

INTRODUCED: October 14, 2019

AN ORDINANCE No. 2019-300

To authorize the special use of the property known as 1217 West Leigh Street for the purpose of a veterinary clinic, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 12 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 1217 West Leigh Street, which is situated in a R-7 Single- and Two-Family 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, 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), as amended; and

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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 12 2019 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 (2015), 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 1217 West Leigh Street and identified as Tax Parcel No. N000-0518/002 in the 2019 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, 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, 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), 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), 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), 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), 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), as amended, and all future amendments to such law, or any other applicable laws or regulations.

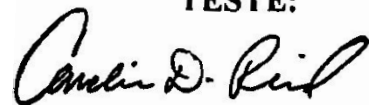
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property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

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

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

A TRUE COPY:

TESTE:



City Clerk

City of Richmond

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

Item Request
File Number: PRE.2019.404

RECEIVED

OCT 08 2019

OFFICE OF THE CITY ATTORNEY

O & R REQUEST

4-9179

SEP 18 2019

Office of the
Chief Administrative Officer

O & R Request

DATE: September 16, 2019

EDITION: 1

TO: The Honorable Members of City Council

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

THROUGH: *Lenora G. Reid Acting Sep 9/26/19*
~~Selena Cuffee-Glenn, Chief Administrative Officer~~

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

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

RE: To authorize the special use of the property located at 1217 W. Leigh Street to operate as a veterinary clinic, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property located at 1217 W. Leigh Street to operate as a veterinary clinic, upon certain terms and conditions.

REASON: The subject property contains a two-story structure designed for commercial uses on the ground floor and residential on the second floor. The veterinary clinic will occupy the ground floor space. As veterinary clinics are not a permitted use in the R-7 Single- and Two-Family Urban Residential District, 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. This item will be scheduled for consideration by the Commission at its November 4, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The .049 acre subject property is located near the corner of West Leigh Street and Norton Street in the R-7 Single- and Two-Family Urban Residential District. The property contains a two-story mixed-use structure and the veterinary clinic will be occupy 950 square feet of space on the ground floor. The second floor will remain residential. No expansion of the building footprint or height is proposed. All existing setbacks shall be maintained. The property is located in the Carver neighborhood of the Near West Planning District.

No off-street parking shall be provided on the site as the property is not served by an alleyway and does not have curb cut access in the front. All parking for the property will be on-street parking. The applicant anticipates that clientele will generate approximately three to four vehicle trips per hour, and business hours will be 8:00AM until 6:00 PM.

The veterinary clinic will only provide care for animals and will not provide a boarding service. All activity will take place indoors. The applicant has discussed his business plans with neighboring property owners and found them to be supportive of this proposal.

1217 W. Leigh Street is located in the R-7 Single- and Two-Family Urban Residential District. The Pulse Corridor Plan calls for a future land use recommendation for this property as Neighborhood Mixed-use. Neighborhood Mixed-use areas are cohesive districts that provide a mix of uses, but with a larger amount of residential uses than other mixed-use districts. They are an urban, walkable environment with limited neighborhood-oriented uses incorporated along key commercial corridors and at corner sites.

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

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: October 14, 2019

CITY COUNCIL PUBLIC HEARING DATE: November 12, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
November 4, 2019

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

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: 1217 W Leigh Street Unit A

Date: 5-22-19

Tax Map #: N0000518002 Fee: \$1,800.00

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-7

Existing Use: Office

Proposed Use

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

Veterinary Clinic - Solo practitioner

Existing Use: Office

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Justin Jones, DVM

Company: Jones Veterinary Care PLLC

Mailing Address: 1218 W Clay St

City: Richmond

State: VA

Zip Code: 23220

Telephone: (804) 409-7074

Fax: ()

Email: justin.jones50@gmail.com

Property Owner: 1217 W. Leigh St, LLC

If Business Entity, name and title of authorized signee: ZARINA FAZALDIN
PRESIDENT/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: 721 W. 28th St

City: RICHMOND

State: VA

Zip Code: 23225

Telephone: (804) 310-5051

Fax: ()

Email: landshistoric@msn.com

Property Owner Signature: Zarina M. Fazaldin

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 for 1217 W Leigh Street - Applicant Report

Operations details:

Number of employees – 3

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

The veterinary practice will operate as a high-quality, low-cost veterinary clinic. The goal of the practice will be to increase access to veterinary care for dogs and cats in the area.

