



Legislation Text

File #: ORD. 2022-264, **Version:** 1

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. (6th District)

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 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.

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

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: