INTRODUCED: April 10, 2023

#### AN ORDINANCE No. 2023-121

#### As Amended

To authorize the special use of the property known as 3207 Hermitage Road for the purpose of an office and contractor warehouse with outdoor storage, upon certain terms and conditions, and to repeal Ord. No. 60-227-197, adopted Aug. 8, 1960, and Ord. No. 60-120-93, adopted May 9, 1960.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

\_\_\_\_

PUBLIC HEARING: MAY 8 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 3207 Hermitage Road, which is situated in a RO-1 Residential-Office District, desires to use such property for the purpose of an office and contractor warehouse with outdoor storage, which use, among other things, is not currently allowed by section 30-424.1, concerning permitted principal uses, 30-424.5, concerning yards, and 30-424.6, concerning usable open space, 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:	7	NOES:	0	ABSTAIN:	
_					
ADOPTED:	JUN 26 2023	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.

- Subject to the terms and conditions set forth in this ordinance, the property known (a) as 3207 Hermitage Road and identified as Tax Parcel No. N000-1311/017 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled "Topographic Survey Showing Existing Improvements to #3207 Hermitage Road, City of Richmond, Virginia," prepared by Shadrach & Associates LLC, and dated August 1, 2022, 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 office and contractor warehouse with outdoor storage, hereinafter referred to as the "Special Use," substantially as shown on the survey entitled "Topographic Survey Showing Existing Improvements to #3207 Hermitage Road, City of Richmond, Virginia," prepared by Shadrach & Associates LLC, and dated August 1, 2022, and the plans entitled "Hermitage Road Office, 3701 Hermitage Road, Richmond, VA 23230] – Renovation & Addition," prepared by Daniel & Company, Inc., and dated [August 25, 2022] May 15, 2023, [and the plans entitled "Sherwood Medical Center, 3201 Hermitage Road - Richmond, Virginia," prepared by Budina & Freeman Architects, and dated June 20, 1960,] 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 an office and contractor warehouse with outdoor storage, substantially as shown on the Plans.
- (b) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans.
- (c) All building materials, elevations, and site improvements, including an opaque perimeter fence of no more than eight feet in height shall be substantially as shown on the Plans.
- (d) No more than 16 off-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.
  - (e) Signs on the Property shall not be internally illuminated.
- (f) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- (g) Warehouse delivery hours shall be limited to 8:00 a.m. to 6:00 p.m., Monday through Saturday.
- § 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. **Repeal of Prior Ordinances.** That Ordinance No. 60-227-197, adopted August 8, 1960, and Ordinance No. 60-120-93, adopted May 9, 1960, be and are hereby repealed.
  - § 8. **Effective Date.** This ordinance shall be in force and effect upon adoption.

A TRUE COPY:

TESTE:

City Clerk



2023-096



## **City of Richmond**

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

## Item Request File Number: PRE.2022.0573

#### O & R Request

**DATE:** February 27, 2023 **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, 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 3207 Hermitage Road for the purpose

of an office and contractor warehouse with outdoor storage, upon certain terms and

conditions, and to repeal Ord. No. 1960-227-197.

ORD. OR RES. No.

**PURPOSE:** To authorize the special use of the property known as 3207 Hermitage Road for the purpose of an office and contractor warehouse with outdoor storage, upon certain terms and conditions, and to repeal Ord. No. 1960-227-197.

**REASON:** The subject property is located in the RO-1 Residential-Office District where a contractor warehouse with outdoor storage is not a permitted use. Therefore, a Special Use Permit is 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.

**BACKGROUND:** The .627 acre subject property is a triangular shaped property located on the east side of Hermitage Road. Alleys run along the northern and southern property lines. The property is improved with a commercial structure that serves as a doctor's office. The proposed special use will be to expand this building by 2,675 square feet for use as a contractor's office. Outside storage is also proposed and this area will be screened with an eight foot tall privacy fence.

File Number: PRE.2022.0573

The Richmond 300 Master Plan recommends Residential Uses for the subject property. These are neighborhoods primarily consisting of single-family homes on large or medium sized lots.

Also located in Greater Scott's Addition Priority Growth Node that targets growth in residents, jobs, and commercial activity for the next 20 years.

