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August 31, 2016

Ms. Andy Bennett  
Westhampton Citizens Association  
4808 Charmian Road  
Richmond, VA 23226

**The 5611 Company Limited Partnership  
Application for Amendment of Special Use Permit  
For 5611 Grove Avenue**

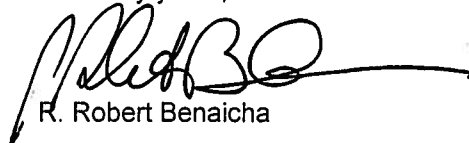
Dear Ms. Bennett:

Thank you for speaking with me today regarding The 5611 Company Limited Partnership's proposed amendment to the existing special use permit (SUP) for 5611 Grove Avenue (the "Property"). Anne Page, is the General Partner of The 5611 Company Limited Partnership and has owned the Property since 1983. Throughout her ownership, Mrs. Page has sought to ensure that the Property is used in a manner that is complimentary of and respectful to the surrounding area. The proposed SUP amendment will add several additional uses, including but not limited to retail shops, salons, and art galleries, that would be permitted on the Property. The exterior of the existing building would not change, nor would the expected impacts to the community.

So that the Westhampton Citizens Association and its members may be fully informed of Mrs. Page's plans, we are enclosing a copy of the application that was filed today in the City of Richmond, as well as a copy of the existing SUP for your reference. We would greatly appreciate the Association's support of the application and are happy to meet with members and provide any additional information that may be requested.

With appreciation for your assistance, I am

Sincerely yours,



R. Robert Benaicha

/vej  
Enclosures

Cc: Hon. Jon Baliles  
Lory Markham, Department of Planning and Development Review  
Mrs. Anne Page  
Ann Neil Cosby, Esquire

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# 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

Project Name: 5611 Grove Avenue Date: 8/30/2016

Property Address: 5611 Grove Avenue, Richmond, VA 23226 Tax Map #: W0200186013

Fee: \$1,200 Total area of affected site in acres: 0.153 acres  
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

### Zoning

Current Zoning: R-4 with SUP

### Proposed Use

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

Existing Use: personal services with associated retail

Is this property subject to any previous land use cases? See attached Applicant's Report

Yes No

If Yes,  please list the Ordinance Number:

Ord. No. 2010-30-38

Applicant/Contact Person: R. Robert Benaicha

Company: McGuireWoods LLP

Mailing Address: Gateway Plaza, 800 East Canal Street

City: Richmond State: VA Zip Code: 23219

Telephone: ( 804 ) 775-1152 Fax: ( 804 ) 698-2067

Email: rbenaicha@mcquirewoods.com

Property Owner: The 5611 Company Limited Partnership

If Business Entity, name and title of authorized signee: Anne Page, General Partner

(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: 101 Pepper Avenue

City: Richmond State: VA Zip Code: 23226

Telephone: ( 804 ) 285-0550 Fax: ( )

Email: cachetltd@verizon.net

Property Owner Signature: Anne M. Page, General Partner

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

**NOTE:** Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

**Applicant's Report in Support of  
Text Only Amendment to  
SUP Ordinance # 2010-30-38**

The 5611 Company Limited Partnership (the "Company") is applying for a text only amendment to Special Use Permit Ordinance # 84-253-226 (the "SUP"). The Company is seeking an amendment to expand the current use to include retail stores and shops, art galleries and additional personal service uses. Sections 1 and 2(h) of the SUP would be amended as follows:

§ 1            "... is hereby permitted to be used for the purposes of personal services, non-medical offices, and retail stores and shops and art galleries; ...."

§ 2(h)(1)    1. Modify this section to read as follows:

- (1) Personal service businesses that provide services directly to persons or services for personal items, including interior design studios, bridal services, salons, health spas, therapeutic massage establishments, fitness/yoga studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops, and similar establishments;

§ 2(h)(3)    Insert new section 2(h)(3): "Retail stores and shops".

§ 2(h)(4)    Insert new section 2(h)(4): "Art galleries".

