

INTRODUCED: April 14, 2014

AN ORDINANCE No. 2014-94-158

As Amended

To amend Ord. No. 2004-325-304, adopted Nov. 22, 2004, as previously amended by Ord. No. 2006-105-183, adopted Jul. 10, 2006, which authorized the special use of the property known as 1619 and 1621 West Broad Street for a radio broadcasting studio and offices on the second floor, including an accessory antenna and a parking waiver, for the purpose of permitting a nightclub use, upon certain terms and conditions.

Patrons – President Samuels (By Request) and Mr. Baliles (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 12 2014 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2004-325-304, adopted November 22, 2004, as previously amended by Ordinance No. 2006-105-183, adopted July 10, 2006, be and is hereby amended as follows:

§ 1. That the property known as 1619 and 1621 West Broad Street and identified as Tax Parcel No. W000-0736/023 in the [~~2006~~] 2014 records of the City Assessor, being more completely described as follows: *beginning* at the point of intersection of the south line of the right of way of West Broad Street and the west line of the right of way of North Lombardy

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 13 2014 REJECTED: _____ STRICKEN: _____

Street; thence in a westerly direction along the south line of West Broad Street a distance of 267.35 feet, more or less, to a point; thence south along a property line a distance of 120.00 feet, more or less, to a point; thence west along a property line a distance of 42.00 feet, more or less, to a point; thence north along a property line a distance of 120.00 feet, more or less, to a point on the south line of the right of way of West Broad Street; thence east along the same line to the point of *beginning*, is hereby permitted to be used for the purpose of a radio broadcasting studio and offices on the second floor, either or both, including an accessory antenna, substantially as shown on the four sheets of the plans entitled [~~“Proposed Alterations for 1619 & 1621 W. Broad Street”, prepared by W. L. Wienckowski, dated April 1, 2003 and last revised March 17, 2006, which revised the plans entitled~~] “WRIR Low Power FM Radio Station at 1621 West Broad Street”, prepared by James Hickman, and dated October 5, 2004, copies of which are attached to Ordinance No. 2004-325-304, adopted November 22, 2004, as modified by the plan entitled “Proposed Alterations for 1619 & 1621 W. Broad Street”, prepared by WLW Architect, dated April 1, 2003, revised September 16, 2004 and December 4, 2004, and sealed by W. L. Wienckowski on March 17, 2006, a copy of which is attached to Ordinance No. 2006-105-183, adopted July 10, 2006, and a night club use, substantially as shown on sheets A1 and A2 of the plans entitled “The Camel, 1621 Broad Street,” copies of which are attached to and made a part of this amendatory ordinance.

§ 2. That the adoption of this ordinance shall constitute the granting of a special use permit for the property, which shall be transferable from the owner of the property to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and which shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of the property a building permit substantially in accordance with the plans referred to above for the aforementioned purpose, subject to the following terms and conditions:

(a) The owner of the property shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the property, except as otherwise provided in this ordinance.

(b) Application for a [~~building permit~~] certificate of zoning compliance shall be made within twenty-four (24) months from the effective date of this amendatory ordinance. [~~This building permit shall expire and shall become null and void if any necessary construction has not commenced within one hundred eighty (180) days from the date of the building permit or if construction is suspended or abandoned for a period of one hundred eighty (180) days at any time after such construction has commenced, as provided in any applicable provisions of the Virginia Uniform Statewide Building Code.~~] Should application for the [~~building permit~~] certificate of zoning compliance not be made within twenty-four (24) months after the effective date of this amendatory ordinance [~~or should the building permit expire and become null and void after the expiration of the twenty-four (24) month time period for making application for the building permit~~], the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

(c) 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 subject property have been paid.

(d) All required final grading and drainage plans, together with all easements made necessary by such plans, shall be approved by the Director of [~~Community~~] Planning and Development Review prior to the issuance of building permits.

(e) 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 adjacent property or public streets and the use thereof.

(f) 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. The location of such facilities shall be subject to the approval of a detailed final plan by the Director of [~~Community~~] Planning and Development Review prior to the issuance of a building permit. The Director of [~~Community~~] Planning and Development Review may authorize the removal of [~~an additional~~] a parking space required by subsection (h) of this section to accommodate such facilities or may authorize access to the approved facilities through a parking space.

(g) The use of the property shall be in accordance with those uses permitted by the zoning district in which the property is situated and shall also be permitted to include a radio broadcasting studio and offices on the second floor, including an accessory antenna. The radio broadcasting studio and office use shall be limited to a Low Power FM (“LPFM”) station and licensed by the Federal Communication Communications as a LPFM station. The accessory antenna shall be limited to a maximum height of forty (40) feet and shall be mounted on the roof of the building, substantially as shown on the [~~attached~~] plans attached to Ordinance No. 2004-

325-304, adopted November 22, 2004. The accessory antenna height shall be measured from the roof or roof-top parapet wall surface to which it is mounted.

(h) Four (4) off-street parking spaces shall be provide at the rear of the property, substantially as depicted on the ~~[attached]~~ plans attached to Ordinance No. 2006-105-183, adopted July 10, 2006.

~~(i) [A lighting plan must be approved by the Director of Community Development prior to a building permit being issued.]~~

~~(j)~~ No exterior portion of the property to the rear of the existing building shall be improved for occupancy by patrons of any use established within the existing building.

~~(k)~~ (j) Any principal or accessory entertainment use of the property shall cease by ~~[11:00 p.m. Sunday through Thursday and by 1:00 a.m. on Friday and Saturday]~~ 2:00 a.m. daily.

~~(l)~~ (k) No portion of the property to the rear of the existing building shall be improved for use as refrigeration or storage. Any such accessory use shall be located within the footprint of the existing building.

~~(m)~~ (l) The maximum occupancy limit for the use of the first floor shall be 150 occupants provided that the maximum occupancy of the building shall in no case exceed that permitted by applicable building and fire codes.

~~(n)~~ (m) One year after the effective date of this ordinance, the property owner shall request that the City Planning Commission hold a public hearing at which it shall review the special use permit to evaluate whether the special use of the property tends to be detrimental to the safety, health, morals and general welfare of the community. If the Commission finds that the special use of the property is not detrimental to the safety, health, morals and general welfare of the community, no further action shall be required. If the Commission finds the special use of

the property tends to be detrimental to the safety, health, morals and general welfare of the community, the Commission may recommend to the City Council that this ordinance be amended or that the privileges granted by this ordinance be revoked.

(n) In all other respects, the use of the property shall be in accordance with the applicable underlying zoning regulations.

§ 4. That the privileges granted by this ordinance may under certain circumstances be revoked. ~~Upon~~ During the first 365 days after the effective date of this ordinance, upon noting that a condition of the special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit notwithstanding the provisions of sections 114-1050.7 through 114-1050.8 and pursuant to the provisions of sections 114-1050.9 through 114-1050.11 of the Code of the City of Richmond (2004), as amended. After the first 365 days after the effective date of this ordinance, upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit pursuant to the provisions of sections 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), as amended, if (a) the property owner does not abate the violation within thirty (30) days of the issuance of the notice or (b) three (3) notices of violation are issued to the property owner within any twelve (12) month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to

pursue any other remedy at law or in equity against the property owner. 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, or any other applicable laws or regulations.

§ 5. 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 (24) consecutive months, use of the property shall be governed thereafter by the zoning regulations prescribed for the district in which the property is then situated.

§ 6. This [~~amendatory~~] ordinance shall be in force and effect upon adoption.

