are in the R-5 Single-Family Residential District. Properties to the north and east are in the R-53 Multi-Family District.

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: None

BUDGET AMENDMENT NECESSARY: None

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: September 9, 2019

CITY COUNCIL PUBLIC HEARING DATE: October 14, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission October 7, 2019

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

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

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: