

INTRODUCED: September 13, 2021

AN ORDINANCE No. 2021-253

To authorize the special use of the property known as 2901 Bainbridge Street for the purpose of office uses, a garage for fire apparatus, and a private noncommercial community center use, upon certain terms and conditions.

Patrons – Mayor Stoney (By Request) and Ms. Lynch

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 11 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 2901 Bainbridge Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of office uses, a garage for fire apparatus, and a private noncommercial community center use, which use, among other things, is not currently allowed by sections 30-410.1, concerning permitted principal uses, and 30-402.1(6)(c), concerning the proximity of a building devoted to a private noncommercial community center use to an adjoining lot in an R 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 11 2021 REJECTED: _____ STRICKEN: _____

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 (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 2901 Bainbridge Street and identified as Tax Parcel No.S000-1130/013 in the 2021 records of the City Assessor, being more particularly shown on a site plan entitled “Site Improvements Concept,” prepared by an unknown preparer, and undated, 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 office uses, a garage for fire apparatus, and a private noncommercial community center use, hereinafter referred to as “the Special Use,” substantially as shown on the site plan entitled “Site Improvements Concept,” prepared by an unknown preparer, and undated, and a plan entitled “Renovated Floor Plan Diagram,” prepared by an unknown preparer, and undated, 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 office uses, a garage for fire apparatus, and a private noncommercial community center use, substantially as shown on the Plans.

(b) No off-street parking shall be required for the Special Use. In the event that the area shown on the Plans as “Future Driveway with Parking” is improved for off-street parking, such improvements shall comply with the applicable requirements of section 30-710.12 of the Code of the City of Richmond (2020), as amended.

(c) Outdoor lighting shall be located, directed or shielded so as not to shine directly on adjoining properties or to create a traffic hazard by means of glare or similarity to or confusion with traffic signals, warning lights, or lighting on emergency vehicles.

(d) In addition to the signs permitted by the underlying zoning regulations, signs permitted by section 30-507.1(2) of the Code of the City of Richmond (2020), as amended, 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 (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.

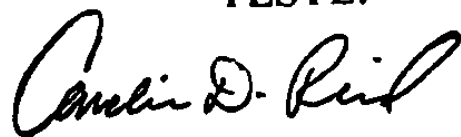
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property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

§ 6. **Implementation.** The 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.

A TRUE COPY:

TESTE:

A handwritten signature in black ink that reads "Carlin D. Reil". The signature is written in a cursive, flowing style.

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.2021.736

O & R Request

DATE: August 12, 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: Kevin J. Vonck, Acting Director, Dept. of Planning and Development Review



RE: To authorize the special use of the property known as 2901 Bainbridge Street for the purposes of offices and an apparatus garage for a nonprofit organization that provides support services for the City of Richmond Fire Department and a community center, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 2901 Bainbridge Street for the purposes of offices and a community center, upon certain terms and conditions.

REASON: The applicant is requesting a special use permit to allow for the use of the property as offices that will be used to support the City of Richmond Fire Department and a community center. Offices are not permitted in the R-5 Single-Family Residential Districts. Community centers are permitted in the R-5 Single-Family Residential District, provided that a number of conditions are met. The building on the property does not meet the requirement that it be at least 50' from property in an R 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 4, 2021, meeting.

BACKGROUND: The subject property consists of a 15,846 square foot (0.36 acre) parcel that is improved with vacant building that was previously used as a City of Richmond fire station. The property is located in the Woodland Heights neighborhood within the Old South Planning District.

The subject property is located within the R 5 Single-Family Residential District. The proposed office use is not permitted in the R-5 District, and the proposed community center use does not meet all of the feature requirements applicable to the use in the R-5 District.

The Richmond 300 Master Plan recommends a future land use of “Residential” for the property. The primary uses recommended for Residential are single-family homes, accessory dwelling units and open space. Secondary uses include duplexes and small multi-family buildings (3-10 units), institutional and cultural uses. These uses should typically be located on major streets. The development style for Residential is houses on medium or large sized lots with homes setback from the street. Future development should continue or introduce a gridded pattern of development and new buildings should be built to a scale and design that is consistent with existing buildings. Buildings are generally one to three stories, with lots generally ranging up to 5,000 SF to 20,000 SF. General density should be 2-10 units per acre. The portion of Bainbridge Street that abuts the property is designated as a “major residential street” on the Street Typologies Map.

