

INTRODUCED: February 14, 2022

AN ORDINANCE No. 2022-044

To authorize the special use of the property known as 4204 Hermitage Road for the purpose of an arts, education, and community center, upon certain terms and conditions.

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

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 14 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 4204 Hermitage Road, which is situated in a R-53 Multifamily Residential District, desires to use such property for the purpose of an arts, education, and community center, which use, among other things, is not currently allowed by section 30-418.1 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 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAR 14 2022 REJECTED: _____ STRICKEN: _____

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 4204 Hermitage Road and identified as Tax Parcel No. N017-0228/007 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “Site Plan, Scottish Rite Temple, Richmond, Virginia,” prepared by MacIlroy and Parris Architects, and dated October 27, 1967, 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 arts, education, and community center, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Site Plan, Scottish Rite Temple, Richmond, Virginia,” prepared by MacIlroy and Parris Architects, and dated October 27, 1967, 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 arts, education, and community center, substantially as shown on the Plans and as described in the document entitled “Special Use Permit Applicant’s Report,” a copy of which is attached to and made a part of this ordinance. The improvements on the Property, including the commercial kitchen, dining hall, auditorium, and meeting rooms, may be rented to the general public.

(b) No fewer than 225 off-street parking spaces shall be provided on the Property.

(c) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(d) Signs for the Special Use shall be limited to a freestanding sign not exceeding 24 square feet in area and located a minimum of five feet from the boundary line of the Property along the public right-of-way and a minimum of 15 feet from any side or rear boundary line of the Property. With the exception of the face of the freestanding sign, the sign shall be constructed primarily of brick, concrete, or stone. The final plans for the freestanding sign shall meet the requirements of the Commission of Architectural Review.

(e) Ordinance No. 89-194-175, adopted July 10, 1989, last amended by Ordinance No. 2007-314-281, adopted December 10, 2007, shall remain in effect and shall not be extinguished by this ordinance.

§ 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.

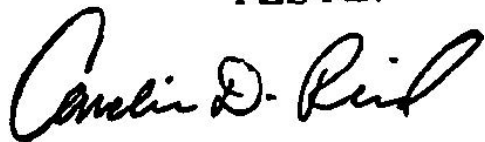
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property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

§ 6. **Implementation.** The 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.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Carolin D. Reil". The signature is fluid and cursive, written over the printed name "Carolin D. Reil".

City Clerk



City of Richmond

Item Request File Number: PRE.2022.0005

RECEIVED
By City Attorney's Office at 8:17 am, Feb 11, 2022

RECEIVED
By CAO Office at 2:15 pm, Jan 18, 2022

2022-011

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

O & R Request

DATE: January 14, 2022

EDITION: 1

TO: The Honorable Members of City Council

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

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

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

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

RE: To authorize the special use of the property known as 4204 Hermitage Road for the purpose of a performing arts and education center, with off-street parking, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 4204 Hermitage Road for the purpose of a performing arts and education center, with off-street parking, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit for the purpose of a performing arts and education center, with off-street parking, within an R-53 Multifamily Residential Zoning District. Such a use is a permitted use in this district, 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 7, 2022, meeting.

BACKGROUND: 4204 Hermitage Road is currently improved with two buildings with a combined 50,152 sq. ft., situated on a 214,529 sq. ft. (4.92 acre) parcel of land. The property is located in the Belleview neighborhood.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Institutional which is defined as "Public and quasi-public entities, such as local, state, and federal government, hospitals, universities, schools, and religions institutions." The future development style includes several buildings owned by an institution [and] are often connected by an engaging character that creates a campus-like environment. Active commercial ground floor uses are required on street-oriented commercial frontages. Residential uses may be permitted on the ground floor in certain sections of the area. Regardless, ground floor residential units should still have street-oriented façades with setbacks, front yards, and balconies where appropriate. Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. New driveway entrances are prohibited on priority and principal street frontages and minimal driveway entrances are allowed on secondary streets. Ground floor parking is prohibited on principal street frontages.

