

INTRODUCED: March 11, 2024

AN ORDINANCE No. 2024-084

To amend and reordain Ord. No. 2019-300, adopted Nov. 12, 2019, which authorized the special use of the property known as 1217 West Leigh Street for the purpose of a veterinary clinic, to expand the veterinary use and to revise the plans, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 8 2024 AT 6 P.M.

I. That Ordinance No. 2019-300, adopted November 12, 2019, be and is hereby amended and reordained as follows:

WHEREAS, the owner of the property known as 1217 West Leigh Street, which is situated in a [~~R-7 Single and Two-Family~~] R-8 Urban Residential District, desires to use such property for the purpose of a veterinary clinic, which use, among other things, is not currently allowed by sections [~~30-413.2~~] 30-413.11, concerning permitted principal uses, 30-506, concerning signs permitted in certain districts, and 30-710.11, concerning the applicability of off-street parking improvement requirements and landscaping standards, of the Code of the City of Richmond [~~(2015)~~] (2020), as amended; and

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: APRIL 8 2024 REJECTED: _____ STRICKEN: _____

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2019), 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)] (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 amendatory ordinance, the property known as 1217 West Leigh Street and identified as Tax Parcel No. N000-0518/002 in the [2019] 2024 records of the City Assessor, being more particularly shown on a survey entitled “Improvements on Premises Known as 1217 W. Leigh Street in Richmond, VA.,” prepared by Joliffe & Associates, Inc., and dated October 24, 2005, a copy of which is attached to and made a part of [~~this ordinance~~] Ordinance No. 2019-300, adopted November 12, 2019, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a veterinary clinic, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “1217 Office Space,” prepared by Zakaria Design Consultant, and dated May 26, 2019, and on the plans entitled “Signage on awning,” prepared by unknown preparer, and undated, copies of which are attached to and made a part of Ordinance No. 2019-300, adopted November 12, 2019, and the plans entitled “1217 W Leigh Street, prepared by an unknown preparer, and undated, copies of which are attached to this amendatory ordinance, 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 veterinary clinic, substantially as shown on the Plans~~[, and no more than two dwelling units on the second floor]~~.

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

(c) Signs shall be limited to signs permitted in all districts pursuant to section 30-505 of the Code of the City of Richmond ~~[(2015)]~~ (2020), as amended, and the signs substantially as shown on the Plans.

(d) No overnight boarding of animals shall be permitted.

(e) All medical waste shall be handled and disposed of in accordance with the applicable provisions of Title 9, Agency 20, Chapter 120 of the Virginia Administrative Code.

(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)~~] (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 [~~(2015)~~] (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 [~~(2015)~~] (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 [~~(2015)~~] (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~~] Zoning Administrator is authorized to issue a [~~building permit~~] certificate of zoning compliance [~~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~~] certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If [~~either~~] the application for the [~~building permit~~] certificate of zoning compliance 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.

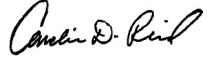
§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

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

APPROVED AS TO FORM:

City Attorney's Office

A TRUE COPY:
TESTE:



City Clerk



City of Richmond

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

Master

File Number: Admin-2023-2049

File ID: Admin-2023-2049

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 2

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 12/12/2023

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 03/11/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2023-2049_Supporting Documents_1217 W Leigh Street.pdf, SUP -1217 W. Leigh St AATF

Enactment Number:

Contact:

Introduction Date:

Drafter: David.Watson@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	2/7/2024	Matthew Ebinger	Approve	2/9/2024
2	2	2/7/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	2/14/2024	Kevin Vonck	Approve	2/14/2024
2	4	2/14/2024	Alecia Blackwell - FYI	Notified - FYI	
2	5	2/14/2024	Sharon Ebert - FYI	Notified - FYI	
2	6	2/14/2024	Caitlin Sedano - FYI	Notified - FYI	
2	7	2/22/2024	Jeff Gray	Approve	2/16/2024
2	8	2/23/2024	Lincoln Saunders	Approve	2/26/2024
2	9	2/29/2024	Mayor Stoney	Approve	2/27/2024

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2023-2049

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: February 7, 2024

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

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

FROM: Kevin J. Vonck, Director of Planning & Development Review

RE: To amend Ordinance 2019-300 authorizing the special use of the property known as 1217 West Leigh Street for the purpose of a veterinary clinic in order to expand the use, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend Ordinance 2019-300 authorizing the special use of the property known as 1217 West Leigh Street for the purpose of a veterinary clinic in order to expand the use, upon certain terms and conditions.

BACKGROUND: The .049-acre subject property is located near the corner of West Leith Street and Norton Street in the R-7 Single and Two-Family Urban Residential District. The property contains a two-story mixed-use structure. No expansion of the building footprint is proposed.

On November 12, 2019, City Council adopted Ordinance 2019-300 authorizing a veterinary clinic on the ground floor area of the structure located at 1217 West Leigh Street. The upstairs area remained residential. As the veterinary clinic needs space for expansion, the applicant wishes to incorporate the upstairs residential area into veterinary clinic. Therefore, an amendment to the special use permit is requested

COMMUNITY ENGAGEMENT: The property is located within the Carver Area Civic Improvement League area. Letters of notification shall be sent to nearby property owners, and a sign noting this request shall be placed on the property once the ordinance is introduced to City Council.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: The City's Richmond 300

Master Plan designates the property for Neighborhood Mixed-Uses. The veterinary clinic is a secondary use under this designation.

FISCAL IMPACT: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: March 11, 2024

CITY COUNCIL PUBLIC HEARING DATE: April 8, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, April 2, 2024

AFFECTED AGENCIES: Office of Chief Administrative Officer, Law Department

RELATIONSHIP TO EXISTING ORD. OR RES.: Amend Ordinance 2019-300

ATTACHMENTS: Application Supporting Documents

STAFF: Matthew J. Ebinger, Planning Supervisor - Land Use Administration 804-646-6308

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



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: 1217 W Leigh St Unit B Date: 9-16-23
Tax Map #: N0000518002 Fee: \$1,200.00
Total area of affected site in acres: 0.049

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

Zoning

Current Zoning: R-8

Existing Use: Apartment rental

Proposed Use

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

Expansion of veterinary clinic - solo practitioner
Existing Use: Apartment rental on 2nd floor above veterinary clinic

Is this property subject to any previous land use cases?

Yes
☒

No
☐

If Yes, please list the Ordinance Number: 2019-300

Applicant/Contact Person: Justin Jones DVM

Company: Jones Veterinary Care PLLC

Mailing Address: 1218 W Leigh St

City: Richmond

Telephone: (202) 409-7034

Email: justin.jones50@gmail.com

State: VA

Zip Code: 23220

Fax: ()

Property Owner:

Historic Carvery Properties-
If Business Entity, name and title of authorized signer: Laine M. Faraldin
owner

(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: 508 St James St, Apt 4

City: Richmond

Telephone: (804) 310-5051

Email: Land2Historic@msn.com

State: VA

Zip Code: 23220

Fax: ()

Property Owner Signature:

Laine M. Faraldin

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)

Addendum to Lease of 1217 W Leigh St, Richmond VA 23220
Between L&Z Historic, LLC and Jones Veterinary Care, PLLC

1. This addendum permits the tenant's use of the entire building at 1217 W Leigh St, Richmond VA 23220, both unit A and B.
2. The new terms of this lease will begin 8/11/2023 at 5 PM and end 7/31/2028 at 12 PM.
3. Tenant will pay a sum of \$3300 per month, due by the 5th day of each month. Payments made after the 5th will be subject to a 10% late fee
4. Rent will increase by \$200 each year beginning in the month of August.
- 5. Tenant will be responsible for all Utilities.**
6. Tenant will be responsible for the maintenance of both front and back yard landscaping.
7. Tenant will be responsible for servicing and maintenance of HVAC systems.
8. If Special Use Permit is not approved by the City of Richmond, tenant will be responsible for 3 months rent beyond the date of notice from the City of Richmond, unless Landlord finds a replacement tenant at an earlier date.

The original agreements made in this lease remain valid with the exceptions of the changes listed in this addendum.

By: Laina M. Faraldi (owner) 07/02/2023
Landlord: Laina M. Faraldi Date: 7/2/2023
Tenant: [Signature] Date: 7.1.23

Special Use Permit for 1217 W Leigh Street - Applicant Report

Proposed Use

Jones Veterinary Care PLLC is seeking a special use permit to change 1217 West Leigh Street, Unit B, from residential to commercial use in order to expand the business. Currently, Jones Veterinary Care PLLC, operates as a Veterinary clinic at 1217 West Leigh Street, Unit A. Unit A encompasses the entire first floor of the building while Unit B encompasses the entire second floor.

