

INTRODUCED: January 26, 2015

AN ORDINANCE No. 2015-19-37

To authorize the special use of the property known as 26 North Morris Street for the purpose of authorizing a restaurant with outdoor dining, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 23, 2015 AT 6 P.M.

WHEREAS, the owner of the property known as 26 North Morris Street, which is situated in a UB-Urban Business District and the Main Street/Uptown PO-3 Parking Overlay District, desires to use such property for the purpose of outdoor dining, which use, among other things, is not currently allowed by section 114-433.2(21) of the Code of the City of Richmond (2004), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 23 2015 REJECTED: _____ STRICKEN: _____

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 114-1050.1 of the Code of the City of Richmond (2004), 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 26 North Morris and identified as Tax Parcel No. W000-0448/007 in the 2015 records of the City Assessor, being more particularly shown on a survey entitled “Crossroads Coffee, 26 North Morris Street, Richmond, VA,” prepared by Nyfeler Associates, and dated November 1, 2013, 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 purpose of a restaurant with outdoor dining, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Site Plan, 26 North Morris Street Special Use Permit,” prepared by Obsidian, Inc., dated August 1, 2014, and last revised November 18, 2014, 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 use of the Property shall be for a restaurant with outdoor dining, substantially as shown on the Plans.

(b) The outdoor dining area shall be limited to 950 square feet and up to 30 seats, substantially as shown on the Plans.

(c) No alcoholic beverages shall be sold on-site or for off-site consumption.

(d) Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets.

(e) No televisions, other electronic audio or visual devices, other means of producing amplified sound, cash registers, card readers, vending machines, or similar items shall be provided within or for the patrons of the outdoor dining area.

(f) Within the outdoor dining area, there shall be no live entertainment, food or beverage preparation or service to standing patrons.

(g) Use of the outdoor dining area for all purposes shall cease by no later than 12:00 a.m.

(h) Eight on-site parking spaces shall be required for the restaurant use of the Property.

§ 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 (2004), 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 114-1220 of the Code of the City of Richmond (2004), 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 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. 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.

(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. **Effective Date.** This ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND O & R REQUEST

INTRACITY CORRESPONDENCE

DEC 16 2014

O&R REQUEST Chief Administration Office
City of Richmond

O & R Request

DATE: December 16, 2014

TO: The Honorable Members of City Council

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

THROUGH: Christopher L. Beschler, Interim Chief Administrative Officer

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

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

SUBJECT: Special Use Permit for the purpose of authorizing a restaurant with outdoor dining at 26 North Morris Street.

RECEIVED
EDITION: 1
DEC 31 2014
Mayor's Office City of Richmond

RECEIVED
JAN 07 2015

ORD. OR RES. No. _____

OFFICE OF CITY ATTORNEY

PURPOSE: To authorize the special use of the property known as 26 North Morris Street for the purpose of authorizing a restaurant with outdoor dining, upon certain terms and conditions.

REASON: In 1999, the Board of Zoning Appeals (Case No. 91-99) waved certain requirements, including parking, screening, and outdoor dining serving an existing restaurant. The applicant proposes to expand that dining area. The special use permit will memorialize the parking and screening requirements for the restaurant as well as authorize the larger outdoor dining area.

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 February 2, 2015, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The applicant is requesting an SUP to expand an existing outdoor dining area. In 1999, the Board of Zoning Appeal (Case No. 91-99) waived two (2) parking spaces, screening for the parking area, and location of the parking area. In addition, the variance authorized an outdoor dining area 150 square feet. The applicant proposes to expand that area to 950 square feet with seating limited to 30 seats. The existing outdoor dining area currently has 10 seats.

The property is currently zoned Urban Business and is in the Main Street/Uptown parking overlay district (PO-3), which permits outdoor dining as long as it is not within 100 feet of any

TMP -793

property in an R (Residential) zoning district. The proposed outdoor dining is adjacent to Sydney Park, which is zoned R-6 (Single-Family Attached Residential).