Intensity: Varies.

Primary Uses: Institutional, cultural, government, and open space.

Secondary Uses: Retail/office/personal service and multi-family.

The current zoning for this property is R-53 Multifamily Residential District. Adjacent properties are located within the same R-53 District with a large R-1 Single-Family Residential District surrounding the property to the East, South, and North.

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: \$2,400 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 14, 2022

CITY COUNCIL PUBLIC HEARING DATE: March 14, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
March 7, 2022

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: Repeal Ordinance Nos. 2007-314-281 and 89-194-175

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734



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: 4204 Hermitage Road, Richmond, Virginia 23227 Date: _____
Tax Map #: N0170228007 & 8019 Fee: \$2,400.00
Total area of affected site in acres: 5.351 acres

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

Zoning

Current Zoning: R-53 - Residential (Multi-Family)

Existing Use: Community Center/Club

Proposed Use

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

Performing arts and education center including public performances for children and families.

Existing Use: Community Center/Club

Is this property subject to any previous land use cases?

Yes
☒

No
☐

If Yes, please list the Ordinance Number: No. 2007-314-281

Applicant/Contact Person: Brian K. Jackson

Company: Hirschler Fleischer

Mailing Address: 2100 E. Cary Street

City: Richmond State: VA Zip Code: 23227

Telephone: (804) 771-9545 Fax: (804) 644-0957

Email: bjackson@hirschlerlaw.com

Property Owner: Richmond Lodge of Perfection A&ASR TR

If Business Entity, name and title of authorized signer: Sam Dunn, Owner's Representative

(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: 7735 Willow Dance Road

City: Mechanicsville State: Virginia Zip Code: 23111

Telephone: (804) 370-1861 Fax: ()

Email: Samdunnoakstoneproperties@gmail.com

Property Owner Signature: Sam Dunn PERSONAL REPRESENTATIVE A&ASR

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)

Special Use Permit Applicant's Report

4204 Hermitage Road, Richmond, VA 23227
Tax Map Parcel IDs: N0170228007 and N0170228019

INTRODUCTION

Virginia Repertory Theatre is the contract purchaser of approximately 5.351 acres of land located at 4204 Hermitage Road (the "Property") owned by Richmond Lodge of Perfection A&ASR TR (collectively, referred to herein as the "Applicant"). The Property includes an approximately 45,500 square foot assembly building, formerly the Scottish Rite Temple, and an approximately 4,500 square foot office building, currently the Scottish Rite Childhood Language Center. The Property is located on the Northside of Richmond, east of Bryan Park in the Bellevue neighborhood. The assembly building contains a six hundred fifty (650) seat theatre, commercial kitchen, and banquet hall with seating for four hundred fifty (450) people. Additionally, the Property includes two hundred thirty-seven (237) lined off street parking spaces.

The Applicant is a nonprofit, professional theatre company that provides performance venues and programming in Central Virginia. It plans to use the Property as an arts and education center to serve metro Richmond's children, families, and schools. Its primary uses will include performance focused programming for kids and their families, a meeting space for community groups, and a rentable commercial kitchen space and dining hall (the "Project"). On weekdays, the hours of operation will be from 8:00 a.m. to 8 p.m.; and on weekends, the hours of operation will be from noon to 10 p.m.

The Property is located within the Hermitage Road City Old & Historic District. However, no changes will be made to the exterior of the building. Further, the Project will not require a more intense use.

PROPOSED USE AND SPECIAL USE PERMIT REQUEST

The Property is zoned R-53 Residential (Multi-Family) District.