The property is in a residential neighborhood, with single-family dwellings being the predominant land use in the surrounding area. Carter Jones Park is located one block east of the 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: September 13, 2021

CITY COUNCIL PUBLIC HEARING DATE: October 11, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
October 4, 2021

AFFECTED AGENCIES: Office of Chief Administrative 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 Form, Applicant's Report, Plans, Map

STAFF: Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646 4856



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: 2901 Bainbridge St. Date: February 22, 2021
Tax Map #: S0001130013 Fee: \$1,800.00
Total area of affected site in acres: 0.364

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

Zoning

Current Zoning: R-5

Existing Use: Surplus Storage / Decommissioned Firehouse

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
Richmond Fire Department Foundation / Metro Richmond Flying Squad - Fire Rehab Headquarters and Meeting Room
Existing Use: Surplus Storage / Decommissioned Firehouse

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: Case No. 13-94 - case in 1994 where an expansion and renovation of the station was approved, though the project never occurred and the case lapsed at the two-year mark.

Applicant/Contact Person: Thomas E. A. Bishop, Esq., on behalf of

Company: Richmond Fire Department Foundation ("RFDF")
Mailing Address: 5606 Greendale Road, Suite C
City: Richmond State: Virginia Zip Code: 23228
Telephone: (804) 250-8911 Fax: (804) 588-9182
Email: tommy@henricolawyer.com

Property Owner: Current: City of Richmond -- Applicant: Richmond Fire Department Foundation (Prospective Purchaser)

If Business Entity, name and title of authorized signee: David Loving, President of RFDF

(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: 900 Hermitage Road
City: Richmond State: Virginia Zip Code: 23220
Telephone: (804) 912-6369 Fax: ()
Email: rvaflyingsquad@gmail.com

Property Owner Signature: *David M. Loving*

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 28, 2021

RICHMOND FIRE DEPARTMENT FOUNDATION
REVISED APPLICANT'S REPORT
in support of its Special Use Permit Application – 2901 Bainbridge St.

Richmond Fire Department Foundation (sometimes herein, “RFDF” or the “Applicant”), in support of its Special Use Permit Application related to the property commonly known as 2901 Bainbridge St., Richmond, Virginia (the “Property”), respectfully submits this Revised Applicant’s Report to the City of Richmond (the “City”) as follows. **This Revised Applicant’s Report concludes with responses to the Land Use Administration Comment Letter #1 dated March 29, 2021.** The Applicant submits this Report in accordance with the Filing Procedures for Special Use Permit, last revised September 7, 2018:

The Applicant’s proposed use of the Property (its “Proposed Use”) is as a hub and headquarters for the division of the RFDF known as the Metro Richmond Flying Squad (“MRFS”), an organization which provides on-site fire rehab services as a volunteer auxiliary of the Richmond Fire Department. MRFS provides round-the-clock rehab response in support of fire squads as they respond to fires and other adverse events in the City. Fire rehab services include, without limitation, the provision of hydration and nourishment to our City’s first responders as they battle fires and recover therefrom, the provision of fans and heaters to cool or warm the firefighters, as needed, and the provision of tents and other protection from exposure on the scene of fire fights across the City. MRFS provides these services at no cost to the City, and is staffed entirely by volunteers, many of whom are experienced former firefighters. These volunteers know what firefighters go through on the scene, and through the Applicant, they provide much-needed resources to aid recovery. Statistically, 50% of fire-fighter line-of-duty deaths are the result of stress and overexertion; rehab services like those offered by MRFS mitigate these losses. A more detailed description of these services is available in the Applicant’s Response to the City’s Request for Proposals dated December 5, 2019, enclosed herewith for your reference (the “2019 RFP Response”).

The Proposed Use is in harmony with the surroundings and the neighborhood, first and foremost, because it is not a divergence from the Property’s historical use as an active fire-station. And, unlike the Property’s use during its operation as an active fire-station, MRFS responders do not sound sirens or create the kind of fracas that’s associated with an active station. The Property will, under the Proposed Use, be eventually staffed 24/7 by volunteers, but will have no employees, and will not generate vehicular



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traffic as such, apart from the need for volunteers to come volunteer at the Property. To begin with, the Property will be staffed at 50% of the eventual goal, or twelve (12) hours/day.

The Proposed Use is not only in harmony with the surroundings and compatible therewith; perhaps apart from returning to use as an active station, it could not be a more appropriate use, given the nature and history of the Property as a former fire-station. The Proposed Use is not detrimental to the health, safety, morals or general welfare of the Woodland Heights community—it only adds to them. Improving the appearance of the now-decommissioned building is not only good for the Applicant, it's good for the neighborhood, as indicated by the December 19, 2020 letter of hearty support of the Applicant from A. Dawn Rosenberg, the President of the Woodland Heights Civic Association, attached hereto as Exhibit A. This letter is the second (2nd) such letter of support from the Civic Association; the first is available in the attachments to the 2019 RFP Response.

The Proposed Use does not cause or have a likelihood of causing congestion or other hazards like fire, panic or other dangers. It does not lead to the overcrowding of land; indeed, no change to the Property's footprint on the land, or increase in population, is envisioned or planned by the Applicant. The Proposed Use does not interfere with schools, playgrounds, parks, or other conveniences. Finally, the Proposed Use has no adverse effect on the availability of adequate light or air to the neighboring homes and properties.