The PO-3 district requires one parking space per 180 square feet of restaurant floor area, including any outdoor dining areas, bringing the total number of required parking spaces to 13. There are currently 8 on-site parking spaces and the proposed ordinance will require that 8 parking spaces continue to be provided. The requirement for 5 additional parking spaces will be waived.

In addition, the special use permit ordinance limits the outdoor dining area to 950 square feet and no more than 30 seats, as substantially shown on the attached plans.

The property is located in the Near West Planning District as defined by the 2000-2020 citywide Master Plan, which recommends "Community Commercial" uses for the property. The Plan defines the primary use for this land use designation as "office, retail, personal service and other commercial and services uses, intended to provide the shopping and service needs of residents of a number of nearby neighborhoods or a section of the City" (page 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.

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: January 12, 2014

CITY COUNCIL PUBLIC HEARING DATE: February 9, 2015

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, February 2, 2015

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, Survey, Plans

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



RECEIVED
AUG 12 2014
LAND USE ADMINISTRATION

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: Lamplighter Roasting Company, Morris Street Date: 8/12/14

Property Address: 26 North Morris Street Tax Map #: W0000448007

Fee: \$1,800 Total area of affected site in acres: 0.18
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: UB-PO3

Proposed Use

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

Existing Use: Coffee Shop

Is this property subject to any previous land use cases?

- Yes
- No

If Yes, please list the Ordinance Number:

BZA 044
1999-04-07

2008-172-175

Use of existing patio for non-permanent outdoor seating. Access to Sydney Park.

Applicant/Contact Person: Scott Coleman

Company: CDI Morris LLC

Mailing Address: 3925 PARK AVE

City: Richmond State: VA Zip Code: 23221

Telephone: (804) 201 0815 Fax: () N/A

Email: COLEMAN.CROSSROADS@GMAIL.COM

Property Owner: CDI Morris LLC

If Business Entity, name and title of authorized signee: Scott Coleman

Mailing Address: 3925 PARK AVE

City: RICHMOND State: VA Zip Code: 23221

Telephone: (804) 201 0815 Fax: () N/A

Email: COLEMAN.CROSSROADS@GMAIL.COM

Property Owner Signature: [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)

Special Use Permit Application Report-November 18, 2014 Revision

The proposed use is an expansion of existing outdoor seating for Lamplighter Roasting Company. The anticipated maximum number of employees at any given time is 10. The current hours of operation are 7am-7pm daily, with an anticipated extension to 7am-10pm daily.