Currently, there is a Special Use Permit in place which allows the office building to operate as a children's audiology clinic. That Special Use Permit will continue to exist. The Applicant is requesting a new Special Use Permit ("SUP") to allow for the use of both buildings on the Property as an arts and education center for children, families, and schools. As a whole, this facility will include performance focused programming, a meeting space for community groups, and the preparation and serving of food in its commercial kitchen. The performance focused programming will include: weekend ticketed live performances for children and their families, along with options for before or after show meals, weekday student matinee performances for school groups, before or after performance character lunches or dinners, after-school theatre classes for school age children, talkbacks with cast members, occasional overnight camps for scouting groups, theatre camps for students from Pre-K thru 12th grade, collaborative programming with the existing Childhood Learning Center, and a seasonal production of the Gospel Nativity. The Property will also be the home location for Virginia Repertory Theatre's Community Health +

Wellness programs that utilize live theatre to address child and adult abuse prevention, audio-described theatre programming for the visually impaired, and modified programming for children on the autism spectrum. The Applicant will also provide the community with office support for education, touring, and provide opportunities to use its performance space.

EXISTING PROPERTY AND SURROUNDING AREA

The Property forms the western margin of the Bellevue neighborhood. The Bellevue neighborhood is roughly a mile long by half a mile wide, bounded on the east by Brook Road, on the west by Hermitage Road, on the north by Westbrook Avenue, and on the south by West Laburnum Avenue. While the neighborhood is mostly made up of single-family residential homes dating to the 1920s and a few duplexes, it has institutional uses on the west side of the neighborhood along I-95 and small commercial districts on the south side of the 1200 block of Bellevue Avenue and on both sides of the 4000 block of MacArthur Avenue. Currently, the institutional uses to the west include the Community School, Linwood Holton Elementary School, and Acca Shriners' Center. The Property is located on a 5.351 acre parcel of land and is bordered by I-95 to the west, Hermitage Road to the east, and Acca Shriners' Center to the south.

The Property's close proximity to Linwood Holton Elementary School, the Community School, and a residential neighborhood will allow the Project to provide entertaining and educational programming to school aged children and their families as well as opportunities for collaboration with local schools and community groups.

THE RICHMOND 300 PLAN

The Property is in the Bellevue neighborhood in Northside. The Richmond 300 Plan designates the Property's future use as Institutional, a future use category which calls for the redevelopment of buildings owned by institution(s) that are connected by an engaging character that create a campus-like environment. The primary use for an Institutional use category includes cultural, government, and open space, while secondary uses include retail space, office space, and personal service. Art and performance focused programming will likely inspire public art opportunities in the Bellevue neighborhood and help elevate the neighborhoods' unique character.

PROPOSED USE

The proposed use of the Property, as described herein, is compatible with the surrounding area and an appropriate use for the site. This art and education center is in line with the Property's "Institutional" future use designation in the Richmond 300 Plan, as its collaboration with surrounding schools will result in the expansion of a campus-like environment that focuses on the education and creative expression of the children in the community.

The Project will not generate more traffic than the Scottish Rite Temple. Any traffic will be easily absorbed by the surrounding road network. Hermitage Road is a median-separated four-lane road running northwest toward I-95 and southeast toward Westwood Avenue. Additionally, the Property has two hundred thirty (230) lined off street parking spaces.

SUITABILITY OF REZONING and FINDINGS OF FACT

The following are factors listed in Section 30-1050.1 of the Zoning Ordinance to be considered with the review of special use permit applications.

The proposed SUP will:

- *NOT be detrimental to the safety, health, morals, and general welfare of the community.*

The Project will provide the opportunity to maintain the Bellevue neighborhood's institutional campus and provide programming to the neighborhood residents. This arts and education center will enhance the community's safety, health, morals and general welfare.

- *NOT tend to create congestion in streets, roads, alleys, and other public ways and places in the area.*

The infrastructure and road systems in place have ample capacity to handle the proposed use. The existing parking lot circulation is also adequate to support this Project, as there are three access points onto the Property, one for emergency vehicles, one for ingress, and the other for egress.

- *NOT create hazards from fire, panic or other dangers.*

The Project is in compliance with applicable building and fire safety codes and energy conservation requirements.

- *NOT tend to overcrowding of land and cause an undue concentration of population.*

There will be no construction that will impact density.

