

INTRODUCED: June 24, 2024

AN ORDINANCE No. 2024-181

To authorize the special use of the properties known as 2519 Hermitage Road and 1613 Rhoadmiller Street for the purpose of an animal shelter with an outdoor area, upon certain terms and conditions. 2nd District

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JULY 22 2024 AT 6 P.M.

WHEREAS, the owner of the properties known as 2519 Hermitage Road and 1613 Rhoadmiller Street, which are situated in a B-7 Mixed -Use Business District, desires to use such properties for the purpose of an animal shelter with an outdoor area, which use, among other things, is not currently allowed by section 30-446.2 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

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

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 properties known as 2519 Hermitage Road and 1613 Rhoadmiller Street and identified as Tax Parcel Nos. N000-1296/001 and N000-1296/006, respectively, in the 2024 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Lots 1 & 2, Block A, Parcel 1, Hermitage Road Park, City of Richmond, Virginia,” prepared by Timmons, and dated October 27, 1999, 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 an animal shelter with an outdoor area, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Final Concept Design: RSPCA Outdoor Area,” prepared by Timmons Group, and dated December 6, 2023, and 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 an animal shelter with an outdoor area, substantially as shown on the Plans.

(b) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans.

(c) 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 (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.

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE



City of Richmond

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

Master

File Number: Admin-2024-0333

File ID: Admin-2024-0333	Type: Request for Ordinance or Resolution	Status: Regular Agenda
Version: 2	Reference:	In Control: City Clerk Waiting Room
Department:	Cost:	File Created: 04/16/2024
Subject:	Final Action:	
Title:		

Internal Notes:

Code Sections:

Agenda Date: 06/24/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2024-0333 - Supporting Documents,
Admin-2024-0333 - 2519 Hermitage 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	6/4/2024	Matthew Ebinger	Approve	6/6/2024
2	2	6/4/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	6/4/2024	Kevin Vonck	Approve	6/11/2024
2	4	6/4/2024	Alecia Blackwell - FYI	Notified - FYI	
2	5	6/6/2024	Sharon Ebert	Approve	6/6/2024
2	6	6/6/2024	Caitlin Sedano - FYI	Notified - FYI	
2	7	6/7/2024	Jeff Gray	Approve	6/10/2024
2	8	6/12/2024	Lincoln Saunders	Approve	6/11/2024
2	9	6/14/2024	Mayor Stoney	Approve	6/14/2024

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File Admin-2024-0333

City of Richmond
Intracity Correspondence

O&R Transmittal

DATE: June 4, 2024

TO: The Honorable Members of City Council

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

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

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

RE: To authorize the special use of the properties known as 2519 Hermitage Road and 1613 Rhoadmiller Street for the purpose of an animal shelter with an outdoor area, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the properties known as 2519 Hermitage Road and 1613 Rhoadmiller Street for the purpose of an animal shelter with an outdoor area, upon certain terms and conditions.

BACKGROUND: The properties are located on the southwest corner of Hermitage Road and Rhoadmiller Street, with rear alley access, and combine for 81,772 square feet of lot area. The properties are occupied by an animal shelter operated by the Richmond SPCA. The animal shelter is a permitted use in the B-7 Mixed-Use Business zoning district where it is located. However, in this district all facilities associated with the animal shelter shall be indoors. The proposal calls for an outdoor dog run which is not a permitted use. Therefore, a special use permit is requested.

The City's Richmond 300 Master Plan designates a future land use for the subject property as

Industrial Mixed-Use, which is described as, “formerly traditional industrial areas that are transitioning to mixed-use because of their proximity to growing neighborhoods and changes in market conditions”. The Richmond 300 Master Plan also designates Hermitage Road as a “Major Mixed-Use Street” which is described as carrying high volumes of vehicles, pedestrians, and bicycles, through commercial and mixed-use areas.

COMMUNITY ENGAGEMENT: The property is not located within a civic association area.