As a single doctor practice, the amount of vehicular traffic that will be generated will be 3-4 vehicles per hour. Most appointment times will be 15-20 minutes in length. Patients needing more thorough work-ups or surgery will be scheduled as morning drop-offs and will be picked up in the afternoon.

Site appropriateness

The location is currently setup as an office space with sealed concrete floors. The current floorplan combined with the sealed concrete floors make it ideal for a veterinary clinic. No construction or permanent alterations are needed to be used as a veterinary clinic.

Community Support

As a Carver resident and homeowner, myself, I would not be pursuing a Special Use Permit without the support of the community. I have engaged with the Carver Neighborhood Association (Carver Area Civil Improvement League - CACIL) about the SUP and my planned use of the property. I have presented to both the CACIL Executive Board on 5/21/19 and to the general CACIL membership on 5/28/19. Both passed unanimous votes of support.

I have also communicated with each property owner within the 150ft radius of 1217 W Leigh Street and have not been met with opposition.

In addition, I have discussed this SUP with the area's City Council Representative – Councilwoman Kim Gray, and have received her support.

City Charter Conditions

The Special Use Permit 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 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 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.

- 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 will be scheduled in 15-30 minute appointment slots. Any patients needing longer care will be seen on a drop-off basis. This results in 3-4 clients seen per hour at most. Attached to this application packet (folder on thumb drive) are pictures of the parking areas on Leigh Street, Norton Street, Harrison Street, and Clay Street at 8:00AM, 12:00PM, and 6:00PM. These pictures demonstrate that the current parking available will more than allow for 3-4 additional cars per hour without creating congestion.

- 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 will be 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 part of the floorplan and will provide enough space for the 3-4 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 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.

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.



NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.

OWNER SIGNATURE

REVISIONS	
NO.	DATE
1	10/15/11
2	10/15/11
3	10/15/11
4	10/15/11
5	10/15/11
6	10/15/11
7	10/15/11
8	10/15/11
9	10/15/11
10	10/15/11

CLIENT/CONSULTANT APPROVAL STATE	
APPROVED	DATE
APPROVED WITH NOTES	DATE
REJECTED	DATE
REJECTED WITH NOTES	DATE
DATE	DATE

ADDRESS: 1217 W. LEIGH STREET, AUSTIN, TEXAS 78702
 DESIGN CONSULTANT

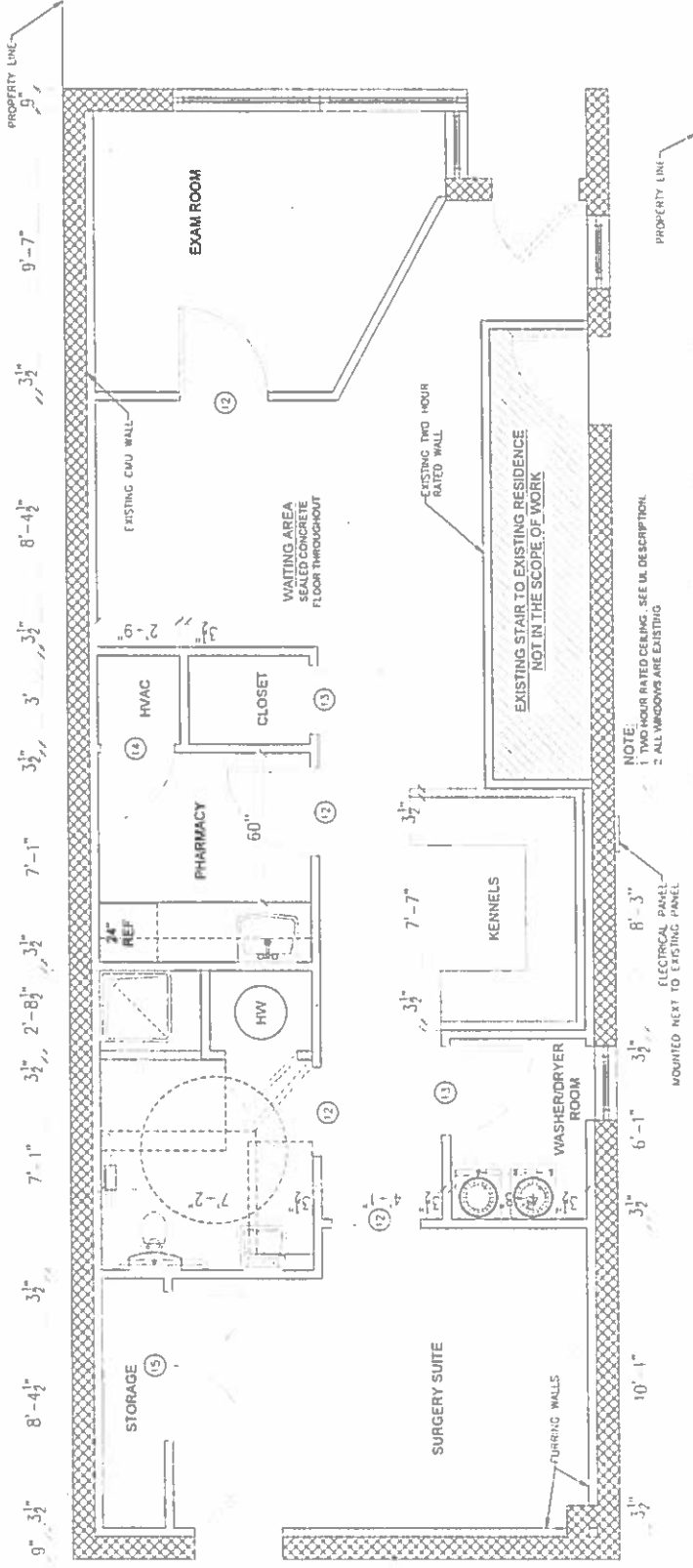


ARCHITECTS
 PROJECT NO. 1217
 PROJECT NAME: 1217 W. LEIGH STREET
 DESIGN DRAWING

SCOPE: ARCHITECTURAL
 SHEET TITLE: 1217 OFFICE SPACE

DATE: 10/15/11
 SCALE: 1/4" = 1'-0"

GROUND FLOOR PLAN	
DATE	SCALE
10/15/11	1/4" = 1'-0"
PROJECT NO.	PROJECT NAME
1217	1217 W. LEIGH STREET
DESIGNER	DATE
ZAKARIA	10/15/11