Unit B has been used as a two bedroom apartment rental. There will be no new construction necessary within the unit or on the exterior of the building.

Operations details:

Number of employees – 5

Hours of Operation

- Monday – 8:00AM – 6:00PM
- Tuesday – 8:00AM – 6:00PM
- Wednesday – 8:00AM – 6:00PM
- Thursday – 8:00AM – 6:00PM
- Friday – 8:00AM – 6:00PM
- Saturday – Closed
- Sunday – Closed

Site appropriateness

Currently, the first floor of the building operates as a high quality, low-cost veterinary clinic. Adding the second floor of the building to the operating space is an appropriate use of the site as it will have no visual or physical impact on the site. No construction within or on the exterior of the building is needed.

Community Support

As a Carver resident and homeowner, myself, I would not be pursuing an amendment to my current Special Use Permit without the support of the community. I have engaged with the Carver Neighborhood Association (Carver Area Civic Improvement League - CACIL) about the SUP amendment and my planned expansion to the second floor of the property.

Since opening in 2019, Jones Veterinary Care has received three "Neighborhood Favorite" awards and most pets within the Carver Community have become patients with Jones Veterinary Care.

I have spoken with our immediate neighbors about the proposed expansion and have been met with support and positive wishes.

City Charter Conditions

The Special Use Permit amendment being submitted for 1217 W Leigh Street meets all City Charter conditions and the proposed special use will not:

- a. be detrimental to the safety, health, morals and general welfare of the community involved.**

The SUP will allow for a veterinarian to provide expanded services to the community. There is no evidence that veterinary clinics increase crime, create safety hazards, or jeopardize the health of the community. By allowing a low-cost clinic to grow and operate in this area, it will likely decrease health risks to the general public by increasing the up-to-date vaccination status of animals and by preventing the spread of zoonotic disease.

We will continue to not allow any overnight boarding and no operations on the weekends to make sure that barking/other noise is not harmful to the community. The brick construction currently contains all sounds within.

All biohazardous and medical waste will continue to be disposed of via a third-party company, SteriCycle.

- b. tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.**

The current parking available is 1 hour parking without a permit. Patients are currently scheduled in 15-30 minute appointment slots. Any patients needing longer care will be seen on a drop-off basis. This currently results in 3-4 clients seen per hour at most. The proposed amendment and expansion would only result in 1 additional client seen per hour at most. Current parking availability easily supports this modest increase in traffic.

- c. create hazards from fire, panic, or other dangers.**

There will not be any equipment that increases the risk of fire within the building. A security system is installed with window/door sensors, motion detection, and video monitoring to deter any possible property crime. All medications will be stored in a locked safe.

- d. tend to cause overcrowding of land and undue concentration of population.**

A waiting room is already in operation on the first floor and will provide enough space for the 4-5 clients seen per hour and prevent any crowding of sidewalks or streets.

- e. adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.**

The Special Use Permit amendment will not result in any adverse effects to these items.

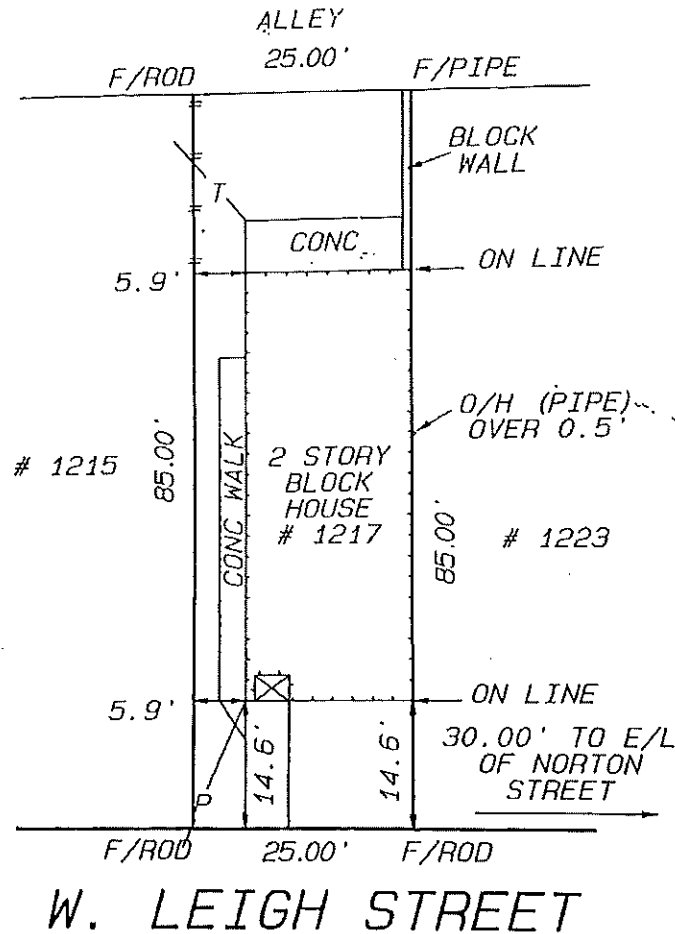
- f. interfere with adequate light and air.**