Notices shall be mailed to surrounding property owners and signs shall be placed on the properties.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: None

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: June 24, 2024

CITY COUNCIL PUBLIC HEARING DATE: July 22, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, July 16, 2024

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: Supporting documents

STAFF: David Watson, Planner, Land Use Administration (Room 511) 646-1036

Matthew Ebinger, Planning Supervisor, Land Use Administration 646-6308



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: 2519 Hermitage Road & 1613 Rhoamiller St Date: 12/20/23
 Parcel I.D. #: N0001296001, N0001296006 Fee: _____
 Total area of affected site in acres: 1.865

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

Zoning

Current Zoning: B-7

Richmond 300 Land Use Designation: Industrial Mixed-Use

Proposed Use

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

Addition of an exterior fenced dog recreation area adjacent to the alley at the rear of the Property.

Existing Use: Light Industrial - kennel/humane center/animal shelter

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Will Gillette / Mark Baker

Company: Baker Development Resources

Mailing Address: 530 East Main Street, Suite 730

City: Richmond State: VA Zip Code: 23219

Telephone: (864) 377-9140 Fax: ()

Email: will@bakerdevelopmentresources.com

Property Owner: RICHMOND SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

If Business Entity, name and title of authorized signee: Tamsen H. Kingry, CEO

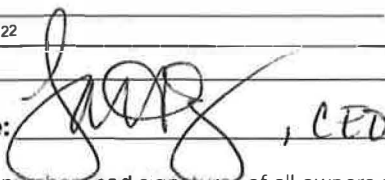
(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 2519 Hermitage Road

City: RICHMOND State: VA Zip Code: 23220

Telephone: (804) 521-1322 Fax: (804) 521-0540

Email: tkingry@richmondspca.org

Property Owner Signature:  , CEO

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)

APPLICANT'S REPORT

December 27th, 2023

Revised: January 10th, 2024

Special Use Permit Request

2519 Hermitage Road & 1613 Rhoadmiller Street, Richmond, Virginia

Map Reference Number: N000-1296/001 & N000-1296/006

Submitted to:

City of Richmond

Department of Planning and Development Review

Land Use Administration

900 East Broad Street, Suite 511

Richmond, Virginia 23219

Submitted by:

Baker Development Resources

Mark Baker

530 East Main Street, Suite 730

Richmond, Virginia 23219

Introduction

The property owner is requesting a special use permit (the "SUP") for the parcels known as 2519 Hermitage Road and 1613 Rhoadmiller Street (the "Property"). The SUP would authorize the construction of a new fenced dog recreation area located at the rear of the Property. While kennels operated in conjunction with pet shops, veterinary clinics, and animal hospitals are permitted by the underlying B-7 Mixed-Use Business zoning district, they are required to be located within enclosed and air-conditioned buildings, and therefore, a SUP is required for an outdoor fenced recreation area. No changes are proposed to the existing structures on the Property.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located at the southwestern corner of the intersection of Hermitage Road and Rhoadmiller Street and is referenced by the City Assessor as tax parcels N000-1296/001 and N000-1296/006. The two parcels have a total of roughly 316 feet of frontage along Rhoadmiller Street and 261 feet of frontage along Hermitage Road and contain approximately 81,372 square feet of lot area. The Property is currently occupied by the SPCA who utilize the building as a humane center and animal shelter. The rear of the Property is accessible by an east-west alley.



The properties in the area contain a range of uses and forms. Properties along Rhoadmiller Street are generally occupied with warehouse and light industrial uses. To the south of the Property,

along Overbrook Road, are several large apartment buildings. To the northeast lies property owned by the City of Richmond and Virginia Commonwealth University which is part of the City's "Diamond District" redevelopment area.

EXISTING ZONING

The Property and those located nearby are zoned B-7 Mixed-Use Business. To the east of Hermitage Road lay parcels zoned TOD-1 Transit Oriented Nodal and to the south along Overbrook Road are four parcels zoned B-5 Central Business.