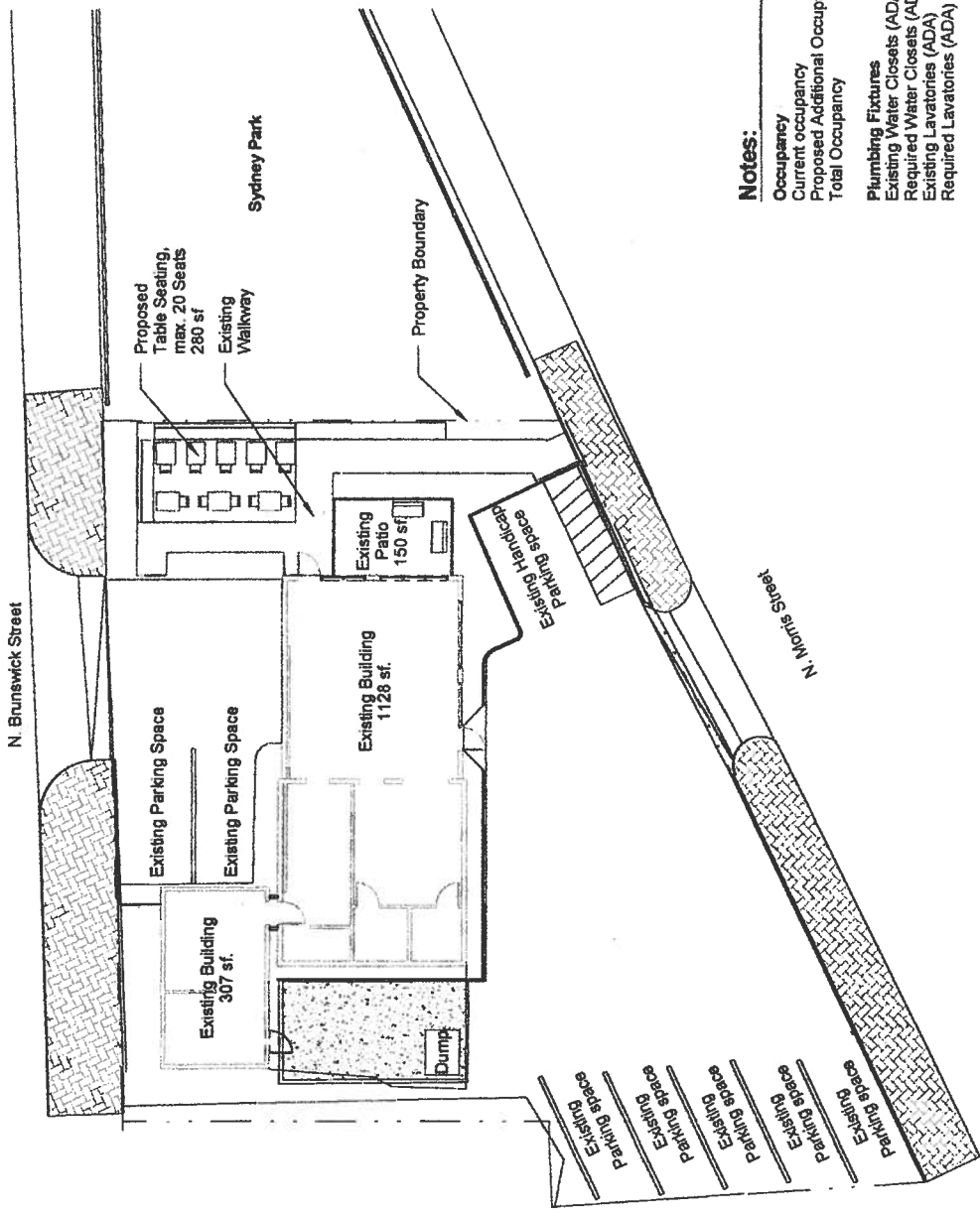
There is an existing patio with an area of approximately 850 sf. Currently, only 150 sf. of the patio is permitted for outdoor use. The proposed use would be an expansion to include the remaining 700 sf. of patio, and the placement of non-permanent seating. The additional seating will be limited to 20 seats.

As a condition of this Special Use Permit, the applicant will donate one (1) bicycle rack to The City of Richmond Department of Parks and Recreation to be used on or adjacent to Sydney Park.

Use of the patio is compatible with the surrounding areas of the Fan District, Uptown, and the VCU campus, all of which have many outdoor seating areas, both public and private. The only property adjacent to the proposed patio is the public Sydney Park to the north, which includes bench seating and an open green. Above the proposed patio are overhead power lines, and there is a VEPCO easement through the space to grant access to the lines. Given this, no tall or permanent structures can be built in this space. Currently the space is an empty and unused brick area between Sydney Park and the existing Lamplighter outdoor seating. Usage of the space for patio seating is an appropriate way to improve the space in a way that is compatible with and enhances its immediate surroundings.