There will be no changes to the exterior or the footprint of the building that would result in changes in adequate light. The clinic will not produce any substances that would impact the air outside of the building.

This is to certify that on 10-24-05 Jolliffe & Associates, Inc. made a field survey of the premises shown her that to the best of my knowledge and belief all improvements and visible evidence of easement are shown hereon, that there are no encroachments by improvements either from adjoining premises, or from subject premises other than as shown here. According to the current respective National Flood Insurance Program rate map, this house is located within zone C.
 By J. Jolliffe

House is old. Power and Telephone are overhead.

RE: ZARINA M. FAZALDIN AND BOBBY N. VASSAR

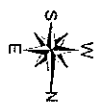


IMPROVEMENTS ON PREMISES KNOWN AS
 1217 W. LEIGH STREET IN RICHMOND, VA.

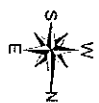


JOLLIFFE & ASSOCIATES, INC.
 CERTIFIED LAND SURVEYORS
 RICHMOND, VIRGINIA
 804-222-6954

DATE: 10-24-05
 SCALE: 1"=20'
 FILE: RICH 5 SE
 BY: LHH
 BOOK NO: 476-015



SCALE 1/4" = 1'-0"

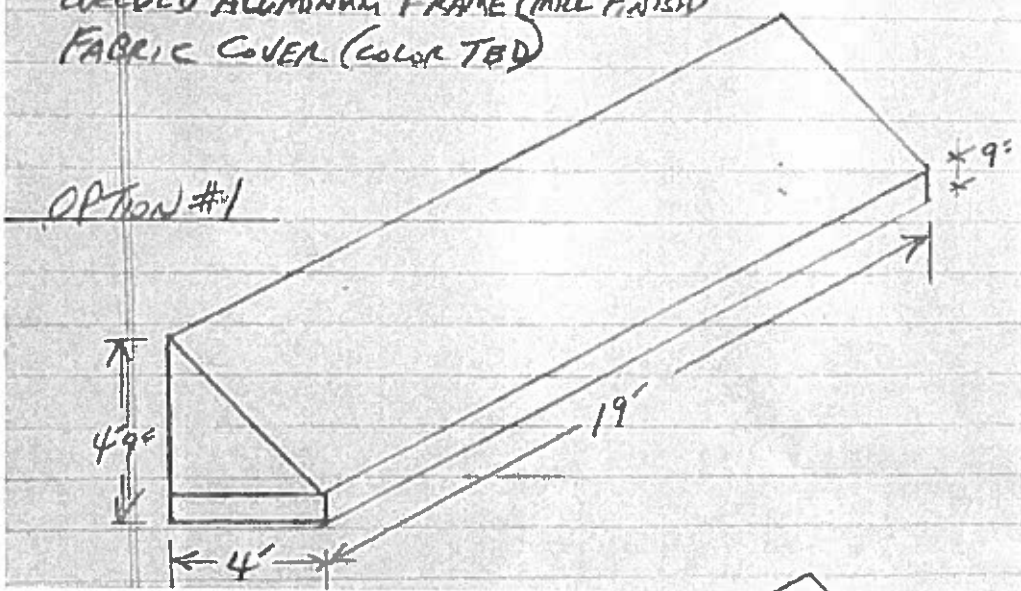


SCALE 1/4"=1'-0"

[illegible]

WELDED ALUMINUM FRAME (MILK FINISH)
FABRIC COVER (COLOR TBD)