TRANSPORTATION

Located adjacent to the Property along Hermitage Road is the Hermitage and Rhoadmiller bus stop which serves the #14 bus line. The Pulse bus rapid transit (BRT) can be accessed by the #14 line or by a .7 mile (roughly 15 minute) walk to the Allison Street BRT station on Broad Street.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the "Master Plan") suggests "Industrial Mixed-Use" for the Property. This land use category is described as "formerly traditional industrial areas that are transitioning to mixed-use because of their proximity to growing neighborhoods and changes in market conditions." The Master Plan suggests this future land use designation allow for a "mix of building types" that encourage more individuals to live, work, and play in the area.

Hermitage Road is designated as "Major Mixed-Use Streets" which are describe by the Richmond 300 plans as being streets which "carry high volumes of vehicles, pedestrians, and bicycles, through commercial and mixed-use areas."

Proposal

PROJECT SUMMARY

The proposed development includes the enclosure of part of the asphalt parking area at the rear of the Property with a brick curb wall and fence and the development of the enclosed area as a daytime recreation area for the animals living within the shelter. Twenty parking spaces will be provided off the existing alley.

PURPOSE OF REQUEST

The subject Property is currently occupied with a humane center and animal shelter operated by the SPCA as permitted by the B-7 zoning regulations. The proposed fenced dog recreation area at the rear of the existing structure requires a SUP as the B-7 regulations require that "all facilities be located within completely enclosed and air-conditioned buildings which are soundproof to the extent that sounds produced by animals are not audible outside the buildings." In all other respects the proposed enclosure will meet the underlying zoning.

PROJECT DETAILS

The applicant is proposing to enclose and improve a portion of the asphalt parking area at the rear of the existing building. The proposed improvements would permit the dogs residing in the shelter to recreate outside in a fenced area which includes a dog run area which would be shaded from the sun. The proposed recreation area would be fenced with a brick curb wall and fence. Twenty off-street parking spaces, accessible from the rear alley, would be provided for the use of SPCA patrons and staff.

Findings of Fact

The following are factors included in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

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

The proposed special use permit will not impact the safety, health, morals and general welfare of the nearby neighborhoods.

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

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation related to the proposed SUP and the proposed off-street parking will result in no congestion on streets, roads, alleys or any other public right of way.

- *Create hazards from fire, panic or other dangers.*

The Property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- *Tend to overcrowding of land and cause an undue concentration of population.*

The proposed special use permit will not tend to over crowd the land or create an undue concentration of population.

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

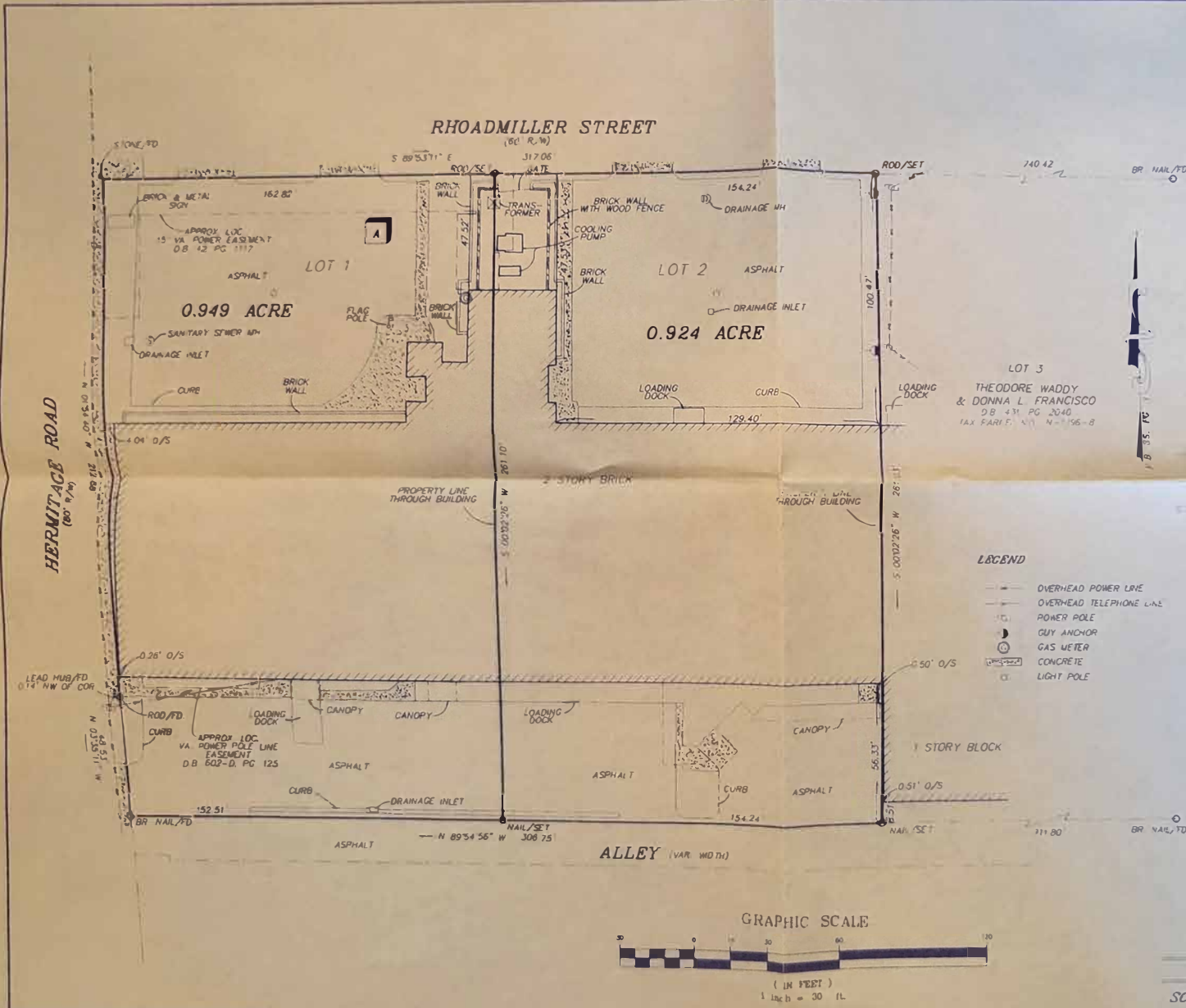
The special use permit would not adversely affect the above referenced City services.

- *Interfere with adequate light and air.*

The proposed development will not interfere with adequate light and air available to the subject and adjacent properties.

Summary

In summary we are enthusiastically seeking approval for the construction of the proposed new fenced dog recreation area located at the rear of the Property. The request would contribute to the ongoing revitalization of the neighborhood, upgrading the Property for its current use without affecting the nearby buildings. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed.



ACREAGE SUMMARY

LOT 1 - 0.949 ACRE
 LOT 2 - 0.924 ACRE
 TOTAL - 1.873 ACRES

NOTES

- 1) OWNER REFERENCE & TAX PARCEL NO. RICHMOND MEMORIAL HOSPITAL D.B. 802, PG. 1093 TAX PARCEL NO. N-1298-1 & 5
- 2) THIS PROPERTY IS LOCATED IN ZONE "C" OF THE HUD DEFINED FLOOD HAZARD AREA AS SHOWN ON COMMUNITY PANEL NO. 510129 0010 5, DATED 6-15-79
- 3) THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT FURNISHED BY LAWYER'S TITLE INSURANCE CORPORATION DATED OCTOBER 4, 1999 JR NO. 46735
- 4) EXCEPTIONS #1, #3, #4, #6, #7, #8, #13 & #14 OF THE ABOVE REFERENCED TITLE COMMITMENT WERE NOT ADDRESSED
- 5) EXCEPTIONS #10 & #12 ITEMS A-1, OF THE ABOVE REFERENCED TITLE COMMITMENT MAY APPLY BUT CANNOT BE SHOWN
- 6) ALL EASEMENTS THAT WERE ADDRESSED WERE THOSE SUPPLIED BY THE ABOVE REFERENCED TITLE COMMITMENT