Per the specific concerns in the City Charter,

1. The proposed use will not be detrimental to safety, health, morals or general welfare of the community. The patio has sufficient egress. The use will be in accordance with health department guidelines.
2. The proposed use will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved. There is no proposed alteration to any streets, roads, alleys or other public ways. The proposed egress will be along existing egress paths.
3. For the same reasons, the proposed use will not create hazards from fire, panic, or other dangers.
4. The proposed use will not cause overcrowding of land or an undue concentration of population, because the use will not include any residences. The use will be unconcentrated seating, per IBC 1004.1.1, at one occupant per 15 sf.
5. The proposed use 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.
6. The proposed use will not interfere with adequate light and air. There will be no tall or permanent structures to impede air flow or light. There will be no air pollution of any kind. Garbage will be disposed in receptacles that will be regularly emptied into a covered trash receptacle elsewhere on the property.



Sydney Park

Proposed Table Seating, max. 20 Seats 280 sf
Existing Walkway

Existing Patio 150 sf

Existing Building 1128 sf

Existing Building 307 sf

Existing Parking Space

Existing Parking Space

Dump

Existing Handicap Parking Space

Existing Parking Space
Existing Parking Space
Existing Parking Space
Existing Parking Space
Existing Parking Space
Existing Parking Space
Existing Parking Space
Existing Parking Space

Notes:

Occupancy	49
Current occupancy	20
Proposed Additional Occupancy	69
Total Occupancy	69
Plumbing Fixtures	2
Existing Water Closets (ADA)	2
Required Water Closets (ADA)	2
Existing Lavatories (ADA)	2
Required Lavatories (ADA)	2



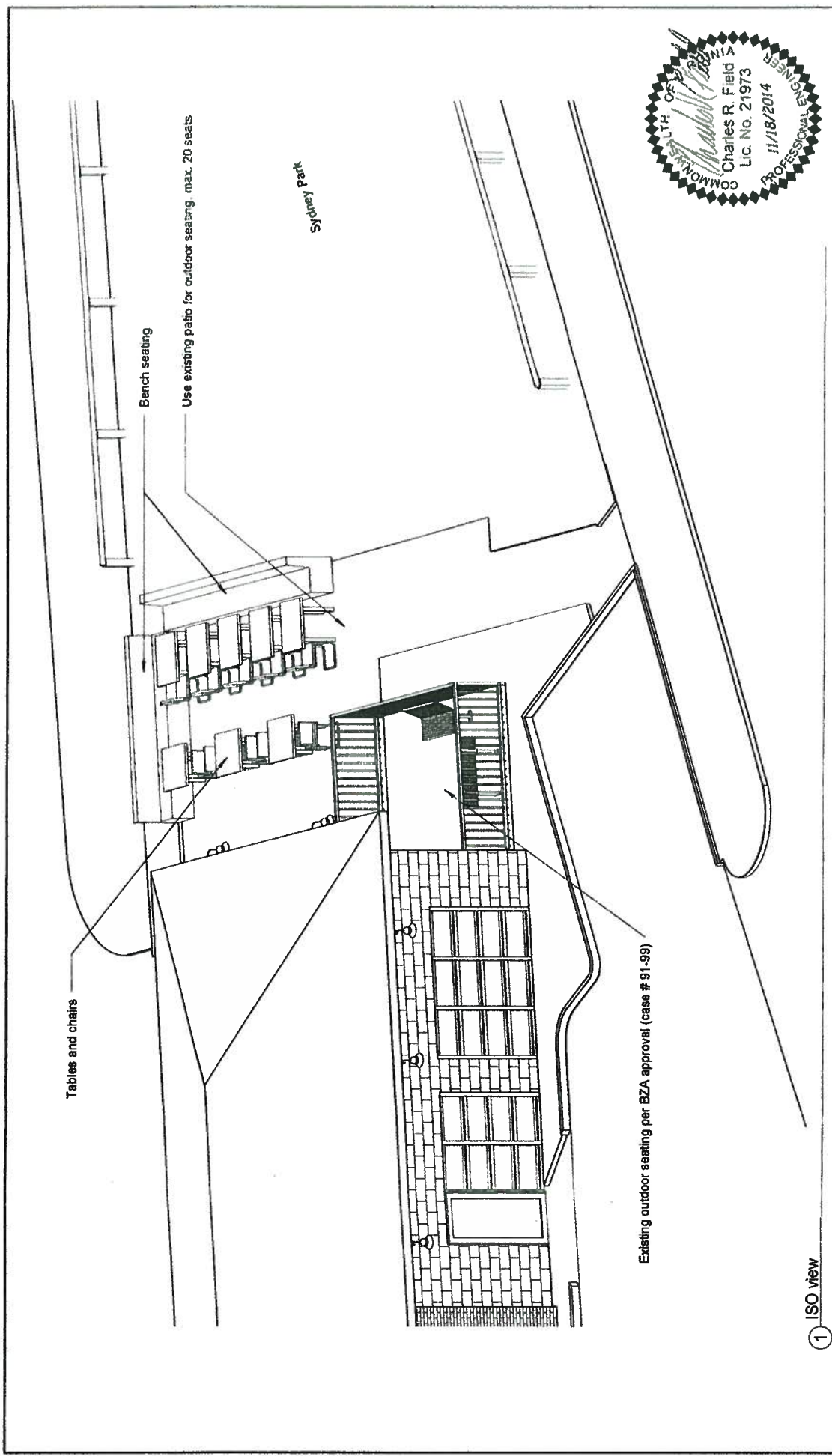
1 Proposed Site Plan
1/16" = 1'-0"