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



Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

Ordinance/Resolution Request

TO Allen Jackson, City Attorney

THROUGH Lou Ali, Council Chief of Staff *la*

FROM Steven Taylor, Council Policy Analyst

COPY Charles Samuels, 2nd District Council Member & President
Jonathan Baliles, 1st District Council Member
Eli Wong, 1st District Liaison
Marianne Pitts, 2nd District Liaison
Haskell Brown, Deputy City Attorney
Vincent Jones, Council Deputy Chief of Staff

DATE March 24, 2014

PAGE/s 1 of 2

TITLE Special Use Permit at 1619 and 1621 West Broad Street

RECEIVED
APR 04 2014

OFFICE OF CITY ATTORNEY

This is a request for the drafting of an **Ordinance** **Resolution**

REQUESTING COUNCILMEMBER/PATRON

C. Samuels & J. Baliles,
(By Request)

SUGGESTED STANDING COMMITTEE

Land Use, Housing & Transportation

ORDINANCE/RESOLUTION SUMMARY

Patrons request that an amendment be drafted to Ord. No. 2006-105-183, adopted July 10, 2006, which granted a special use permit for 1619 and 1621 West Broad Street. The amendment should allow entertainment until 2:00 am, Sunday through Thursday. The current special use permit requires that entertainment cease at 11 pm, Sunday through Thursday and at 1:00 am on Friday and Saturday.

BACKGROUND

Ord. No. 2006-105-183, adopted July 10, 2006, granted a special use permit for 1619 and 1621 West Broad Street. The current special use permit requires that entertainment cease at 11 pm, Sunday through Thursday and cease at 1:00 am on Friday and Saturday.



RECEIVED

MAR 12 2014

CITY OF RICHMOND
OFFICE OF CITY ATTORNEY
INTRACITY CORRESPONDENCE

O & R REQUEST

MAR 11 2014

Chief Administration Office
City of Richmond

O&R REQUEST

DATE: March 5, 2014 EDITION: 1
TO: The Honorable Members of City Council
THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)
(Through: Byron C. Marshall, Chief Administrative Officer; Peter H. Chapman, Deputy Chief Administrative Officer for Economic Development and Planning; Mark A. Olinger, Director, Department of Planning and Development Review)
SUBJECT: To amend ordinance 2006-105-183, which authorized which authorized the special use of the property known as 1619 and 1621 West Broad Street for the purpose of a radio broadcasting studio and offices on the second floor including an accessory antenna and a parking waiver, to authorize a nightclub use, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To amend ordinance 2006-105-183, which authorized which authorized the special use of the property known as 1619 and 1621 West Broad Street for the purpose of a radio broadcasting studio and offices on the second floor including an accessory antenna and a parking waiver, to authorize a nightclub use, upon certain terms and conditions.

REASON: The applicant is requesting an extension to the allowed hours for principal or accessory entertainment uses. The current special use permit, approved in 2006, requires entertainment uses to cease by 11:00 p.m. Sunday through Thursday and 1:00 a.m. Friday and Saturday. The applicant requests these hours be extended to 2:00 a.m. Sunday through Saturday. The extension of hours for the entertainment past 12:00 a.m., floor area devoted to dancing or standing, and the consumption of alcohol classify the uses as a nightclub, which was defined by the zoning ordinance in 2012.

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 May 5, 2014 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is located on the south side of West Broad Street between North Lombardy Street and North Allen Avenue and contains approximately 5,040 square feet of lot area. The site is occupied by two, two-story commercial storefront buildings that were constructed in 1925 on separate parcels. Over the years the buildings were connected with interior doorways and the two parcels were consolidated in 1990. The two buildings contain approximately 6,960 square feet of combined floor area. The first floor and basement of the building are currently used by The Camel restaurant and music

201403005

venue. The second floor is used for a radio broadcasting studio and office which was authorized by a special use permit adopted April 24, 2006 (Ord. No. 2006-105-183). A number of conditions included in this ordinance also regulate aspects of the restaurant and music uses.

The existing special use permit authorized the radio broadcast studio use for the second floor of the building and referred to the underlying UB Urban Business - PO4 (West Broad Street Parking Overlay District) for the use of the remainder of the building. The special use also waives all but 4 of the required parking spaces. Under the current special use permit, the first floor and basement of the building can be occupied by any permitted use in the UB district under certain terms and conditions.