NO INDICATION OF A CEMETERY WAS FOUND. NO FURTHER INSPECTION OF THIS PROPERTY HAS BEEN MADE FOR POSSIBLE CEMETERIES.

LEGEND

- OVERHEAD POWER LINE
- OVERHEAD TELEPHONE LINE
- ⊙ POWER POLE
- ⊙ GUY ANCHOR
- ⊙ GAS METER
- CONCRETE
- LIGHT POLE

THIS IS TO CERTIFY THAT ON 10-27-99 I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON, THAT ALL IMPROVEMENTS KNOWN OR VISIBLE ARE SHOWN HEREON, THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES, OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON.



**PLAT SHOWING
 LOTS 1 & 2, BLOCK A, PARCEL 1
 HERMITAGE ROAD PARK
 CITY OF RICHMOND, VIRGINIA**

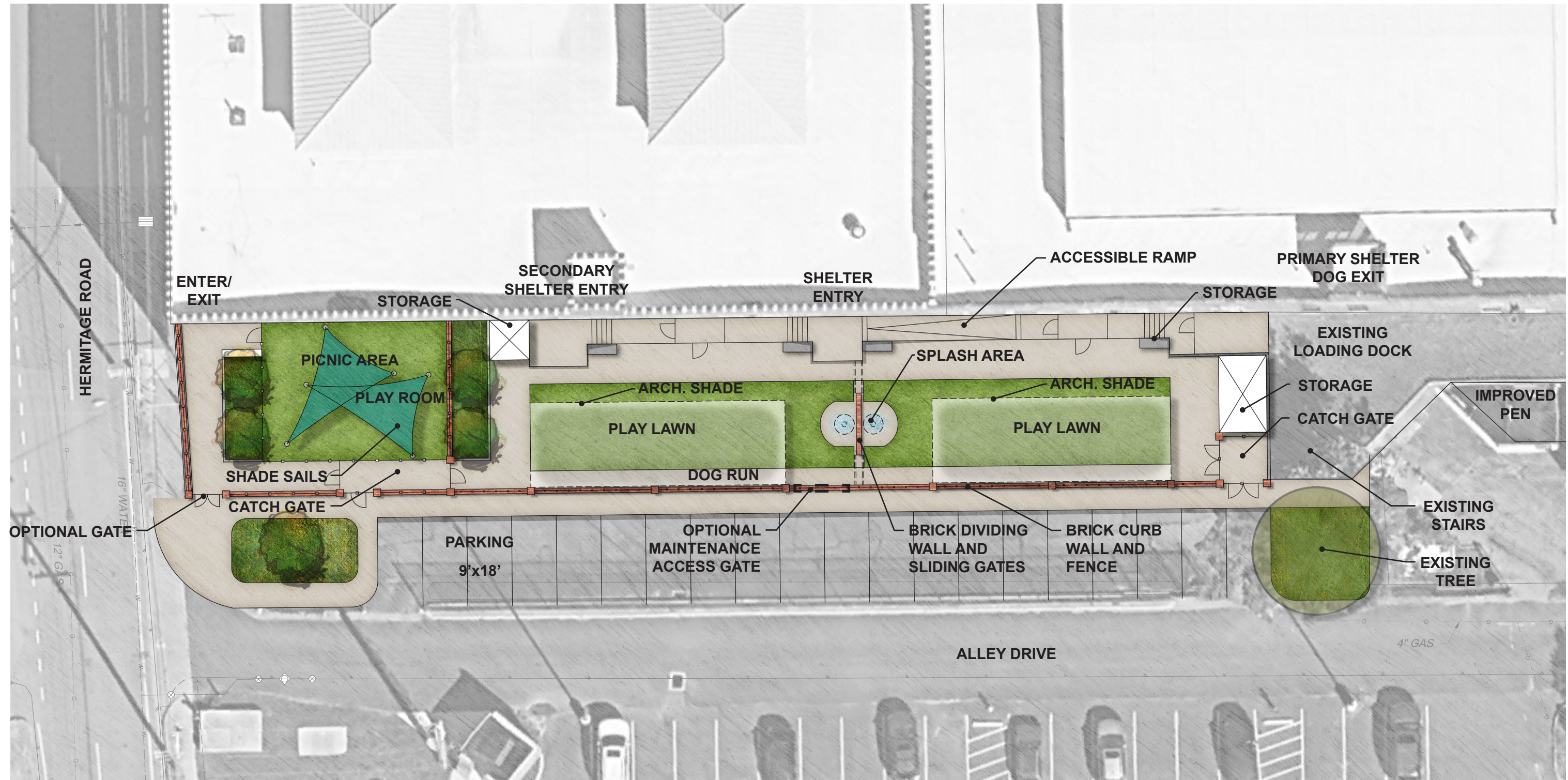
SCALE: 1" = 30' DATE: 10-27-99
 JN: 18868-61