The Proposed Use puts the Property to what the Applicant believes, and the neighborhood agrees, is its highest and best use. The Proposed Use will improve the look of this intersection, which can be seen as one of the western gateways into Woodland Heights. It will give the Applicant's volunteers a place to gather and to further their important mission, and its community room will, in time, provide a safe space in the neighborhood where community members may congregate from time to time.

In response to the comments and questions raised in the Land Use Administration's Comment Letter #1, the Applicant amends its initial Applicant's Report to respectfully state as follows:

After careful review, the Foundation has revised its proposal and its artistic renderings to reflect "Future Parking" in that location which, when needed in the future, will be proposed, duly permitted, and only completed with the City's full approval. In any event the Future Parking area is established, it will only be done in accordance with those requirements of Richmond Code Sec. 30-710.12.

The Applicant's proposal now reflects the existing wood picket fence along the northern property line at the Property on our renderings.



The Law Office of Thomas E. A. Bishop

The Applicant has submitted as of the date first written above its RFD Questionnaire as requested in Comment Letter #1.

The Applicant's Proposed Use will not create a land disturbance requiring LDIS permitting, nor will the foundation place or install site storm drainage giving rise to a need for STRM permitting.

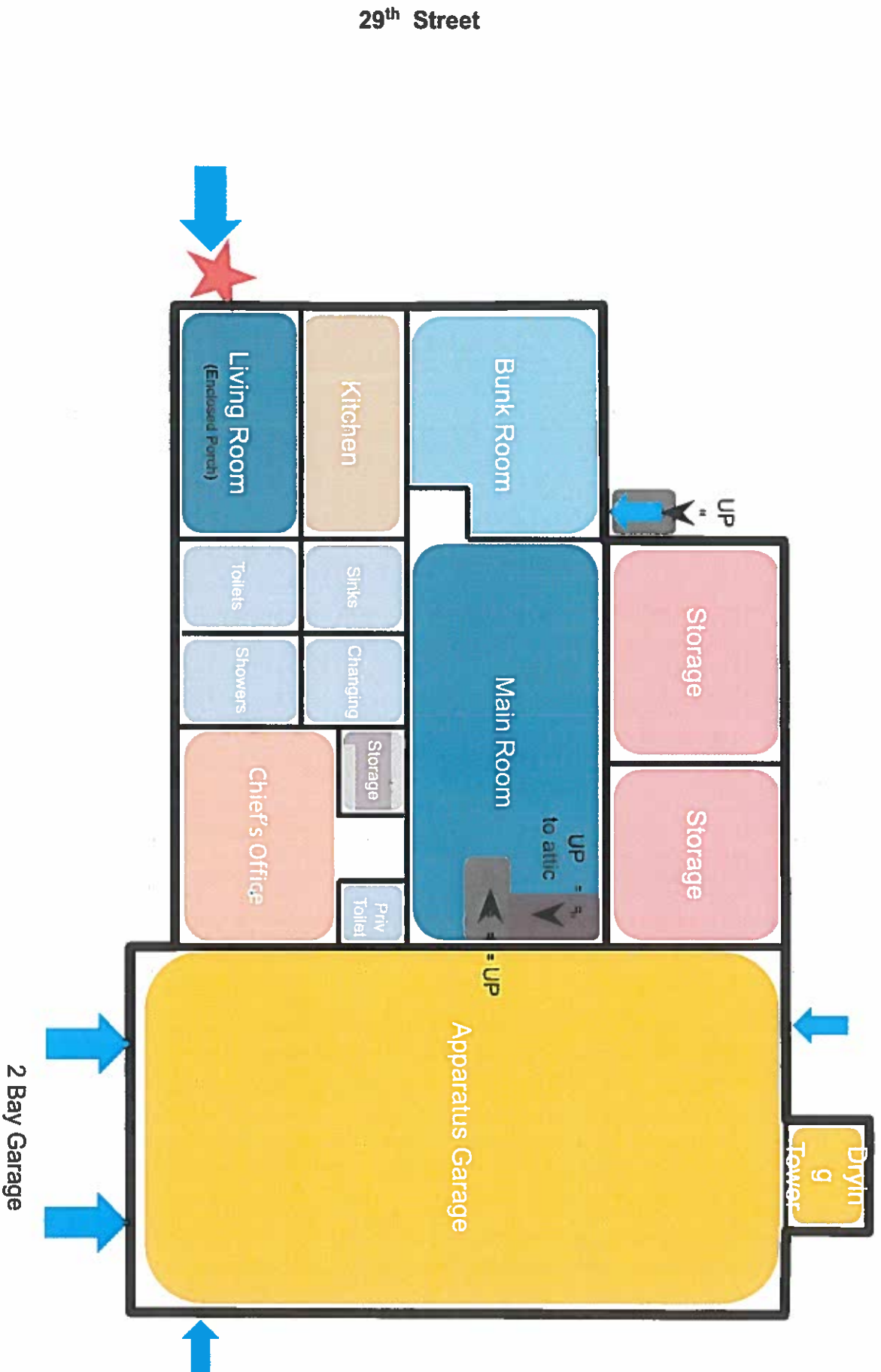
Any and all construction at or on the Property, prior to commencing, will be duly permitted and detailed proposed construction information shall be provided to the relevant permitting agencies.