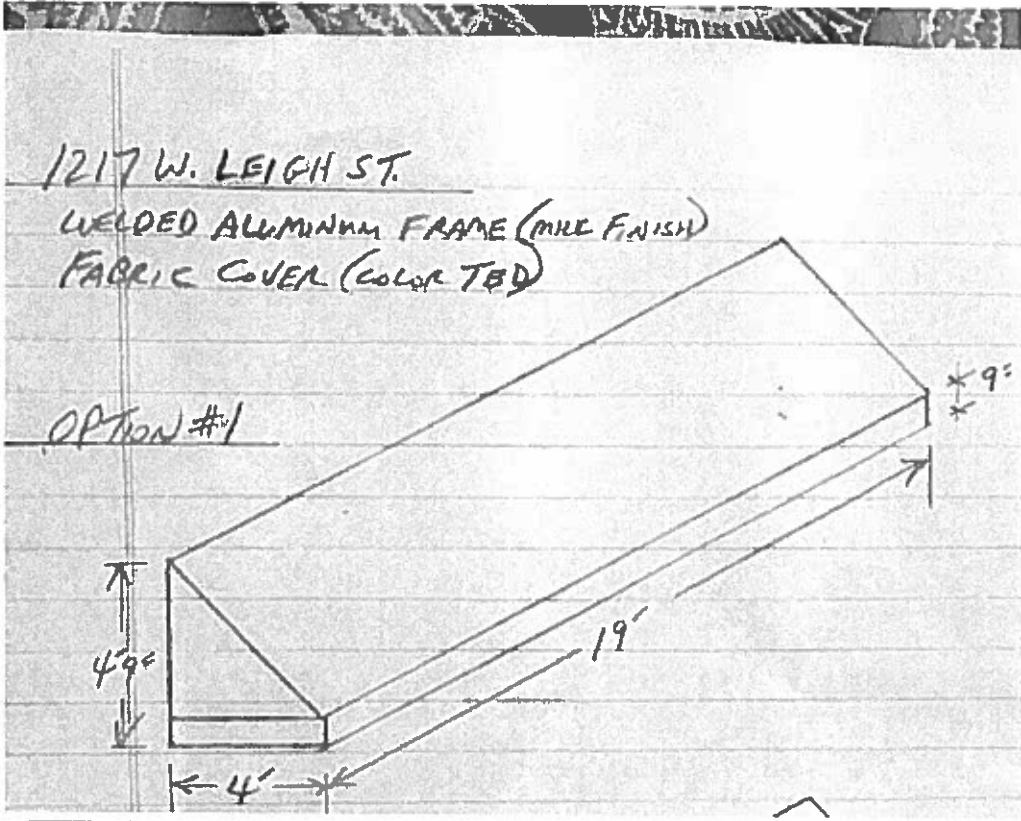
EXISTING FRONT ELEVATION



1217 W Leigh Street

SCALE: 1/4" = 1'-0"

Signage on awning



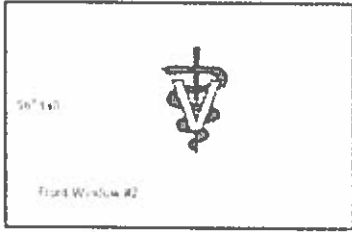
Awning Jones Veterinary Care

Front of building

1217 W. LEIGH ST.
 JONES VETERINARY CARE
 1217 W. LEIGH ST.
 JONES VETERINARY CARE
 1217 W. LEIGH ST.
 JONES VETERINARY CARE
 1217 W. LEIGH ST.
 JONES VETERINARY CARE
 1217 W. LEIGH ST.
 JONES VETERINARY CARE



56" wide



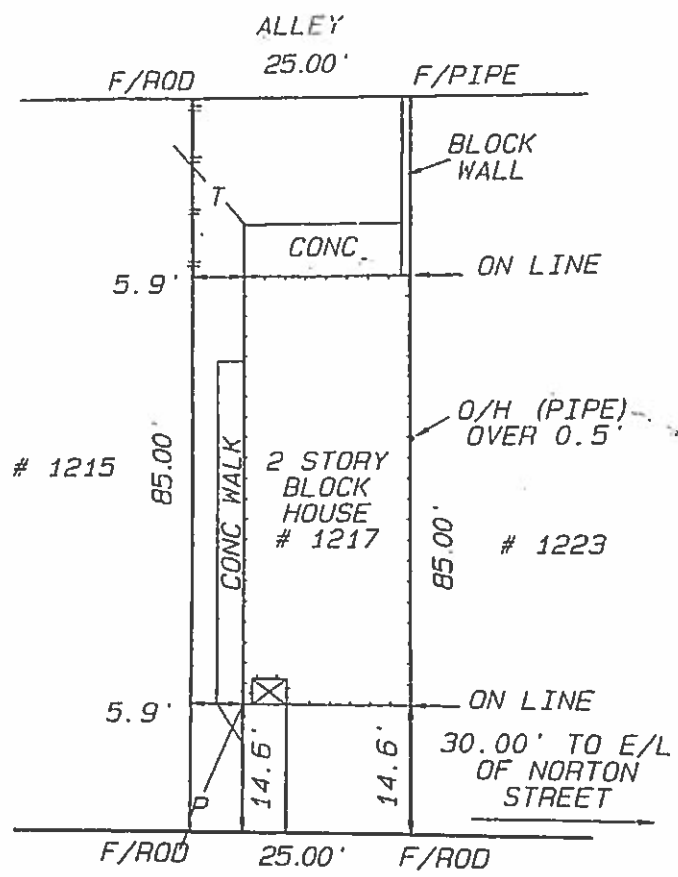
56" wide

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 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

House is old. Power and Telephone are overhead.

By *F. Jolliffe*

RE: ZARINA M. FAZALDIN AND BOBBY N. VASSAR



W. LEIGH STREET

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