The petitioner is requesting to amend one of the existing conditions pertaining to hours of operation. The condition currently reads, "Any principal or accessory entertainment use of the property shall cease by 11:00pm Sunday through Thursday and by 1:00am on Friday and Saturday." The petitioner requests that any principal or accessory entertainment use cease by 2:00am on Sunday through Saturday. Since the initial SUP was granted, the zoning ordinance was amended in 2012 to establish a definition for nightclub and distinguish a nightclub from a restaurant use. The proposed extension of hours would authorize a nightclub use of the property 7 days a week. Nightclubs are permitted in the UB zoning district only if they existed prior to January 14, 2013.

The property to the north across West Broad Street is zoned M-1 Light Industrial and is occupied by a large home improvement retail and warehouse use. The properties to the south across the public alley front on West Grace Street and are zoned R-48 Multi-Family Residential and occupied by a single-family and multifamily dwellings. The properties to the east and to the west are also zoned UB and are occupied by commercial uses. The Master Plan recommends "Community Commercial" use for the subject property.

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.

REVENUE TO CITY: \$1,200 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: April 14, 2014

CITY COUNCIL PUBLIC HEARING DATE: May 12, 2014

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, May 5, 2014

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

RELATIONSHIP TO EXISTING ORDINANCES: None.

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

STAFF: Willy Thompson, Senior Planner;

**O&R Request
March 5, 2014
Page 3 of 3**

**Land Use Administration (Room 511)
646-5734**

DCD O&R No.14-11



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: THE CAMEL RESTAURANT Date: 1/3/14
 Property Address: 1621 W. BROAD ST Tax Map #: W000-0736/023

Fee: 1200 Total area of affected site in acres: _____
 (See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning
 Current Zoning: A-2 IN U.B. ZONE

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

Existing Use: RESTAURANT AND EVENTSPACE
 Is this property subject to any previous land use cases? NO CHANGE

Yes
 No
 If Yes, please list the Ordinance Number:
2004 325-304
2006-105-183

Applicant/Contact Person: RAND BURGESS - OWNER/OPERATOR

Company: THE CAMEL INC.

Mailing Address: 1621 W BROAD ST

City: RICHMOND State: VA Zip Code: 23220

Telephone: (804) 353-4901 Fax: (804) 353-4777

Email: RAND@THECAMEL.ORG

Property Owner: RICHMOND FINANCE COMPANY

If Business Entity, name and title of authorized signee: ROBERT B RICHMOND JR PRESIDENT

(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: P.O. Box 29657

City: RICHMOND State: VA Zip Code: 23242

Telephone: (804) 288-7777 Fax: (804) 784-9042

Email: BROOKVEST@AOL.COM

Property Owner Signature: [Signature] Pres

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)



1621 W. Broad Street
Richmond, VA 23220

January 1, 2014

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

To the interested parties:

The Camel Restaurant has been a fixture on the 1600 block of West Broad Street for more than eight years. In that time, business has developed and the Richmond music scene has enjoyed a quality venue that showcases regional and national entertainment acts. In order to continue providing exceptional service and facilitate the growth of our business in the years to come, we are asking for an amendment to our existing special use permit.

The primary issue represented within the amendment is a change to the presently allowed hours of operation. The original owners initially asked for live entertainment to be permitted until eleven pm Sunday through Thursday, and one am on Fridays and Saturdays. As the popularity of the venue and its reputation have grown, competition for shows has increased, meaning that in order to accommodate demand and most fully support the Richmond arts and music community, there needs to be more than just two extended nights each week. The proposed amendment would allow for us to host live music acts any night of the week, with performances ceasing before 2 am.

The Camel has evolved to become a valuable part of the neighborhood, treasured by the community, and accommodates a diverse range of music and art performances that appeal to a multiplicity of cultures, age ranges, and interests. We take pride in promoting the community that supports us. We have the support of the West Grace Street Association, and will be submitting a letter that elaborates their position. As a local employer, the Camel has been providing quality work experience while supporting a staff of nearly twenty individuals.