- *NOT adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.*

The above-referenced City services will not be adversely affected by the proposed use of the Project. Utilities and infrastructure are in place and adequate for the proposed use. The proposed reuse of the Property will enhance the area without affecting existing public facilities. Additionally, the Project will positively contribute to the area schools and businesses by bringing additional programming, support, and collaborative efforts to the neighborhood that will not adversely impact sewage and storm water systems, transportation or other governmental services.

- *NOT interfere with adequate light and air.*

The Property is in a location with ample air, light and space components. The light and air available to the Property and adjacent properties will not change if the SUP is granted.

COMMUNITY SUPPORT FOR REZONING

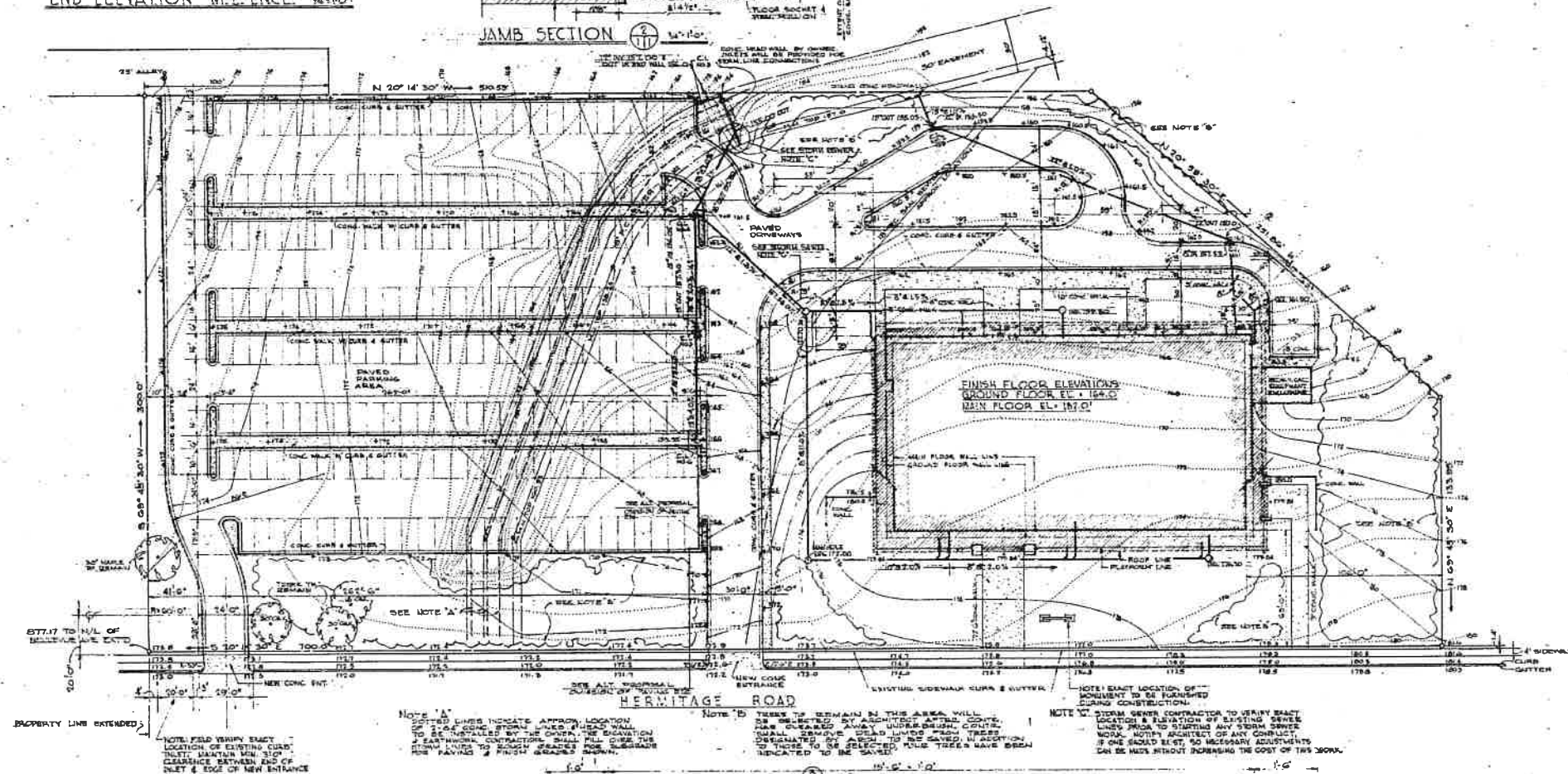
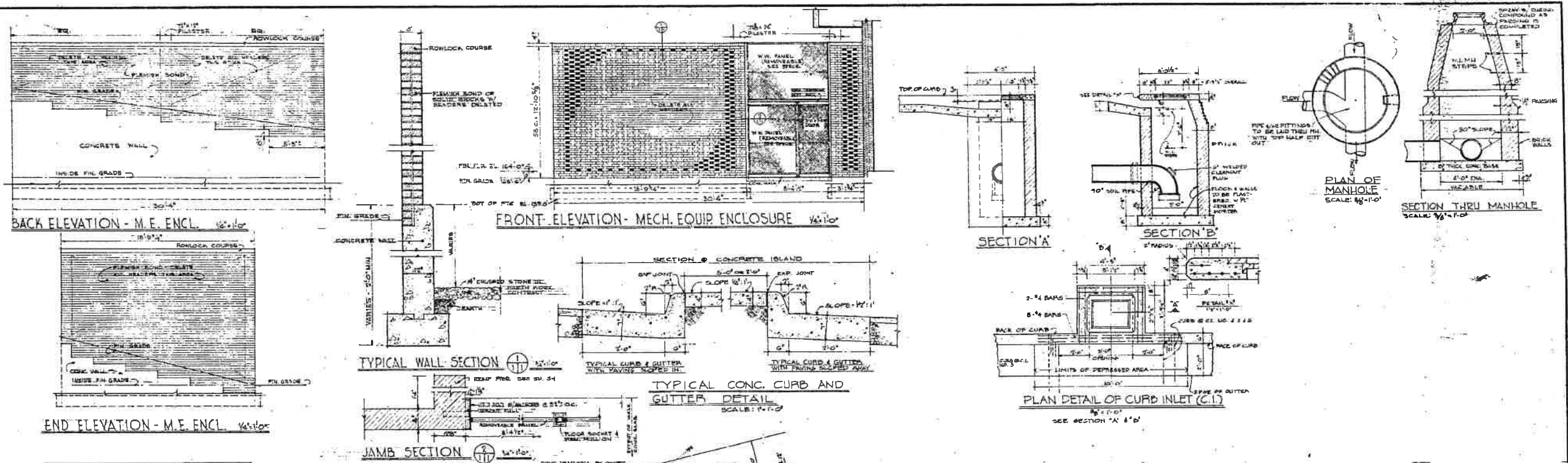
The Applicant plans to present the SUP application materials to the Bellevue Civic Association, the Hermitage Road Historic District Association, and to Councilwoman Ann-Frances Lambert.

CONCLUSION

This Project will bring a community asset to the Bellevue neighborhood which conforms with the Richmond 300 Plan. This Project will provide valuable programming, six new jobs, a \$208,000.00 increase in ticket revenue, and \$15,000.00 in additional admission tax in the first year. Additionally, it will be a highly visible symbol of art and culture in North Richmond contributing to the area's evolution and thereby furthering the City's aspirations for this neighborhood.

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FREEMASONRY BUILDS ITS TEMPLES IN
THE HEARTS OF MEN AND AMONG NATIONS

SITE PLAN			
SCOTTISH RITE TEMPLE RICHMOND, VIRGINIA MACILROY AND PARRIS ARCHITECTS RICHMOND, VIRGINIA			
DRAWN BY F.W.N.	CHECK BY L.E.H.	DATE 10-27-67	REVISIONS
SHEET NO. 1			