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

**BUDGET AMENDMENT NECESSARY: None** 

**REVENUE TO CITY:** \$2,400 application fee

**DESIRED EFFECTIVE DATE:** \$2,400 application fee

**REQUESTED INTRODUCTION DATE:** March 27, 2023

CITY COUNCIL PUBLIC HEARING DATE: April 24, 2023

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission

April 17, 2023

**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, Survey, Map

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



#### 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: 3207 Hermitage Rd Date: 09/28/2022 Tax Map #: N0001311017 Fee: \$2400 Total area of affected site in acres: .0627 (See page 6 for fee schedule, please make check payable to the "City of Richmond") Zoning Current Zoning: RO-1 Existing Use: Office **Proposed Use** (Please include a detailed description of the proposed use in the required applicant's report) Expansion of Office and Contractor's Shop Existing Use: Office Is this property subject to any previous land use cases? If Yes, please list the Ordinance Number: Ord. 1960-120-93, Ord.1960-227-197, Applicant/Contact Person: Mark Baker Company: Baker Development Resources Mailing Address: 530 E Main Street, Suite 730 State: VA City: Richmond Zip Code: 23219 ) 874-6275 Fax: ( Telephone: ( Email: markbaker@bakerdevelopmentresources.com **Property Owner:** 3207 Hermitage Associates LLC If Business Entity, name and title of authorized signee: Samuel W. Daniel, Managing Member (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: P.O. Box 6749 City: Richmond State: VA Zip Code: 23230.6749 ) 340.1902 Telephone: ( Fax: ( Email: dci@danielco.net annulw Mariel **Property Owner Signature:** 

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**

September 28th, 2022

Special Use Permit 3207 Hermitage Road, Richmond, Virginia Map Reference Number: N000-1311/017

Submitted to: City of Richmond

Department of Planning and Development Review

Land Use Administration 900 East Broad Street, Suite 511 Richmond, Virginia 23219

Prepared by: Baker Development Resources

530 East Main Street, Suite 730 Richmond, Virginia 23219

#### Introduction

The property owner is requesting a special use permit amendment (the "SUPA") for 3207 Hermitage Road (the "Property"). The SUPA would authorize the expansion and occupancy of the building as an office and contractor's shop. While the existing office on the Property, which was authorized by the current SUP, will be retained and continue to be the primary utilization of the Property, the applicant is proposing to construct a warehouse addition to the existing structure. As this represents a substantial change from the approved SUP, the SUPA is required.

## **Existing Conditions**

#### SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the eastern line of Hermitage Road between Brookland Parkway and Wentbridge Road and is referenced by the City Assessor as N000-1311/017. The property is 240 feet in width and 395 feet deep and contains approximately 27,317 square feet of area. Access is provided along Hermitage Road and by two alleys located along the western and southern edges of the parcel.



This area is characterized by a range of uses with single family residential uses to the east of Hermitage Road and commercial uses of varying scales and intensities to the west of Hermitage Road, including a hotel immediately across Hermitage Road from the Property.

Applicant's Report 3207 Hermitage Rd

#### **EXISTING ZONING**

The Property is zoned RO-1 Residential Office District. The surrounding properties to the north, east, and west are zoned R-3 Single-Family Residential. Properties immediately to the east are zoned RO-3 Residential Office District and B-2 Community Business District. Beyond that, to the southwest properties are zoned TOD-1 Transit-Oriented Nodal District and to the northwest are properties zoned M-1 Light Industrial.

#### MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the "Master Plan") suggests "Residential" for the Property.

The Property is also located within the "Greater Scott's Addition National/Regional Node." The Richmond 300 plan describes nodes generally as "places in Richmond where people and jobs are today and continue to grow into the future. Nodes are the places of convergence of many uses and include offices, shopping, housing, and/or public gathering places as well as access to multiple modes of transportation." National/Regional nodes, like Greater Scott's Addition, are further described as "a center with significant cultural, entertainment, government, and business destinations as well as shopping, housing, and unique place-based attractions"

In addition to the Property-specific guidance offered by the Vision and Core Concepts chapter, there are a number of other goals elsewhere within the Master Plan that support this request:

- Page 100 (High Quality Places Chapter), Objective 4.1 "Create and preserve high-quality, distinctive, and well-designed neighborhoods and Nodes throughout the city"
  - o f. Ensure that building materials are durable, sustainable, and create a lasting addition to the built environment
- Page 109 (Equitable Transportation Chapter), Objective 6.1 "Increase the number of residents and jobs at Nodes and along enhanced transit corridors"
  - o c. Support the retention, creation, and attraction of businesses in and near Nodes and major corridors

## **Proposal**

#### PROJECT SUMMARY

The proposed occupancy of the building as an office and contractor's shop includes the utilization of the existing office structure on the Property as well as the construction of a new, one-story addition to the existing structure which will be utilized as additional office space and a warehouse.