DRAWN BY: LJK CHECKED BY: LJK

TIMMONS
 ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS • GEOGRAPHIC INFORMATION SYSTEMS CONSULTANTS • CONSTRUCTION MANAGERS

1000 W. MAIN ST. SUITE 100
 RICHMOND, VA 23220
 PHONE: (804) 781-1000
 FAX: (804) 781-1000
 TOLL FREE: 1-800-368-4444
 1000 W. MAIN ST. SUITE 100
 RICHMOND, VA 23220
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 FAX: (804) 781-1000
 TOLL FREE: 1-800-368-4444

Final Concept Design:





City of Richmond Department of Planning & Development Review

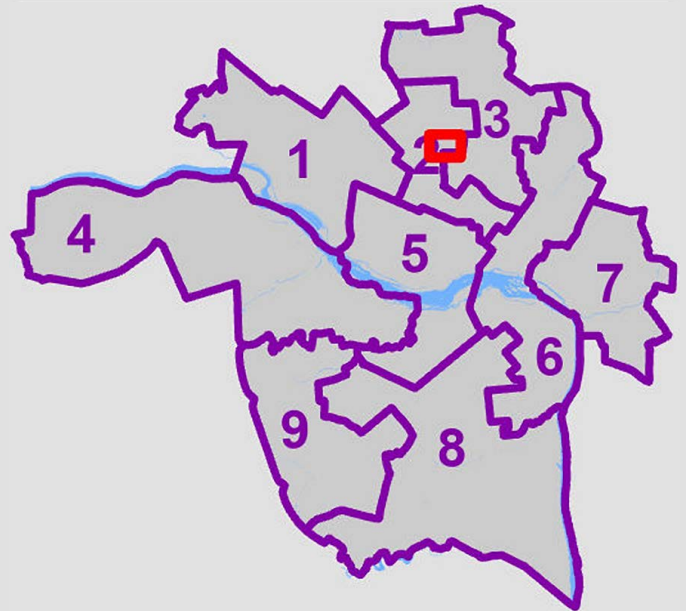
Special Use Permit

LOCATION: 2519 Hermitage Road

APPLICANT: Richmond SPCA
Represented by Baker Development Resources

COUNCIL DISTRICT: 2

PROPOSAL: To authorize the special use of the properties known as 2519 Hermitage Road and 1613 Rhoadmiller Street for the purpose of an animal shelter, upon certain terms and conditions.



*For questions, please contact David Watson
at 804-646-1036 or David.Watson@rva.gov*