The amended language will allow the Property to be marketed to similar, client service, retail, and gallery oriented businesses that are compatible with the surrounding uses. The current SUP language, drafted six (6) years ago, does not provide adequate flexibility to market the Property in way compatible with the neighboring Libbie & Grove Urban Business district just to the west of Granite Avenue. The amended uses are all permitted by right in the Urban Business district.

No changes will be made inside or outside of the building. There will be no changes to the approved floor plans.

The Property's façade, signage, lighting and landscaping will retain its current residential character so the improvements remain aligned with the residential feel found to the east of the Property along Grove Avenue. The applicant is pursuing tenants for the space by targeting small businesses with limited staffing and inventory.

The Property currently contains a total of six off-street parking spaces, as required by ordinance for the above specified uses. Traffic ingress and egress to the parking spaces shall continue to be from Granite Avenue.

The applicant will not alter the footprint of any of the Property's improvements, therefore any use will be inherently limited by their physical size, restricting the commercial uses envisioned to small-scale operations that employ a few people and attract a relatively low volume of customers or clients. In addition, the applicant agrees to limit hours of any retail sales, with a closing time no later than 7:00 PM. Professional services tenants will not schedule appointments later than 9:00 PM.

When coupled with the walkable nature of the neighborhood traffic generation will likely remain consistent within the range of traffic currently experienced in the Libbie and Grove Avenues corridor.

Consistency with City Master Plan Recommendation

The City Master Plan adopted in February 2012 recommends the area for use as Transitional Office with low-to-medium intensity use and serving as a buffer between residential areas and nearby commercial or higher intensity adjacent areas. Immediately across Granite Avenue from the Property is Libbie and Grove commercial district zoned Urban Business (UB) and subject to the restrictions of the Parking Overlay (PO-1) district. The land use plan recommends the Property serve as a downward transition from these more intense uses to the residential uses characteristic on the east side of Granite Avenue. The proposed uses and the transition it provides support this for the following reasons:

1. The proposed change of use preserves the residential character of the structure;
2. The proposed new uses are consistent with and complementary to the uses permitted by right in the UB zoning district;
3. The character of the neighborhood will be preserved;
4. The change in use will not be conspicuous; and
5. The hours of operation will be compatible with a transition from high-intensity to residential character.

**Consistency with City Charter Provisions Regarding Special Use Permits**

The Richmond City Charter outlines the criteria by which a Special Use Permit should be granted. The following Special Use Permit criteria are provided below:

1. The proposed use of the Property *is not detrimental to the health, safety, morals and welfare of the community*. The applicant is seeking tenants that engage in business activities that are compatible with the character and values of a predominantly residential community.
2. The use *will not generate congestion in the streets, roads, or other public rights-of-way in the area*. Generally speaking, the type of tenants that are attracted to this type of building and use are small in size and staffing and have low vehicular traffic generation.
3. The proposed use *will not create hazards from fire, panic or other dangers*.
4. The proposed use *will not cause overcrowding of land and an undue concentration of population*. The proposed use does not alter existing structural footprints on the Property and reduces concentration of population because it will be in commercial, rather than residential, use.
5. The proposed use *will not adversely impact any public facilities such as schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public conveniences*. The Property is currently and will remain connected to public water and sewer and the City will continue to provide trash disposal service.
6. The proposed uses and renovation *will not interfere with adequate light and air*. While renovation of the structures is planned, the present level of light and air available to the Property will remain practically unchanged. Constructing parking on the Property may result in removal of some vegetation. Should landscaping be removed during construction, supplemental landscaping to preserve the residential character of the Property will be provided.

Conclusion

The Company's request is to expand the Property's permitted uses to allow limited additional personal uses, retail shops, and art galleries in keeping with the boutique shopping and high-end personal service establishments in the vicinity. Given the space limitations inherent to the Property's configuration, the intensity of the use is not anticipated to increase notwithstanding the slight proposed expansion of the permissible uses. The proposed client services are good transitional uses between the residential and

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other special uses and retail in the area. The proposed client services are well suited to the "home-like" setting this Property provides.