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Existing Floor Plan Diagram

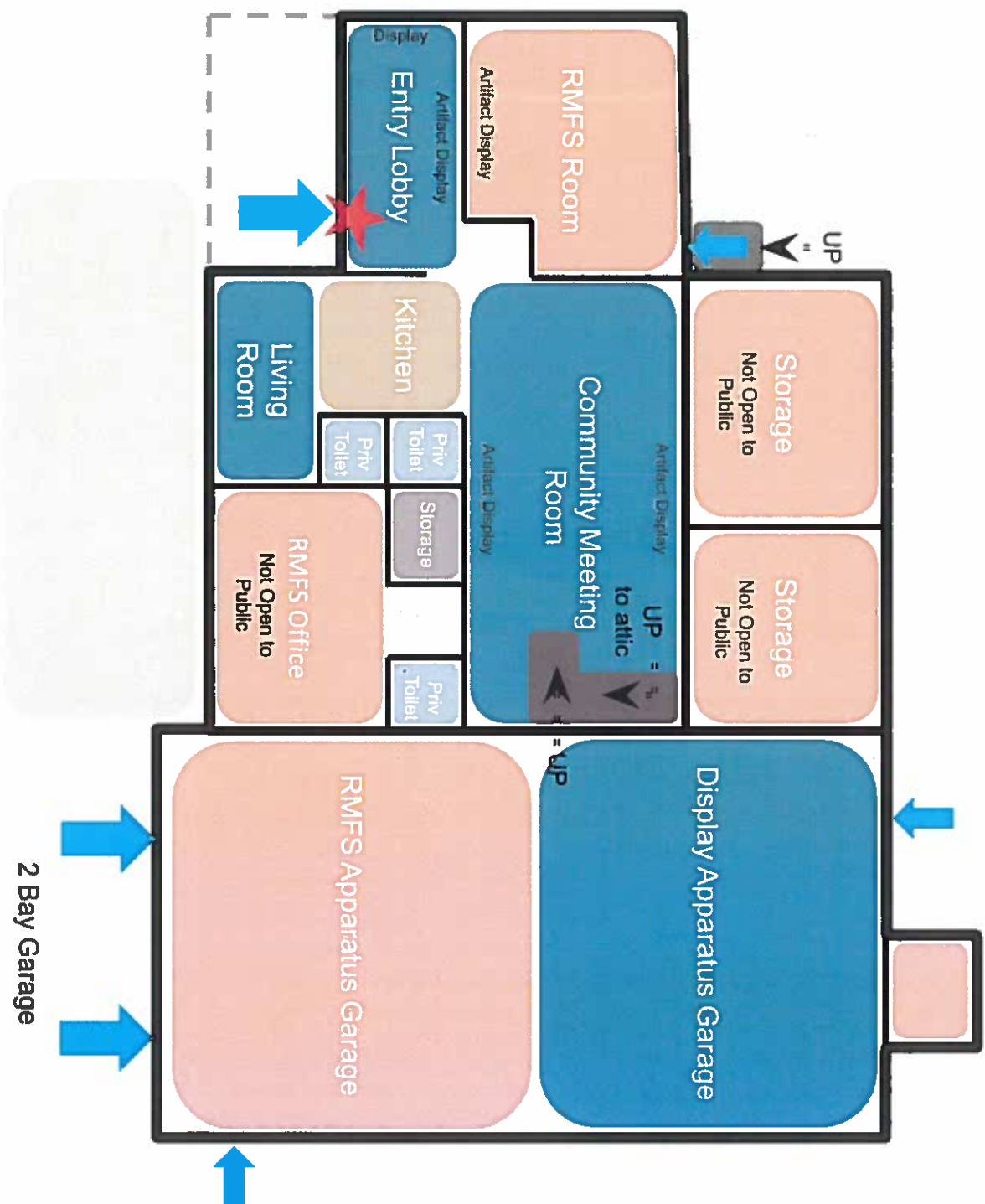


First Floor

Bainbridge Street

Renovated Floor Plan Diagram

29th Street



First Floor

Bainbridge Street

Site Improvements Concept

