

INTRODUCED: July 27, 2015

AN ORDINANCE No. 2015-152-165

To amend Ord. No. 84-311-280, adopted Dec. 17, 1984, which authorized the special use of the property known as 19-21 South Belmont Avenue for the purpose of an art and frame shop and the adaption of the building for such purpose, to authorize limited commercial uses, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Jones (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: SEPT 14, 2015 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 84-311-280, adopted December 17, 1984, be and is hereby amended and reordained as follows:

§ 1. That the ~~[real-estate]~~ property known as ~~[19-21]~~ 19 South Belmont Avenue and identified as Tax Parcel No. W000-1358/037 in the 2015 records of the City Assessor, containing 6,000 square feet, located north of West Cary Street on the east side of South Belmont Avenue, being more ~~[completely described as follows: beginning at a point on the east side of South Belmont Avenue, said point being 121 feet north of the north right of way line of West Cary~~

AYES:                    9                    NOES:                    0                    ABSTAIN: \_\_\_\_\_

ADOPTED:    SEPT 14 2015    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

~~Street; thence extending 60 feet north along South Belmont Avenue; thence extending 100 feet east between parallel lot lines to a 10 foot alley in common] particularly shown on a survey entitled “Plat of Property Situated on the Eastern Line of S. Belmont Avenue and North of W. Cary Street, City of Richmond, Virginia,” prepared by Steven B. Kent & Associates, PC, and dated January 19, 2015, is hereby permitted to be used for [the purpose of an art and frame shop] certain commercial uses; that the building on the [real estate] property may be adapted for such [purpose] purposes, [said property being] as shown on [the copy of a survey, entitled: “Plat of Nos. 19-21 South Belmont Ave.”, dated September 26, 1984, prepared by George M. Stephens, Jr., Certified Land Surveyor, LTD; and an untitled and undated floor plan prepared by Robert Watkins] a plan entitled “19 S. Belmont As-Builts Floor Plans,” prepared by Balzer and Associates, Inc., and dated April 22, 2015, [both] a copy of which [are] is attached to [the draft] and made a part of this amendatory ordinance.~~

§ 2. That the Commissioner of Buildings is hereby authorized to issue to the owner or owners of the [real estate] property, or successor or successors in fee simple title, a [~~permit to occupy~~] certificate of occupancy for the property for such [purpose] purposes, substantially in accordance with the survey[, entitled: “Plat of Nos. 19-21 South Belmont Ave.”, dated September 26, 2984, prepared by George M. Stephens, Jr., Certified Land Surveyor, LTD; and an untitled and undated floor plan prepared by Robert Watkins . Said survey] and [floor] plan [~~sketches are incorporated in and made part~~] referred to in section 1 of this amendatory ordinance. The Commissioner of Buildings may issue a building permit, if required, for the adaptation of the building as herein authorized. The special use permit herein authorized by Council[;] shall be transferable to the successor or successors in title of the owner, whether

acquired by operation of law, deed or otherwise, and shall run with the land, subject to the following terms and conditions:

(a) That the acceptance of the permit and the exercise of the privileges granted by this amendatory ordinance by the owner and successor or successors in title shall constitute a warranty on the part of the owner and successor or successors that title to the land and the building shall be vested in the same person or persons or corporations or both;

(b) That the owner shall be bound by, observe and shall comply with all other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and building, except as otherwise provided in this amendatory ordinance;

(c) The use of the property shall be limited to the following uses:

(1) Art galleries;

(2) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally as retail on the premises;

(3) Office supply, business and office service, photocopy and custom printing establishments;

(4) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the arts;

(5) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe stores, watch and jewelry repair shops, and similar establishments, excluding tattoo parlors;

(6) Retail stores and shops;

(7) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building, and no internal combustion engine shall be repaired or serviced; and

(8) Showrooms and display areas for goods that are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith.

(d) That six on-site parking spaces shall be provided and shall be delineated on the pavement surface [~~as shown on the attached plan~~];

~~[(d) — There shall be a maximum of four persons employed on the premises in the conduct of the business;]~~

(e) That 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 as not to be visible from adjacent properties, public streets or public alleys;

(f) In the event grading is necessary in adaption of the property, final grading and drainage plans shall be approved by the Director of Public Works prior to the issuance of building permits;

(g) That storm or surface water shall not be allowed to accumulate on the land, and adequate facilities for drainage of storm and surface water from the land or building shall be provided and maintained at all times by the owner at his cost and expense so as not to adversely affect or damage adjacent properties or public streets and the use thereof;

(h) That identification of the premises shall be limited to one sign, not exceeding six square feet in area~~[, mounted flat on a vertical surface of the building]~~;

(i) There shall be no exterior alterations or additions to the existing building except for normal repair and maintenance;

(j) That ~~[should the owner use the premises for any purpose which is not permitted by this ordinance, or fails, refuses or neglects to comply with the provisions of foregoing paragraphs (a) through (i) and does not terminate such use or comply with such provisions within ninety days after written notice to do so has been given to the owner by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void]~~ the privileges granted by this ordinance may be revoked pursuant to the provisions of sections 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), as amended, and all future amendments to such laws, and failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 114-1080 of the Code of the City of Richmond (2004), as amended, and all future amendments to such law, or any other applicable laws or regulations;

(k) That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the ~~[premises]~~ property is abandoned for a period of twenty-four consecutive months, use of the ~~[real-estate]~~ property shall be governed thereafter by the zoning regulations prescribed for the district in which the ~~[real-estate]~~ property is then situated; and

(l) That application for a building permit, if required, for adaptation of the building shall be made within ~~[twelve]~~ 24 months from the effective date of this amendatory ordinance, which building permit shall expire by limitation and become null and void if, pursuant to

issuance of such permit, the adaptation of the building to such usage is not commenced within one hundred eighty days from the date of the building permit~~[, or if work of adapting the building is suspended or abandoned for a period of one hundred eighty days at any time after permit issued and the work is commenced, as provided in Section 8-15 of the Richmond City Code of 1975]~~. Should application for the building permit, if required, not be made within ~~[twelve]~~ 24 months from the effective date of ~~[the]~~ this amendatory ordinance ~~[granting the special use permit]~~, or should the building permit expire and become null and void, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

§ 3. This ordinance shall be in force and effect upon adoption.

II. This amendatory ordinance shall be in force and effect upon adoption.



**RECEIVED** City of Richmond

JUL 15 2015

Intracity Correspondence

OFFICE OF CITY ATTORNEY Ordinance: a2015 - 512

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

File Number: a2015 - 512

To authorize the special use of the property known as 19-21 South Belmont Avenue for the purpose of authorizing limited commercial uses, up-on certain terms and conditions

**O & R Request**

4-3829  
**O & R REQUEST**

**DATE:** June 26, 2015

**EDITION:** 1

JUL 10 2015

**TO:** The Honorable Members of City Council

Chief Administration Office  
City of Richmond

**THROUGH:** Dwight C. Jones, Mayor *DCJ*  
(This in no way reflects a recommendation on behalf of the Mayor)

**THROUGH:** Selena Cuffee-Glenn, Chief Administrative Officer *SCG*

**THROUGH:** Peter L. Downey, Interim Deputy Chief Administrative Officer for Economic Development and Planning *PLO*

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

**RE:** To authorize the special use of the property known as 19-21 South Belmont Avenue for the purpose of authorizing limited commercial uses, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To authorize the special use of the property known as 19-21 South Belmont Avenue for the purpose of authorizing limited commercial uses, upon certain terms and conditions.

**REASON:** In 1984, City Council approved Ord. No. 84-311-280, which authorized the property to be used for an art and frame shop. The applicant proposes to add additional commercial uses and an amendment to the special use permit ordinance 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 September 8, 2015, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The request is to amend the current special use permit ordinance (Ord. No. 84-311-280) and allow for additional commercial uses. The property is zoned Residential Office RO-2, which does not permit many of the proposed commercial uses. Uses proposed for permitting include, grocery stores, personal service businesses, retail stores, and service businesses. In addition, the applicant proposes to remove the existing condition, which limits the number of employees to a maximum of five.

The property is occupied by a one-story building, approximately 4,500 square feet in size, and is used as an art and frame shop. The adjacent properties to the north, east, and west are zoned RO-2, and the properties on West Cary Street are zoned Urban Business UB. The uses on these properties include a mixture of retail, office, and personal services.

There are currently six on-site parking spaces being provided in the rear of the property, which complies with a condition of the current ordinance, requiring that a minimum of six parking spaces be provided. The applicant requests no changes to this condition. If a future use(s) requires more than six parking spaces, those additional parking spaces shall be according to the parking requirements in the zoning ordinance.

The Richmond Master Plan designates this property as Community Commercial. "Primary uses include office, retail, personal service and other commercial and service uses, intended to provide the shopping and service needs of residents of a number of nearby neighborhoods or a section of the City. As compared to Neighborhood Commercial, this category includes a broader range of uses of greater scale and intensity, with greater vehicular access and orientation, but are also compatible with nearby residential areas (p.134)."

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

**COST TO CITY:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

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**REVENUE TO CITY:** \$1,200 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** July 27, 2015

**CITY COUNCIL PUBLIC HEARING DATE:** September 14, 2015

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission, September 8, 2015



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

**RELATIONSHIP TO EXISTING ORDINANCES:** None.

**ATTACHMENTS:** Application Form, Applicant's Letter, Draft Ordinance, Floor Plans, Survey

**STAFF:** Willy Thompson, Senior Planner  
Land Use Administration (Room 511)  
646-5734

*DCD O&R No.15-16*

LAW OFFICES  
KANE, JEFFRIES, COOPER & CAROLLO, LLP  
1700 BAYBERRY COURT AT FOREST AVENUE  
SUITE 103  
HENRICO VIRGINIA 23226-3762

KANE & JEFFRIES, P.C.  
WILLIAM L. JEFFRIES, JR.  
ROBERT E. KANE, JR.  
PATRICK D. CAROLLO  
ANNIE L. STEPHENS MALO

AREA CODE 804  
288-1672  
FAX 285-7365

THOMAS A. COOPER, P.C.  
THOMAS A. COOPER

May 4, 2015

Department of Planning and Development Review  
Land Use Administration Division  
City Hall, Room 511  
900 E. Broad Street  
Richmond, VA 23219

Re: Request for an Amendment to Special Use Ordinance 84-311-280

Dear Department of Planning and Development Review:

Attached is my application for an Amendment to Special Use Ordinance 84-311-280 on behalf of the current owners, James R. Watkins and David M. Watkins. The original Special Use Permit was approved in 1984 for the property located at 19 S. Belmont Ave, Richmond, VA 23221 (Tax ID W0001358037) (hereinafter "Property").

Overall, the goal of these changes is to keep the property in compliance with its Special Use Ordinance as a commercial space while allowing the owner more flexibility with finding a new, hopefully long term, tenant for the space.

Thank you, and should you have any questions, please do not hesitate to call. With kindest regards, I remain.

Very Truly Yours,



Annie L. Stephens Malo

Enclosures



# Application for SPECIAL USE PERMIT

Department of Planning and Development Review  
Land Use Administration Division  
900 E. Broad Street, Room 611  
Richmond, Virginia 23219  
(804) 648-6304  
<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

Project Name: Belmont Special Use Permit Amendment Date: March 23, 2015

Property Address: 19 S. Belmont Ave, Richmond, VA 23221 Tax Map #: W0001358037

Fee: \$1,800.00 Total area of affected site in acres: 0.138 (6,000 sq ft)  
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

### Zoning

Current Zoning: RO-2

### Proposed Use

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

Existing Use: Commercial Retail Space

Is this property subject to any previous land use cases?

Yes

Yes No

If Yes,  please list the Ordinance Number:

Special Use Permit Ordinance 84-311-280

Applicant/Contact Person: Annie L. Stephens Malo

Company: Kane Jeffries Cooper & Carollo, LLP

Mailing Address: 1700 Bayberry Court, Suite 103

City: Henrico

State: VA Zip Code: 23226

Telephone: (804) 288-1672

Fax: (804) 288-7365

Email: asm@kanejeffries.com

Property Owner: David M. Watkins

If Business Entity, name and title of authorized signee: \_\_\_\_\_

(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: 121 John Smith Trail

City: Lanexa

State: VA Zip Code: 23089

Telephone: (804) 366-3512

Fax: ( )

Email: ~~asm@kanejeffries.com~~ mkwatkins77@gmail.com

Property Owner Signature: David M Watkins

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)



# Application for SPECIAL USE PERMIT

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Land Use Administration Division  
900 E. Broad Street, Room 611  
Richmond, Virginia 23219  
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If Business Entity, name and title of authorized signee: \_\_\_\_\_

(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: 121 John Smith Trail

City: Lanexa

State: VA Zip Code: 23089

Telephone: (804) 432-9446

Fax: ( )

Email: \_\_\_\_\_

Property Owner Signature: James R. Watkins

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)

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ANNIE L. STEPHENS MALO

AREA CODE 804  
288-1872  
FAX 285-7365

THOMAS A. COOPER, P.C.  
THOMAS A. COOPER

May 1, 2015

Department of Planning and Development Review  
Land Use Administration Division  
City Hall, Room 511  
900 E. Broad Street  
Richmond, VA 23219

Re: Request for an Amendment to Special Use Ordinance 84-311-280

Dear Department of Planning and Development Review:

I am requesting an Amendment to Special Use Ordinance 84-311-280 on behalf of the current owners, James R. Watkins and David M. Watkins. The original Special Use Permit was approved in 1984 for the property located at 19 S. Belmont Ave, Richmond, VA 23221 (Tax ID W0001358037) (hereinafter "Property"). The Property is located in an RO-2 district. The Property's current Special Use Permit strictly limits it to use as a frame shop. My clients are expecting the current tenant to depart at the end of the year, and they would like to have the current Special Use Ordinance amended in order to allow for a broader range of potential new tenants.

My clients respectfully request the following changes to Special Use Ordinance 84-311-280:

- 1) Section 1 currently limits use to an "art and frame shop." We request that this be broadened to allow for commercial use more closely related to all the buildings on West Cary Street that are directly adjacent to the Property that are zoned UB-PO2 for Urban Business. More specifically, my clients request approval for the property to be potentially used for:
  - a. Art galleries;
  - b. Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;
  - c. Office supply, business and office service, photocopy and custom printing establishments;

- d. Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the arts;
  - e. Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments and excluding tattoo parlors;
  - f. Retail stores and shops;
  - g. Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building and no internal combustion engine shall be repaired or serviced;
  - h. Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;
- 2) Section 2(d) currently limits the number of employees on the property to a maximum of four. Considering the property is adjacent to an Urban Business District and has approximately 6,000 sq ft of operating space. A maximum of four employees is very limiting. We request that this limit be removed altogether.
- 3) Section 2(h) currently limits the signage on the building to "identification of the premises shall be limited to one sign, not exceeding six square feet in area, mounted flat on a vertical surface of the building." Since the property is located down a street adjacent to a busy business district, signage posted flat on the building is not visible to pedestrian traffic. Since we expect that a large portion of a tenant's business will be due to pedestrian or bicycle traffic, we request that this limitation be edited to remove the word "flat" from the description. A limitation may be added limiting the distance extended from the building to twenty-three inches in order to avoid encroachment on the property of others.

We believe the above proposed changes should be allowed by the Planning Commission and City Council. While they are amendments to the original Special Use Permit, they are still in line with allowing a continuing commercial use of the Property that is already adjacent to a commercial business district. In accordance with City of Richmond Code of Ordinances, Division 6, Section 114-1050.1, none of the above changes will be detrimental to the safety, health, morals, or general welfare of the community. They will not create any more congestion in the streets, roads, or other public ways than the current use already creates. They do not create hazards from fire, panic or other dangers. These changes will not create more crowding of the space than already exists because the space is already a commercial retail establishment. They 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 they don't interfere with adequate light and air in the area.

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Overall, the goal of these changes is to keep the property in compliance with its Special Use Ordinance as a commercial space while allowing the owner more flexibility with finding a new, hopefully long term, tenant for the space.

Thank you, and should you have any questions, please do not hesitate to call. With kindest regards, I remain.

Very Truly Yours,



Annie L. Stephens Malo

Enclosures

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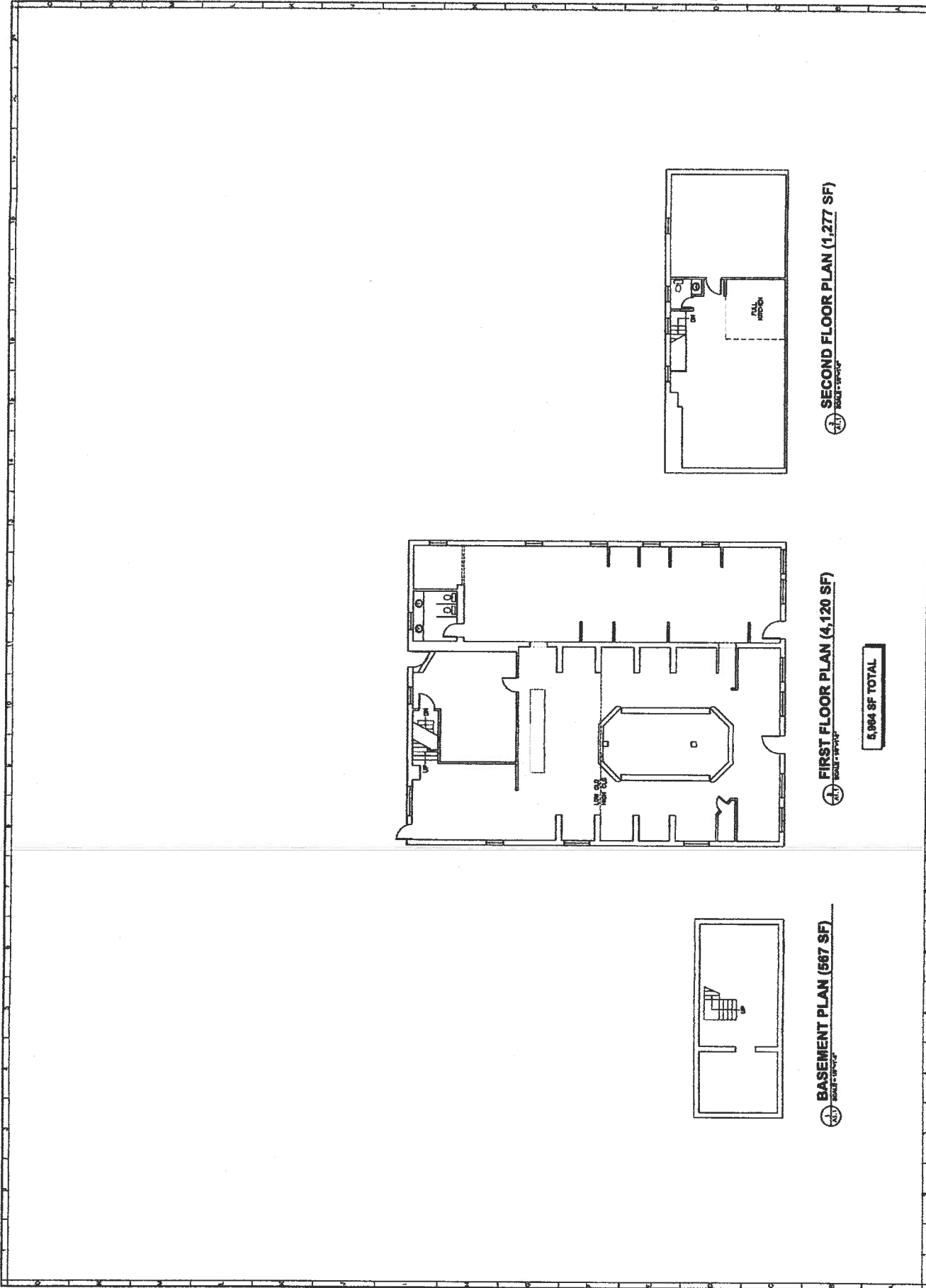


BALZERS PARTNERS  
 ARCHITECTS  
 19 SOUTH BELMONT AVENUE  
 ROCKHILL, VIRGINIA 22151  
 PHONE: 804-784-2825  
 FAX: 804-784-2825  
 WWW.BALZERS.COM

**19. S. BELMONT AS-BUILTS**  
**FLOOR PLANS**

DRAWN BY: [ ]  
 DESIGNED BY: [ ]  
 CHECKED BY: [ ]  
 DATE: 04-28-15  
 SCALE: [ ]  
 REVISIONS: [ ]

SHEET NO.  
**A1.1**  
 JOB NO. 151000002



(A.1) SCALE 1/8"=1'-0"  
**SECOND FLOOR PLAN (1,277 SF)**

(A.1) SCALE 1/8"=1'-0"  
**FIRST FLOOR PLAN (4,120 SF)**

(A.1) SCALE 1/8"=1'-0"  
**BASEMENT PLAN (567 SF)**

**5,964 SF TOTAL**