OPTION #1



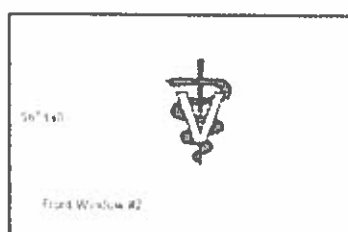
Jones Veterinary Care

Front of building

99, 2008



57 wife

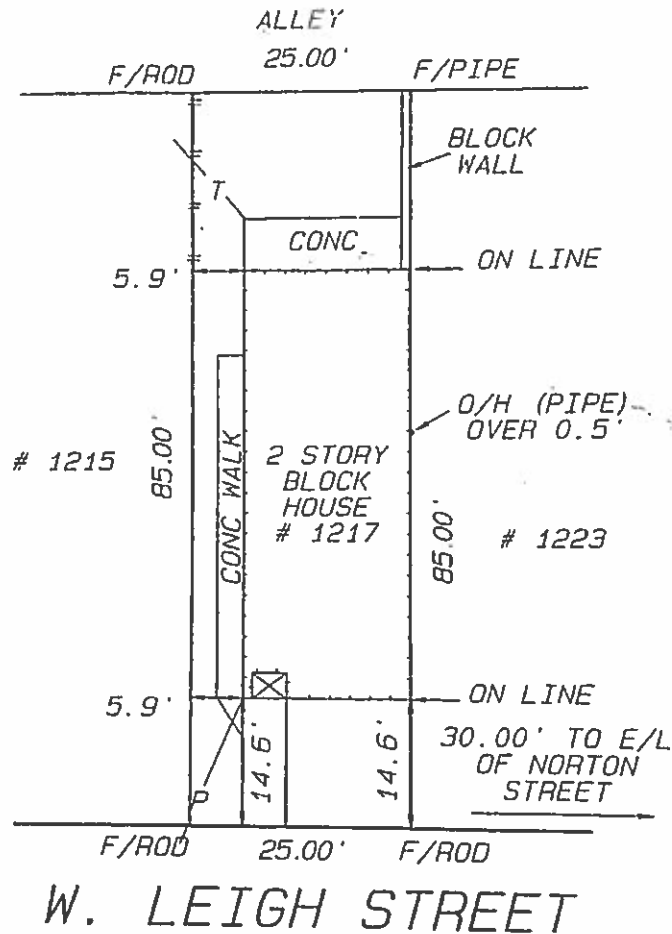
23. $\frac{1}{2} \ln 2$

This is to certify that on 10-24-05 Jolliffe & Associates, Inc. made a field survey of the premises shown her
 that to the best of my knowledge and belief all improvements and visible evidence of easement are shown hereon. that t
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 According to the current respective National Flood Insurance Program rate map, this house is located within zone C

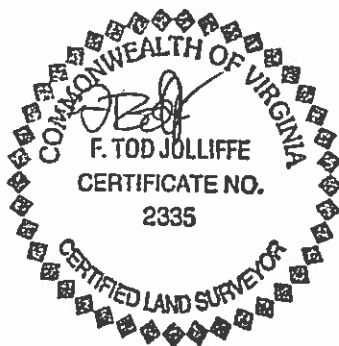
House is old. Power and Telephone are overhead.

By FJL

RE: ZARINA M. FAZALDIN AND BOBBY N. VASSAR

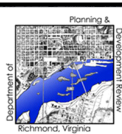


IMPROVEMENTS ON PREMISES KNOWN AS
 1217 W. LEIGH STREET IN RICHMOND, VA.



JOLLIFFE & ASSOCIATES, INC.
 CERTIFIED LAND SURVEYORS
 RICHMOND, VIRGINIA
 804-222-6954

DATE: 10-24-05
 SCALE: 1"=20'
 FILE: RICH 5 SE
 BY: LHH
 BOOK NO: 476-015



City of Richmond Department of Planning & Development Review

Special Use Permit

LOCATION: 1217 W. Leigh Street

APPLICANT: Justin Jones, DVM

COUNCIL DISTRICT: 2

PROPOSAL: To authorize the operation of a Veterinary Clinic on property located at 1217 W. Leigh Street and is in the R-7 Single-and-Two Family Urban Residential District.

*For questions, please contact Matthew Ebinger
at 804-646-6308 or Matthew.Ebinger@richmondgov.com*

