



## Legislation Text

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**File #:** ORD. 2021-027, **Version:** 2

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To amend Ord. No. 2020-142, adopted Jul. 27, 2020, which authorized the special use of the properties known as 1705, 1707, and 1711 Westover Hills Boulevard, and 4922 New Kent Road for the purpose of retail, office, and commercial uses accessory to an existing church, to allow a sign, upon certain terms and conditions.

I. That Ordinance No. 2020-142, adopted July 27, 2020, be and is hereby amended and reordained as follows:

WHEREAS, the owner of the properties known as 1705, 1707, and 1711 Westover Hills Boulevard, and 4922 New Kent Road, which are situated in a R-5 Single-Family Residential District, desires to use such properties for the purpose of retail, office, and commercial uses accessory to an existing church, which use, among other things, is not currently allowed by sections 30-410.1 and 30-410.2 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 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 properties known as 1705, 1707, and 1711 Westover Hills Boulevard, and 4922 New Kent Road, and identified as Tax Parcel Nos. S006-0221/011, S006-0221/014, S006-0221/015, and S006-0221/016, respectively, in the 2020 records of the City Assessor, being more particularly shown on a plot on sheet number 1 of the plans entitled “Westover Hills Methodist Church, Richmond, Virginia,” prepared by Ballou and Justice, and dated September 15, 1955, 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 retail, office, and commercial uses accessory to an existing church, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Westover Hills Methodist Church, Richmond, Virginia,” prepared by Ballou and Justice, and dated September 15, 1955, 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 retail, office, and commercial uses accessory to an existing church, substantially as described in the Applicant Report, a copy of which is attached to and made a part of this ordinance.

(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) The Special Use shall utilize the existing parking area on the Property.

(d) A sign not exceeding six feet in height with a two-sided sign face not exceeding 32 by 20 inches in dimension and illuminated by ground-level spotlights shall be permitted on the Property.

§ 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) 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 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.

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

### **O & R Request**

**DATE:** January 7, 2021

**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:** J.E. Lincoln Saunders, Acting 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 amend Ord.2020-142 authorizing the special use of the properties known as 1705, 1707, and 1711 Westover Hills Boulevard, and 4922 New Kent Road for the purpose of retail, office, and commercial uses accessory to an existing church, to allow signage, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To amend Ord.2020-142 authorizing the special use of the properties known as 1705, 1707, and 1711 Westover Hills Boulevard, and 4922 New Kent Road for the purpose of retail, office, and commercial uses accessory to an existing church, to allow signage, upon certain terms and conditions.

**REASON:** The subject properties are in the R-5 Single-Family Residential zoning district. Ord.2020-142 authorized certain uses of the properties that are not permitted in the R-5 District. The installation of a sign was not listed among the authorized uses and the applicant wishes to install a sign. 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 March 1, 2021, meeting.

**BACKGROUND:** The subject properties comprise the Westover Hills Methodist Church, parsonage, and associated property, located on Westover Hills Boulevard between New Kent Road and King William Road, in the Forest Hill Neighborhood within the City's Old South Planning District.

The Richmond 300 Master Plan designates the subject property for residential uses. Primary uses are single-family houses, accessory dwelling units and open space. Institutional and cultural facilities are indicated as secondary 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, properties are improved with 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:** \$300 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** February 8, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** March 8, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission March 1, 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, The Plans, The Property, 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: