

INTRODUCED: September 12, 2022

AN ORDINANCE No. 2022-264

To authorize the special use of the property known as 109 West 15th Street for the purpose of (i) art galleries; (ii) offices, including business, professional and administrative offices, medical and dental offices and clinics; (iii) studios of writers, designers and artists engage in the graphic arts; (iv) personal services 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; (v) printing, publishing and engraving establishments; (vi) recreation and entertainment uses, including theaters, museums, amusement centers, lodges and clubs, meeting facilities, auditoriums and assembly halls; (vii) retail stores and shops; and (viii) accessory uses and structures customarily incidental and clearly subordinate to such uses, upon certain terms and conditions, and to repeal Ord. No. 2007-009-48, adopted Mar. 12, 2007.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 10 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 109 West 15th Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of (i) art galleries; (ii) offices, including business, professional and administrative offices, medical and dental offices and clinics; (iii) studios of writers, designers and artists engage in the graphic arts; (iv) personal services businesses that provide services directly to persons or services for personal

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 10 2022 REJECTED: _____ STRICKEN: _____

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; (v) printing, publishing and engraving establishments; (vi) recreation and entertainment uses, including theaters, museums, amusement centers, lodges and clubs, meeting facilities, auditoriums and assembly halls; (vii) retail stores and shops; and (viii) accessory uses and structures customarily incidental and clearly subordinate to such uses, which use, among other things, is not currently allowed by section 30-419.2 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 109 West 15th Street and identified as Tax Parcel No. S000-0154/016 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “Plat of Property Situated on the Eastern Line of West 15th Street and North of Bainbridge Street, Richmond, VA.,” prepared by Steven B. Kent & Associates, P.C., and dated July 12, 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 purposes set forth in section 3(a) of this ordinance, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Project: Studio Two Three,” prepared by lochdesign, with sheets entitled “Proposed Basement Level, Proposed First Floor Plan,” and

“Proposed Second Floor Plan, Proposed Third Floor Plan,” dated June 2, 2022, and sheets entitled “Front Elevation – Including Changes,” and “Proposed Site,” dated July 26, 2022, 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 (i) art galleries; (ii) offices, including business, professional and administrative offices, medical and dental offices and clinics; (iii) studios of writers, designers and artists engage in the graphic arts; (iv) personal services 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; (v) printing, publishing and engraving establishments; (vi) recreation and entertainment uses, including theaters, museums, amusement centers, lodges and clubs, meeting facilities, auditoriums and assembly halls; (vii) retail stores and shops; and (viii) accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this ordinance.

(b) Hours of operation for art galleries, recreation and entertainment uses, and events open to the general public shall be between the hours of 8:00 a.m. and 11:00 p.m.

(c) Eleven parking spaces shall be provided on the Property, substantially as shown on the Plans.

(d) All exterior windows within the second and third story flex assembly space shall use sound dampening glass.

(e) A sign shall be posted in the first floor lobby that requests that patrons of the Special Use be courteous and quiet as they exit the Property. Such sign shall be at least one and one-half square feet in area.

(f) The retail sale of beer and wine, for on-premises or off-premises consumption, may take place on the Property accessory to other permitted uses, subject to the regulations of the Virginia Alcoholic Beverage Control Authority, or its successor agency.

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

(h) All site improvements shall be substantially as shown on the Plans.

(i) Signs on the Property shall be limited to signs permitted in all districts pursuant to section 30-505 of the Code of the City of Richmond (2020), as amended, and canopy signs not to exceed 53 square feet in area, substantially as shown on the Plans.

§ 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.

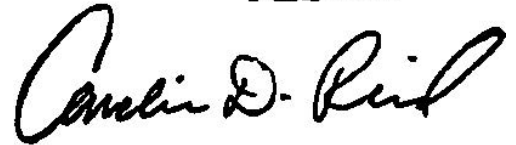
§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days 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 Ordinance.** That Ordinance No. 2007-009-48, adopted March 12, 2007, be and is hereby repealed.

§ 8. **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. Rind". The signature is written in a cursive, flowing style.

City Clerk



City of Richmond

Item Request File Number: PRE.2022.0300

RECEIVED
By City Attorney's Office at 9:37 am, Sep 08, 2022

RECEIVED
By CAO Office at 3:01 pm, Aug 23, 2022

2022-209

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

O & R Request

DATE: August 16, 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 amend the special use of the property known as 109 West 15th Street for the purpose of authorizing an entertainment theater; community events; public performances; educational, health, and wellness services; professional and nonprofit offices not including medical offices; artist studios; multi-media services and offices; upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To amend the special use of the property known as 109 West 15th Street for the purpose of authorizing an entertainment theater; community events; public performances; educational, health, and wellness services; professional and nonprofit offices not including medical offices; artist studios; multi-media services and offices; upon certain terms and conditions.

REASON: The applicant is requesting to amend the existing Special Use Permit to add further uses to currently allowed community theater, including community events; public performances; educational, health, and wellness services; professional and nonprofit offices not including medical offices; artist studios; multi-media services and offices. An amendment to the existing 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 October 3, 2022 meeting.

BACKGROUND: The property is located in the Manchester neighborhood at 109 West 15th Street, between Porter and Bainbridge Street. The property is currently a 13,282.5 sq. ft. (0.305acre) parcel of land that contains an existing theater building. The application is amend the currently allowed uses and provide some minor site improvements for ADA access and parking.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed Use. This designation is defined as a "Existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses." Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space. Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.

The current zoning for this property is R-63 - Residential (Multi-Family Urban). Adjacent properties are generally the same R-63 Zone. The surrounding land uses include primarily residential with some commercial.

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: September 12, 2022

CITY COUNCIL PUBLIC HEARING DATE: October 10, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
October 3, 2022

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

RELATIONSHIP TO EXISTING ORD. OR RES.: Amend Ord. 2007-9-48

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Ray Roakes, Planner, Land Use Administration (Room 511) 804-646 5467



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: 109 W 15th St Date: June 8, 2022
Tax Map #: S0000154016 Fee: \$1,800
Total area of affected site in acres: 0.31

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

Zoning

Current Zoning: R-63

Existing Use: Theater/Art Center

Proposed Use

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

Theater/Art Center
Existing Use: Theater/Art Center

Is this property subject to any previous land use cases?

Yes

No



If Yes, please list the Ordinance Number: 2007-009-48

Applicant/Contact Person: Lory Markham

Company: Markham Planning

Mailing Address: 208 E Grace St

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 248-2561

Fax: ()

Email: lory@markhamplanning.com

Property Owner: REPE LLC

If Business Entity, name and title of authorized signee: Robert Petres

(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: 8983 BATTLEFIELD PARK RD

City: RICHMOND State: VA Zip Code: 23231

Telephone: () Fax: ()

Email: _____

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)



June 6, 2022

Kevin Vonck, Director
Department of Planning & Development Review
900 East Broad Street, Suite 511
Richmond, VA 23219

Re: 109 W 15th St Special Use Permit Amendment

Dear Mr. Vonck,

Please accept this letter as the Applicant's Report along with the Special Use Permit Amendment application for the property located at 109 W 15th Street. Currently, the property is improved with a 14,722 SF building that was constructed originally as the gymnasium for the Maury School. In 2007, a Special Use Permit adopted by Council authorized the use of this property as a theater and community arts center.

With this application the property owner and contract purchasers, Studio Two Three, are petitioning the City Council for a SUP Amendment to update the conditions of the ordinance to reflect the change in ownership and allow for the continued use of the space as a community arts center.

Existing Site Conditions

The subject property is one parcel containing 0.31 acres of land area located on the east side of W 15th St between Porter and Bainbridge Streets. The parcel has a lot frontage along W 15th St of 89 feet. The property is currently improved with a masonry building constructed in 1922 as the gymnasium for the adjacent Maury School.

Current Zoning

The property is currently zoned R-63 Multifamily Urban Residential which permits residential and limited commercial uses. The intent of this district is to promote a pedestrian oriented urban environment that is primarily residential in character, but that includes limited nonresidential uses that serve many of the day-to-day convenience needs of neighborhood residents and provide opportunities for residents to live and work within the neighborhood.

In 2007, City Council adopted a SUP for this very special historic property that authorized the use of the property as a live performance and entertainment theater, meeting space for lodges and non-profit groups, instruction in performing and visual arts, health and wellness services and instruction, non-medical offices, and private events and meeting space, under certain conditions.

Proposal

The current use of the building as a community dance theater has had an extremely positive impact on the Manchester Neighborhood over the past decade. The neighborhood has transformed tremendously since the building was first renovated for many reasons and the neighborhood is much more populated and thriving than when the theater first opened. The conditions placed in the SUP when it was first proposed seemed to be in response to a fear of the unknown. Since the theater first opened, it has proven to be a tremendous asset to the neighborhood and the overall dance community, and these fears should be relieved.

At the same time, for over a decade, Studio Two Three has served as a powerful convener for Richmond arts and culture. They regularly host advocacy summits for Richmond Public Schools, summer writing intensives for local youth, art workshops and weekly classes, as well as workshops and community celebrations. Each year they generate over \$150,000 for artists through vendor markets, provide workspace for over 140 artists, provide free event space for dozens of local initiatives, host over 200 workshops and classes at low cost and provide free programming space for a wide range of arts nonprofits.

The applicant wishes to modify the following conditions in the existing SUP ordinance so that their organization can flourish in this building and continue to provide this important support for the arts in Richmond:

- Ensure artist studios is included in the permitted uses
- Eliminate or expand the hours of operation to be consistent throughout the week
- Remove the condition for City Council review upon change in ownership
- Amend the parking requirement to what is provided on site
- Update the sign restrictions to reflect the proposed plan
- Remove the conditions around the concession stand/kitchen

City's Master Plan for Future Land Use

The Richmond 300 Master Plan recommends Neighborhood Mixed-Use land use for the property. These areas are existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses.

For historic neighborhoods, Richmond 300 recommends that small-scale commercial uses that exist should be preserved or should be allowed to reestablish. In new neighborhoods, small scale commercial buildings should be introduced. The plan recommends residential as primary uses with secondary uses including large multi-family buildings (10+units), retail/office/personal service, institutional, cultural, and government.

Neighborhood Outreach

The applicant has reached out to Councilwoman Robertson and the Manchester Alliance to make them aware of the proposal. They are scheduled to present the proposal to the Manchester Alliance at their July meeting.

City Charter Conditions

We trust that you will agree with us that this proposed Special Use Permits meets the City Charter criteria for the granting of SUPs as the project 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 be 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.

Thank you for your consideration of this Special Use Permit. Please feel free to contact me at lory@markhamplanning.com or (804) 248-2561 if you have any questions or require additional materials to process the application.

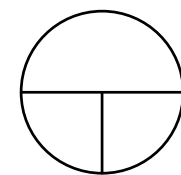
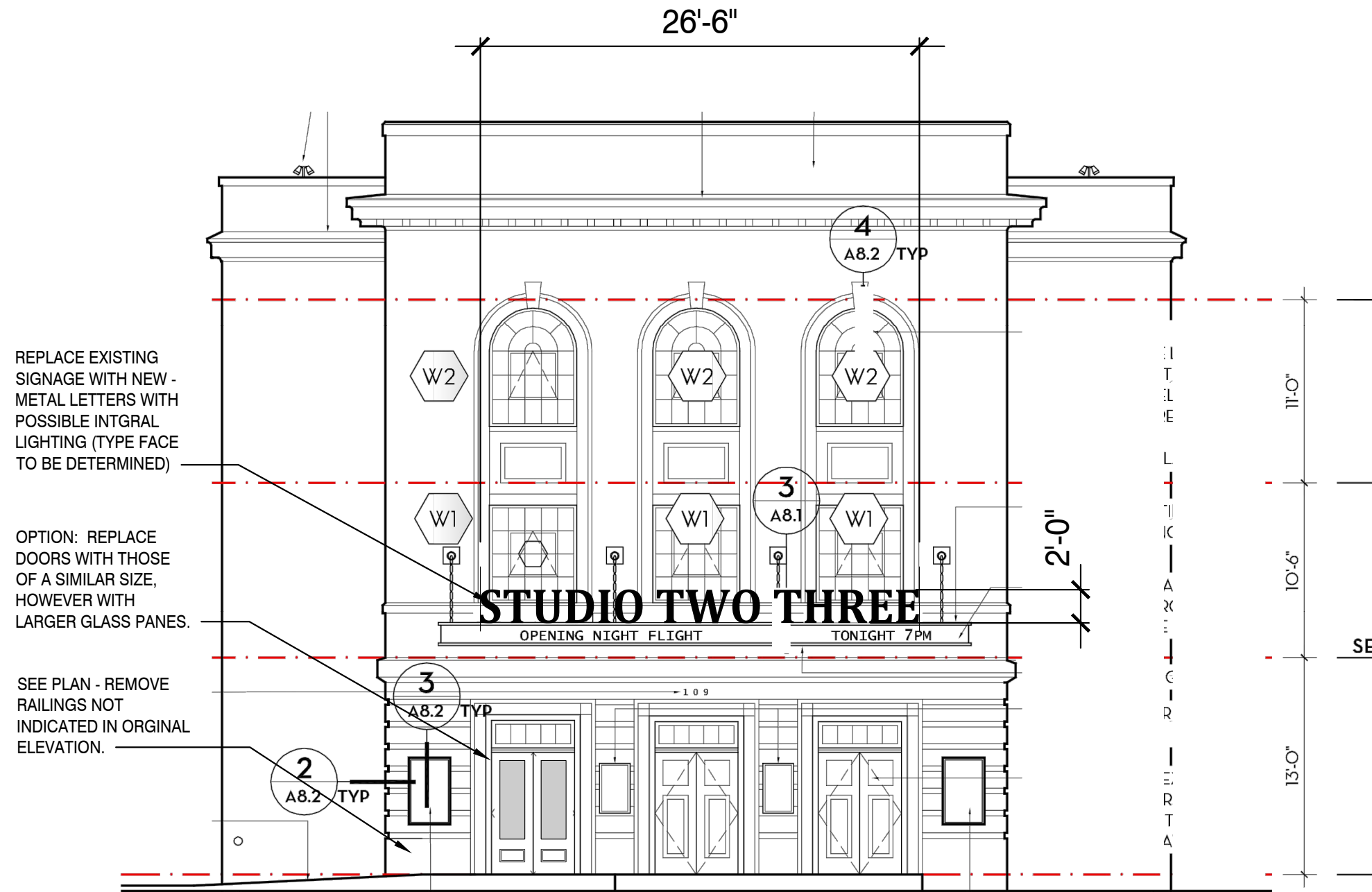
Very Truly Yours,

A handwritten signature in cursive script, appearing to read 'Lory Markham', followed by a vertical line.

Lory Markham

Enc: Application form, plans, existing survey

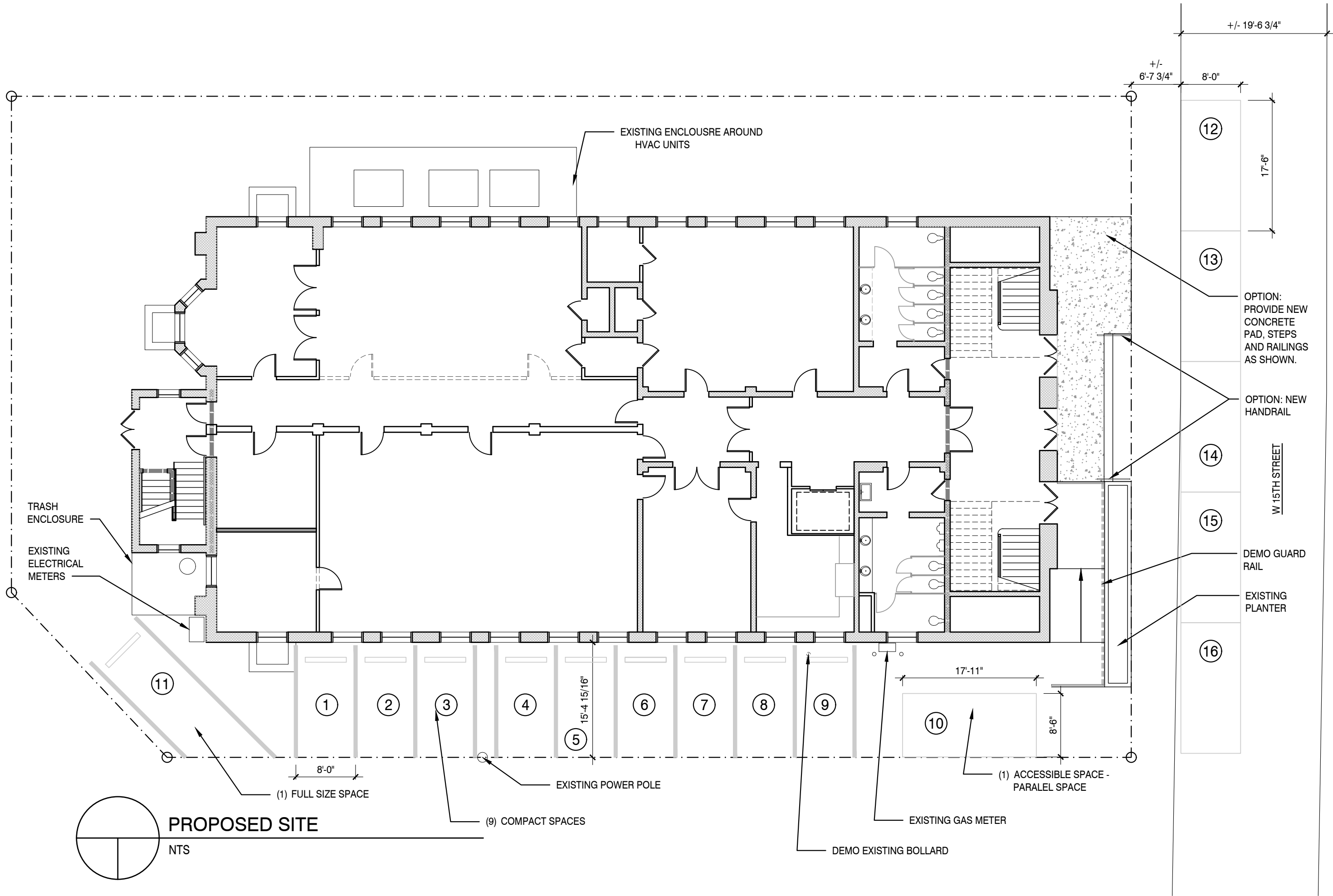
cc: Matthew Ebinger, Secretary to the City Planning Commission
The Honorable Ellen F. Robertson, 6th District Representative

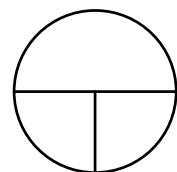
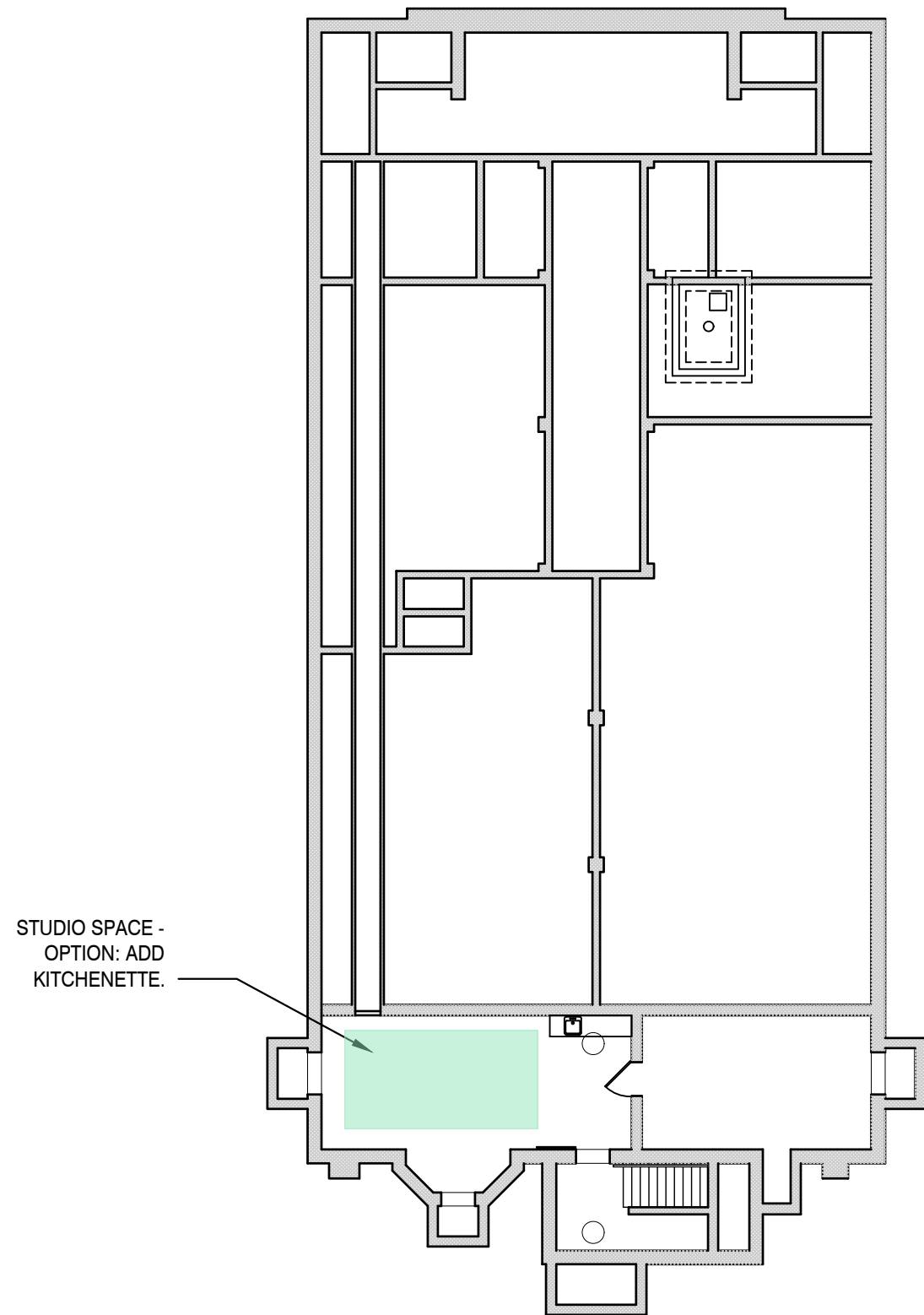


FRONT ELEVATION - INCLUDING CHANGES

1/16" = 1'-0"

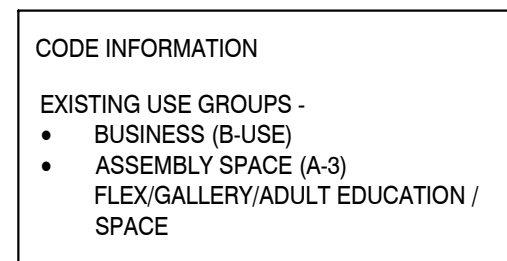
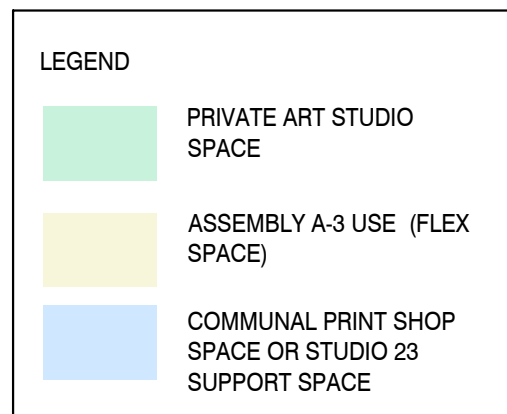
NOTE:
THE ELEVATION PRESENTED IS COPIED FROM THE ORIGINAL DRAWING SET DATED SEPTEMBER 21, 2007. THE ONLY CHANGES PROPOSED ARE THOSE NOTED WHICH INCLUDE REMOVAL OF "DOGTOWN DANCE" SIGNAGE AND REPLACEMENT WITH STUDIO TWO THREE SIGNAGE, POSSIBLE CHANGE TO DOORS, REMOVAL OF RAILING AS SHOWN IN SITE PLAN ATTACHED AND POSSIBLE LEVELING OF FRONT ENTRANCE AS SHOWN IN SITE PLAN ATTACHED.





PROPOSED BASEMENT LEVEL

1/16" = 1'-0"

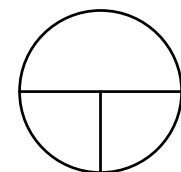
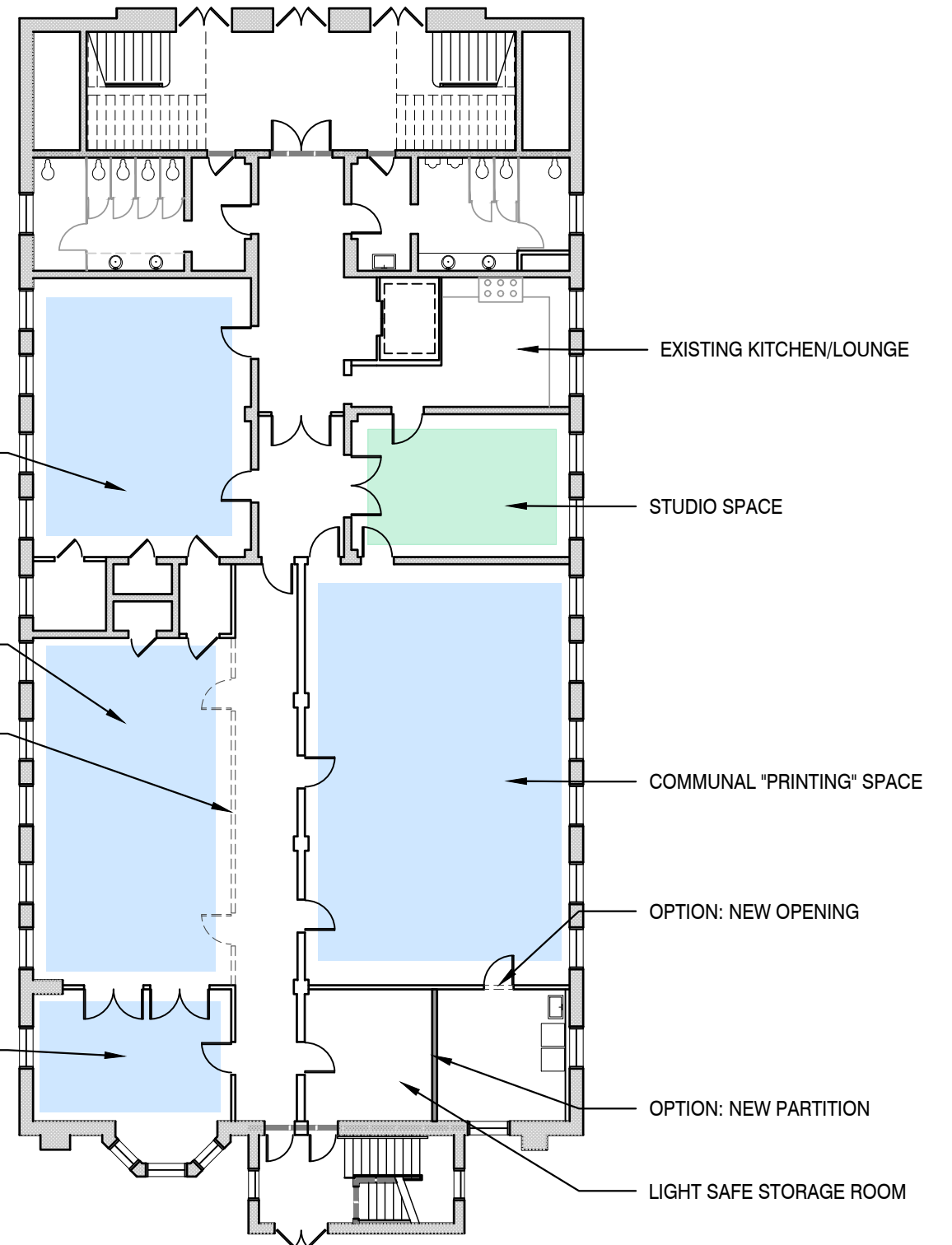


COMMUNAL "PRINTING" SPACE

COMMUNAL "PRINTING" SPACE

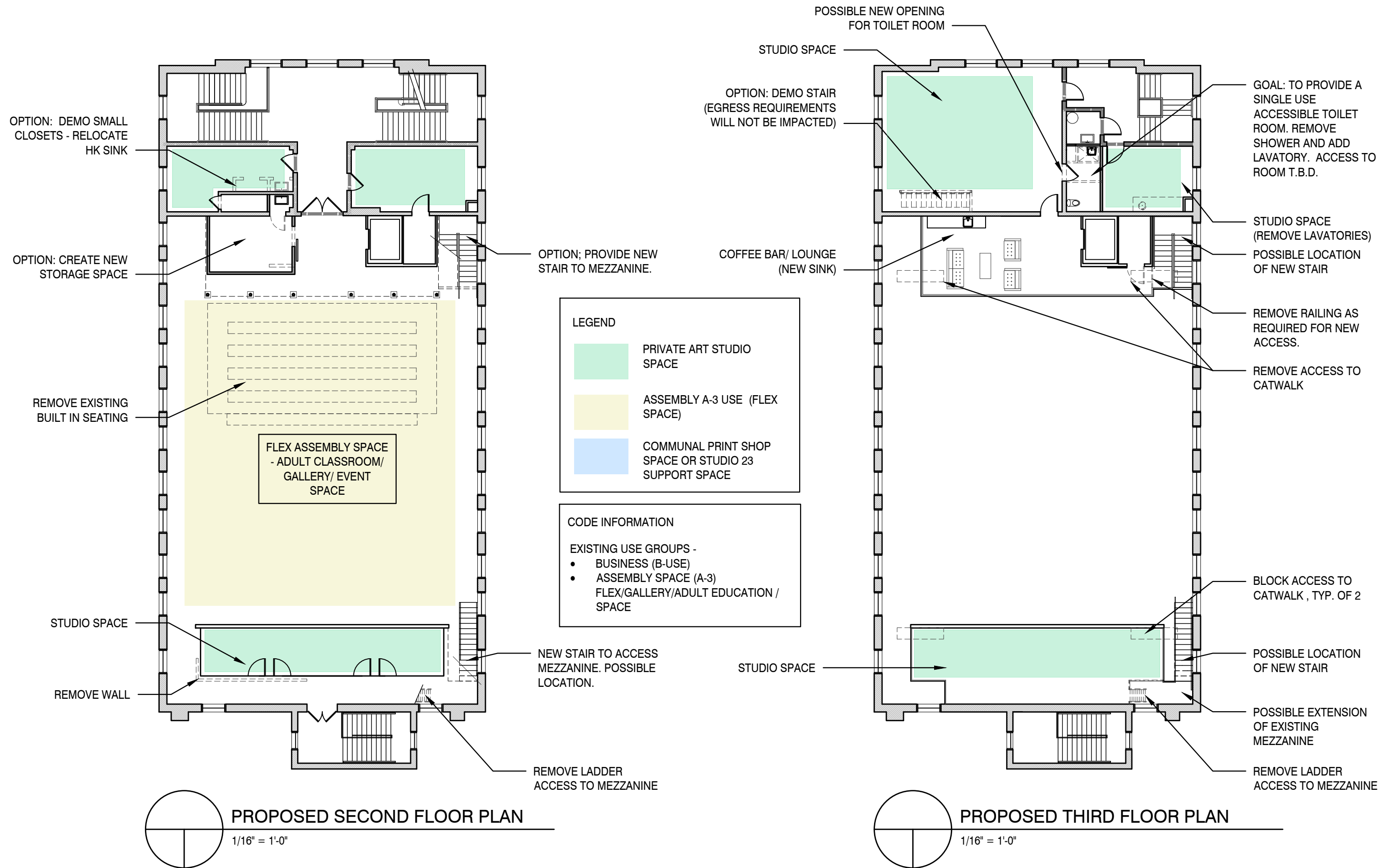
OPTION: REMOVE WALL

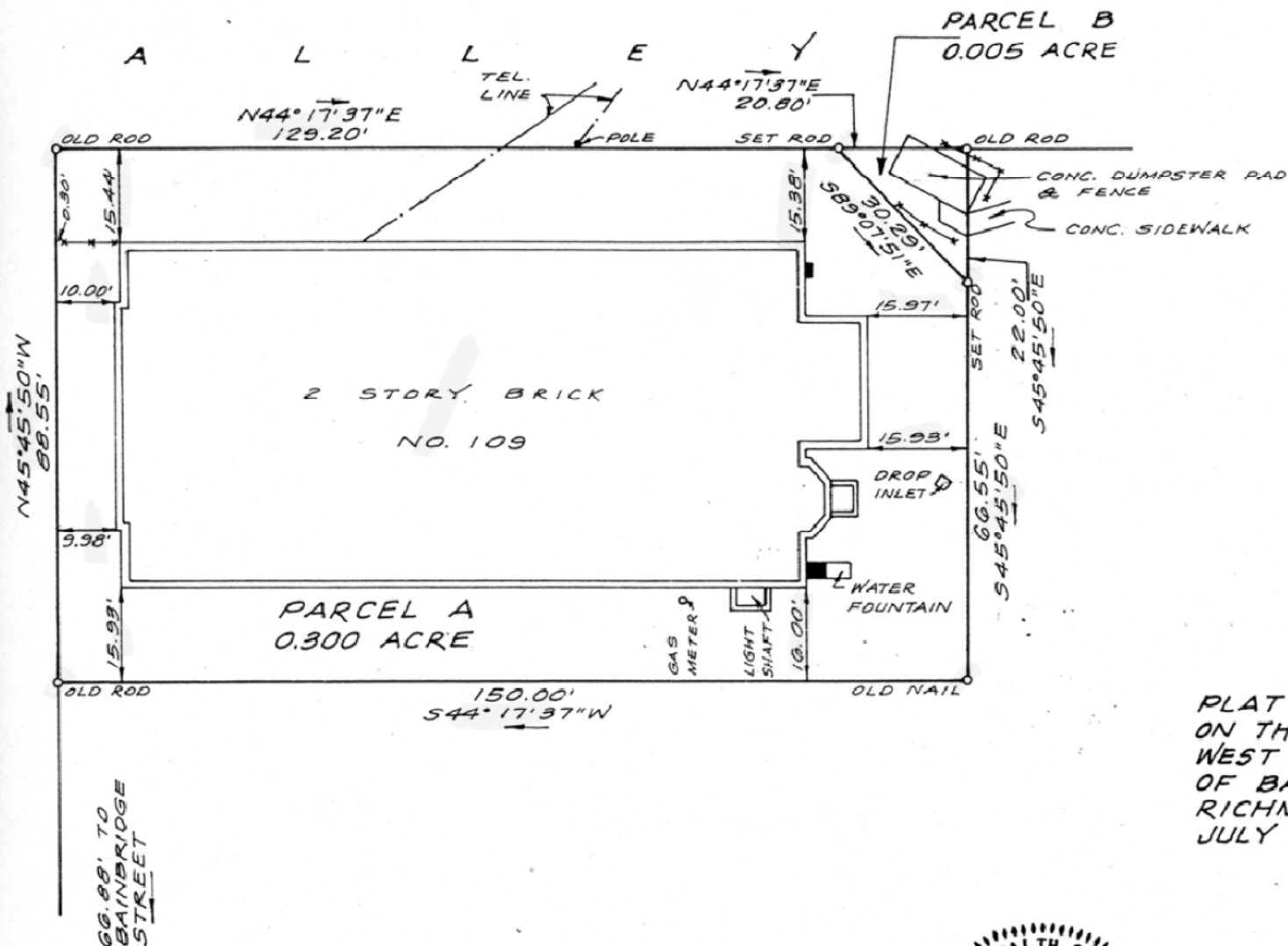
STUDIO 23 STAFF OFFICE



PROPOSED FIRST FLOOR PLAN

1/16" = 1'-0"





PLAT OF PROPERTY SITUATED
ON THE EASTERN LINE OF
WEST 15TH STREET AND NORTH
OF BAINBRIDGE STREET
RICHMOND, VA.
JULY 12, 2005 SCALE: 1"=20'

NOTE:
THIS SURVEY HAS BEEN PREPARED
WITHOUT THE BENEFIT OF A TITLE
REPORT AND DOES NOT, THEREFORE,
NECESSARILY INDICATE ALL
ENCUMBRANCES ON THE PROPERTY.

NOTE:
THIS PROPERTY IS NOT
LOCATED IN A SPECIAL
FLOOD HAZARD AREA AS
DESIGNATED BY THE
SECRETARY OF HOUSING
& URBAN DEVELOPMENT.
(IN ZONE C)



STEVEN B. KENT & ASSOCIATES, P.C.
LAND SURVEYORS
1521 Brook Road
Richmond, VA 23220
PH. 804-643-6113

CERTIFICATION

THIS IS TO CERTIFY THAT WE MADE AN ACCURATE FIELD
SURVEY OF THE PREMISES SHOWN HEREON, THAT ALL
ENCUMBRANCES AND TITLE INTERESTS ARE SHOWN
HEREON, THAT THERE ARE NO ENCUMBRANCES BY
IMPROVEMENTS EITHER FROM ADJOINING PREMISES,
OR FROM SUBJECT PREMISES, OTHER THAN SHOWN
HEREON.

NO. 514 B

BK. 62-99