#### PURPOSE OF REQUEST

The SUPA would permit the conversion of the existing structure from a doctor's office to an office and contractors' shop. This includes the construction of a roughly 2,675 square foot addition on the eastern side of the existing structure. The existing doctor's office use was authorized by a previous SUP (60-227-197) and special use permit amendment in 1960. This request would permit the utilization of the existing structure while also allowing for the construction of additional office and warehouse space. While the Property abuts parcels which are zoned to allow the proposed contractors' shop use (B-2) and other properties in the vicinity along Hermitage Road and Arthur

Applicant's Report Page 3 of 6

3207 Hermitage Rd

Ashe Boulevard are also zoned to permit the proposed use (M-1, B-7), the underlying zoning here does not allow for the use and therefore, the SUPA is required.

#### **PROJECT SUMMARY**

The proposed design would include the approximately 4,263 square foot office building along with a new single-story addition which would be roughly 2,675 square feet. The proposed addition would be a triangular shape to fit the lot and would be clad in cementitious siding. The addition would include roughly 400 square feet of office space, three parking and loading bays, and warehouse storage. The three bays would face south and open onto an approximately 20-foot concrete apron which would allow access from the adjacent alley. Additionally, the enclosed yard at the rear of the Property would be used for outdoor storage. In order to provide additional screening from nearby residential properties an eight-foot privacy fence is proposed for the Property.

## **Findings of Fact**

The following are factors indicted 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 amendment will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed development would offer needed services to the community and a safe, convenient and economically viable pedestrian environment, thereby providing positive impacts in terms of safety, welfare, etc.

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

The proposed special use permit amendment will not result in significant traffic impacts to nearby residential neighborhoods.

• 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 amendment will not tend to overcrowd 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. Applicant's Report Page 4 of 6

3207 Hermitage Rd

The special use permit amendment would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

• Interfere with adequate light and air.

The light and air available to adjacent properties will not be affected.

## Summary

In summary, the applicant is proposing to construct a new addition in order to adaptively re-utilize the existing structure as an office and contractors' shop. The proposed use does not represent a use that is significantly more intensive than was previously permitted on the site and is permitted by-right on nearby properties. This proposed addition and use represents an ideal, small-scale urban commercial use while limiting overall impact by retaining the existing structure. The proposed addition will be limited in scale and has been thoughtfully designed with quality materials, a limited height, and additional screening to remain compatible with the neighborhood while meeting the needs of a local business.

# HERMITAGE ROAD OFFICE - RENOVATION & ADDITION

## PROGRESS DRAWINGS - 5.15.2023



CONTRACTORS
...Building History

## **Drawing Table of Contents**

CS - Cover Sheet

C1 - Original Site Plan (Mark Up)