We look forward starting another great year working in and for the city of Richmond. It is our hope that we can move swiftly through the amendment process, and resume providing the quality entertainment that we have become known for. Our recent infractions and the legal ramifications of enforcing the existing special use permit have interrupted a rapidly growing business that is

generating positive notoriety for Richmond arts and culture across the nation. The conditions of the original special use permit have been insufficient for at least the past four years, meaning that in order to function profitably we have been forced to do business outside of those original stipulations. There have been no serious complaints until recently, and as such we aim to comply as quickly as possible. This is a matter that we take very seriously and look forward to resolving so we can continue to serve the Richmond community.

The Camel is committed to providing quality food and entertainment for the Richmond community. We look forward to working with you through this process, and anticipate many more years of evolving to better serve the neighborhood.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read 'R. Burgess', with a long horizontal flourish extending to the right.

Rand Burgess
Owner/ Operator
The Camel
(804) 914-1297

Welcome to the Camel



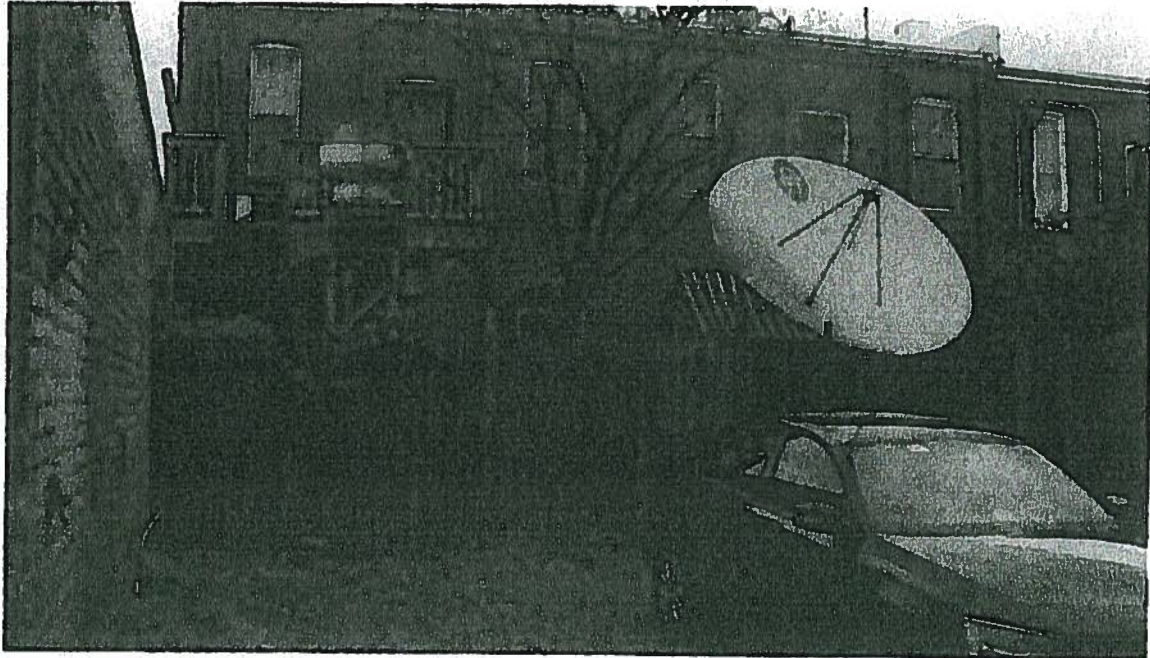
Event Side



Bar Side



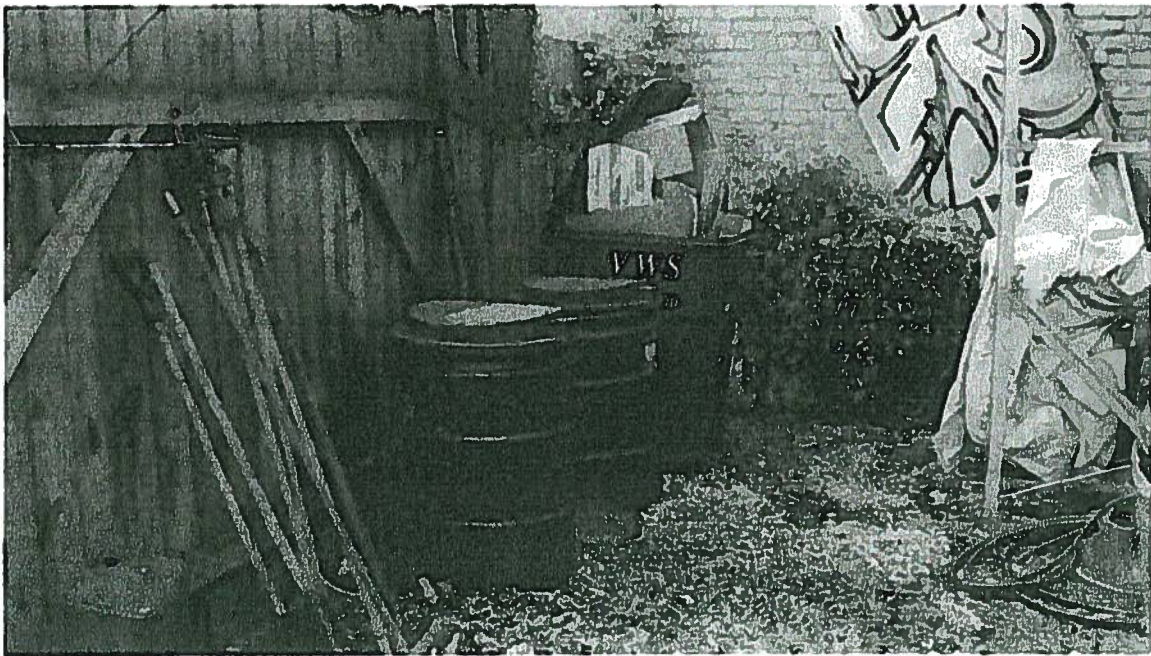
View of Rear from Alley

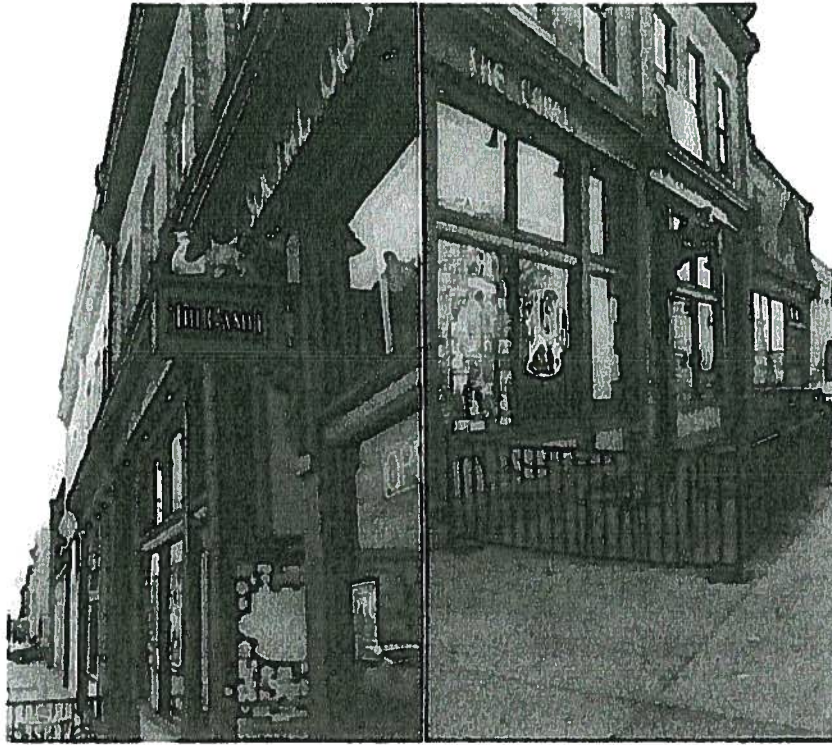


Trash Area



Recycling Area





FROM SIDEWALK
LOOKING EAST

FROM SIDEWALK
LOOKING WEST

