



Legislation Details (With Text)

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On agenda: 3/14/2022 **Final action:** 3/14/2022

Title: 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. (3rd District)

Sponsors: Mayor Stoney (By Request), Ann-Frances Lambert

Indexes:

Code sections:

Attachments: 1. Ord. No. 2022-044, 2. Staff Report 4204 Hermitage Rd, 3. Application & Report, 4. Survey, 5. Map, 6. Support_Bellevue Civic Association, 7. Support_Hermitage Road Historic District Association, 8. Support_Lambert, 9. Presentation from Applicant

Date	Ver.	Action By	Action	Result
3/14/2022	1	City Council	adopted	Pass
3/7/2022	1	Planning Commission	recommended for approval	
2/14/2022	1	City Council	introduced and referred	

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. (3rd District)

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 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.

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 Bellevue 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

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

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