Obsidian, Inc.
545 North 22nd Street
Richmond, VA 23223
804-647-4589

Site Plan
26 North Morris Street Special Use Permit
Scott Coleman
rev. 11/18/2014
August 1, 2014
SUP - 1

Rev.	Date	Description



ISO View

26 North Morris Street Special Use Permit
 Scott Coleman

rev. 11/18/2014
 August 1, 2014

SUP - 2

Obsidian, Inc.
 515 North 22nd Street
 Richmond, VA 23223
 804.647.1589

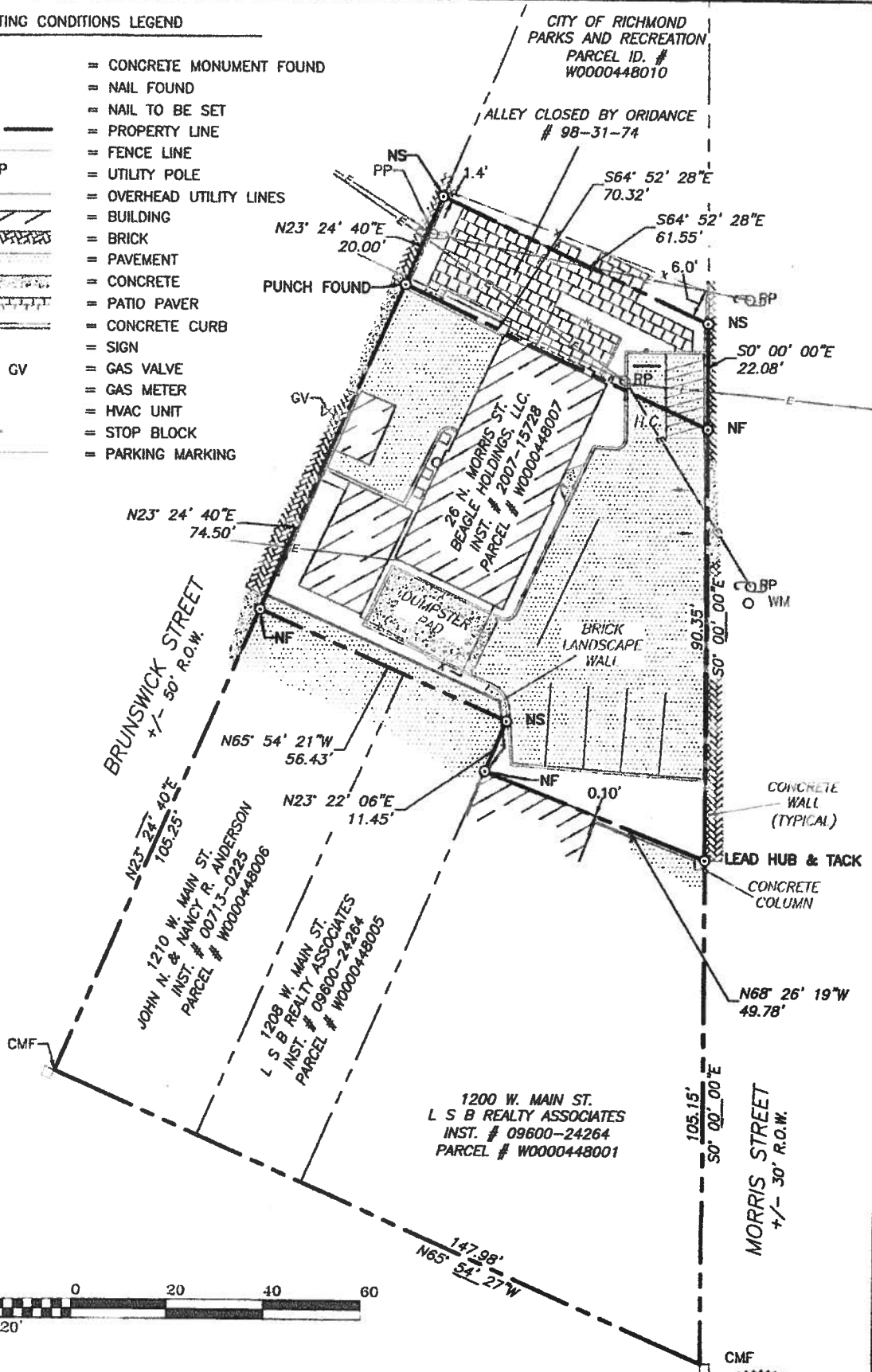
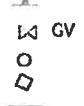


Rev.	Date	Description

1 ISO view

EXISTING CONDITIONS LEGEND

- CMF = CONCRETE MONUMENT FOUND
- NF = NAIL FOUND
- NS = NAIL TO BE SET
- = PROPERTY LINE
- x --- = FENCE LINE
- C.O.B.P. = UTILITY POLE
- L --- = OVERHEAD UTILITY LINES
- [Hatched] = BUILDING
- [Cross-hatched] = BRICK
- [Dotted] = PAVEMENT
- [Stippled] = CONCRETE
- [Grid pattern] = PATIO PAVER
- [Double line] = CONCRETE CURB
- [Triangle] = SIGN
- [Circle with cross] = GAS VALVE
- [Circle with dot] = GAS METER
- [Circle with square] = HVAC UNIT
- [Square] = STOP BLOCK
- [Dashed line] = PARKING MARKING



BOUNDARY SURVEY															
<p>CROSSROADS COFFEE 26 NORTH MORRIS STREET RICHMOND, VA</p>	<p>Nyfeler Associates SITE PLANNING & DESIGN, LAND SURVEYING 619 W CARY ST. RICHMOND, VA 23220 804-277-4231 www.NyfelerAssociates.com</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: small;">DATE:</td> <td>11-01-2013</td> <td style="font-size: small;">SCALE:</td> <td>1" = 20'</td> </tr> <tr> <td style="font-size: small;">JOB NUMBER:</td> <td>13087</td> <td style="font-size: small;">DRAWN BY:</td> <td>JRW</td> </tr> <tr> <td style="font-size: small;">APPROVED BY:</td> <td>GLN</td> <td colspan="2"></td> </tr> </table>	DATE:	11-01-2013	SCALE:	1" = 20'	JOB NUMBER:	13087	DRAWN BY:	JRW	APPROVED BY:	GLN			
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