C2 - Copy of Current Topo Survey

A1 - Overall Plan

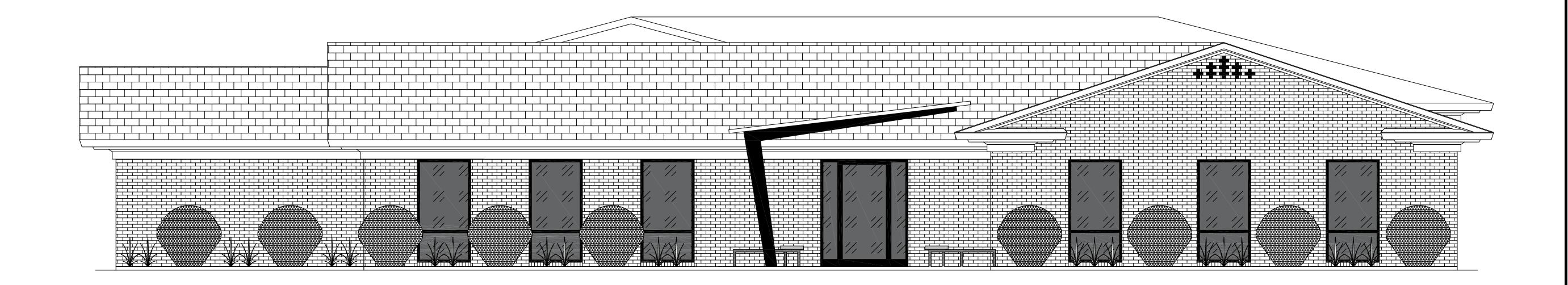
A2 - Office Layout

A3 - Addition Plan

A4 - Addition Roof Plan

A5 - West & South Elevations

A6 - East & North Elevations



PROGRESS

DRAWINGS FOR REVIEW & DISCUSSION

NOT FOR CONSTRUCTION

No. Revision/Issue Date

Firm Name and Add

Daniel & Company Inc. P.O. Box 6749 Richmond, VA 23230

Project Name and Address

Hermitage Road Office 3701 Hermitage Road Richmond, VA 23230

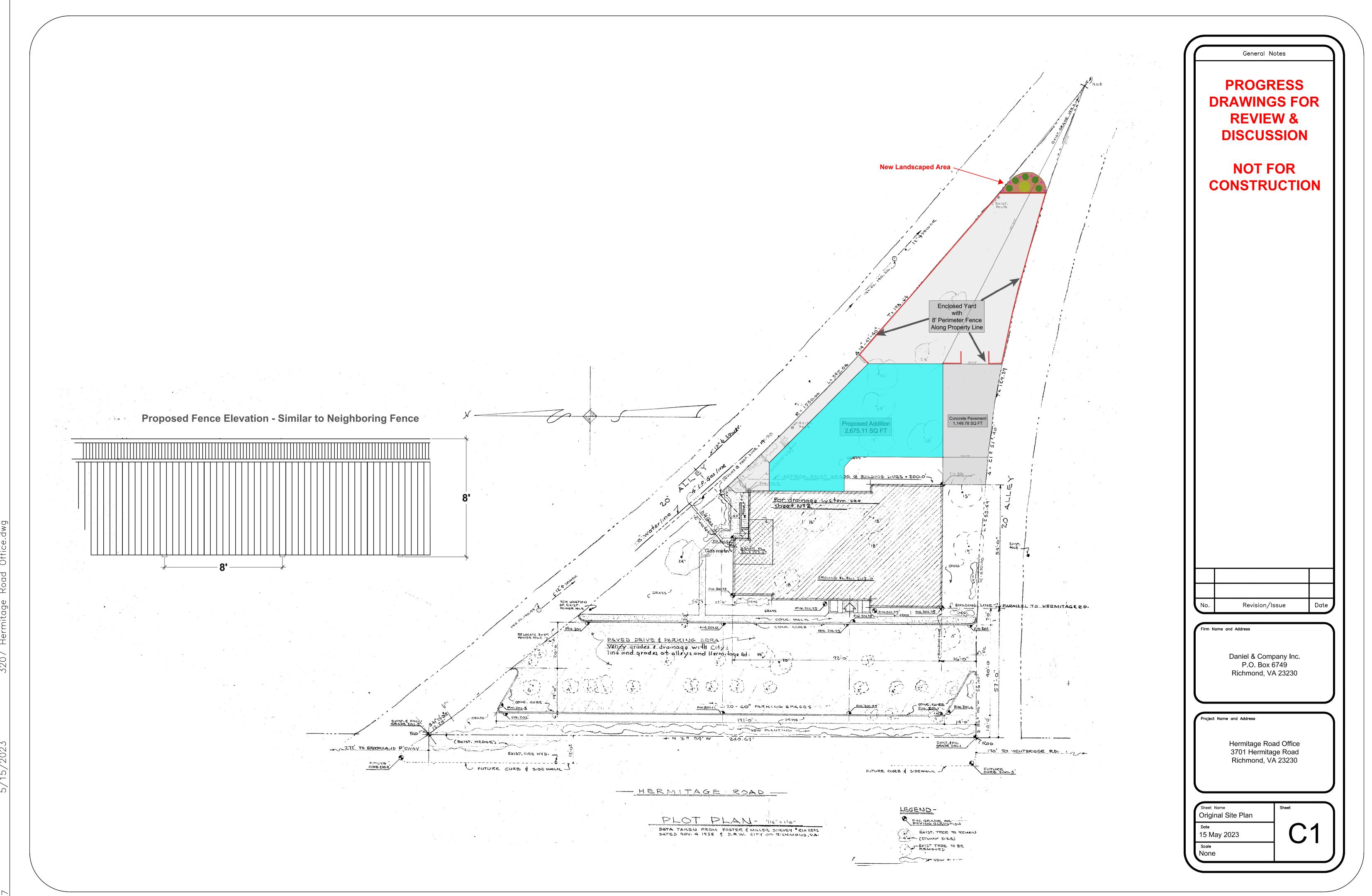
Sheet Name
Cover Sheet

Date
15 May 2023

Scale
None

3207 Hermitage Road Office.dwg

5/15/2023



SOUT HORM: + COCK

707

