

INTRODUCED: September 11, 2017

AN ORDINANCE No. 2017-188

To amend Ord. No. 2003-374-336, adopted Dec. 8, 2003, which authorized the special use of the property known as 718-720 Cleveland Street, to authorize a retail space for the sale of juices and bakery items with a walk up window, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 9 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2003-374-336, adopted December 8, 2003, be and is hereby amended and reordained as follows:

§ 1. That the property known as 718-720 Cleveland Street and identified as Tax Parcel No. W000-1472/018 in the [2003] 2017 records of the City Assessor, being more particularly shown on a survey entitled “Plat of Nos. 714-716-718-720 Cleveland Street Situated on the Western Line of Cleveland Street and South of Franklin Street,” prepared by Chas H. Fleet, and dated November 1, 1946, a copy of which is attached to and made a part of [~~this ordinance~~]

9

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 9 2017 REJECTED: _____ STRICKEN: _____

Ordinance No. 2003-374-336, adopted December 8, 2003, is hereby permitted to be used for the purpose of a catering business, substantially as shown on sheets C101 and SD103 of the plans entitled "Cakes By Graham", prepared by Johannas Design Group, and dated October 2, 2003, copies of which are attached to and made a part of [this ordinance] Ordinance No. 2003-374-336, adopted December 8, 2003, and is hereby permitted to be used for a retail space for the sale of juices and bakery items with a walk up window, substantially as shown on the plans entitled "Current Floor Plan", "Proposed Retail Floor Plan", "Current Store Front", "Proposed Store Front with Walk-Up Window", "Current Store Front", and "Proposed Store Front with Walk-Up Window", prepared by an unidentified preparer and undated, 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 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 amendatory ordinance.

(b) Application for a building permit 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 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 amendatory 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) 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.

(e) 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.

(f) The use of the property shall be limited to a catering business and a retail business for the sale of juices and bakery items with hours of operation limited to [~~8:00 a.m.~~] 7:30 a.m. through [~~6:00 p.m.~~] 9:00 p.m. and no more than [~~four (4)~~] eight (8) employees on the premises at any one time, substantially as shown on the plans attached to this amendatory ordinance.

(g) No off-street parking shall be required.

(h) Signage shall be limited to one (1) sign attached flat against a vertical surface of the building and not exceeding six (6) square feet in area.

(i) There shall be no enlargement [~~or exterior alterations~~] to the building except for normal repair and maintenance. A walk up window shall be installed along 718 Cleveland Street, substantially as shown on the plans attached to this amendatory ordinance. Heating, air conditioning, oven and kitchen ventilation, and mechanical equipment shall be located only on the roof of the building and shall be positioned or screened from view from adjacent properties and public streets or right-of-ways with parapet walls or equipment screens. Any parapet wall or screening shall be approved by the Director of [~~Community~~] Planning and Development Review prior to the issuance of a building permit.

(j) Any encroachments existing, proposed on the plans attached to this amendatory ordinance 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 (2015), as amended, and all future amendments to such laws.

§ 4. That [~~the privileges granted by this ordinance may under certain circumstances be revoked. 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 32.1050.7 through 32.1050.11 of the Code of the City of Richmond (1993), 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 32-1080 of the Code of the City of Richmond (1993), as amended, or any other applicable laws or regulations.]~~
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 (2015), 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 (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

§ 5. That when the privileges granted by this ordinance terminate and the special use 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 ordinance shall be in force and effect upon adoption.

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



City of Richmond

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

Item Request File Number: PRE. 2017.339

RECEIVED

AUG 31 2017

OFFICE OF CITY ATTORNEY

O & R Request

O & R REQUEST

4-6921
AUG 18 2017

Office of the
Chief Administrative Officer

DATE: August 16, 2017

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor *LS*
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *SCG*

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

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

SUBJECT: To amend Ord. No. 2003-374-336, adopted December 8, 2003, to authorize the special use of the property known as 718-720 Cleveland Street for the purpose of authorizing a retail space for the sale of juices and bakery items with a walk up window, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To amend Ord. No. 2003-374-336, adopted December 8, 2003, to authorize the special use of the property known as 718-720 Cleveland Street for the purpose of authorizing a retail space for the sale of juices and bakery items with a walk up window, upon certain terms and conditions.

REASON: The applicant is requesting a special use permit amendment to authorize a retail space for the sale of juices and bakery items with a walk up window. The property is located in the R-6 zoning district, which does not permit the proposed use. An existing catering business located at the premises was authorized by a special use permit in 2003. An amendment to the special use permit is required in order to include the retail space for the sale of juices and bakery items with a walk up window as a permitted use.

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 2, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is located in the City's Museum District neighborhood, Near West Planning District, and West of the Boulevard Overlay District, and is midblock between West Franklin Street and a public alley. The property contains approximately 1,728 square feet of lot area and is currently improved with a circa 1927 one-story brick commercial building.

The property is located in the R-6 zoning district, which does not permit the proposed use. An existing catering business located at the premises was authorized by a special use permit in 2003. An amendment to the special use permit is required in order to include the retail space for the sale of juices and bakery items with a walk up window as a permitted use.

The City of Richmond's Master Plan recommends single-family medium density land use for the property. This category includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semipublic uses. (p. 133).

Specifically for the Near West Planning District, the Master Plan indicates the subject property is a component of an isolated neighborhood corner commercial area at Cleveland and Franklin Streets that is appropriate for continued use (p.236).

The surrounding properties are also located in the R-6 Single-Family Attached zoning district. A mix of commercial, mixed-use, and residential land uses are present in the vicinity.

FISCAL IMPACT: The Department of 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: September 11, 2017

CITY COUNCIL PUBLIC HEARING DATE: October 9, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission Oct. 2, 2017

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

STAFF: Leigh Kelley, Senior Planner, Land Use Administration (Room 511), 646-6384

PDR O&R No.17-23



SUP-016863-2017

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: 718 N. Cleveland Street, Richmond, Virginia 23221 Date: 03/20/2017
 Tax Map #: W0001472018 Fee: \$1,200.00
 Total area of affected site in acres: 0.04 acres or 1728.5 sq ft

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

Zoning

Current Zoning R-6

Existing Use: Catering Kitchen

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
 Remain a catering kitchen with an additional juice bar and walk up window component

Existing Use Catering Kitchen only

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: 2003-374-336

Applicant/Contact Person: Annie L. Malo

Company: LeClairRyan
 Mailing Address: 919 E. Main Street, Twenty-Fourth Floor
 City: Richmond State: VA Zip Code: 23219
 Telephone: (804) 916-7124 Fax: ()
 Email: annie.malo@leclairryan.com

Property Owner: GPH Holding LLC

If Business Entity, name and title of authorized signer: Graham Haddock

(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: 1701 Summit Avenue, Unit #5
 City: Richmond State: VA Zip Code: 23230
 Telephone: (804) 426-5785 Fax: ()
 Email: Grahamhaddock@gmail.com

Property Owner Signature: *Graham Haddock*

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 APPLICANT'S REPORT

Request:

This is a Special Use Permit Amendment request. The current owner, GPH Holding, LLC, (the "Landlord") obtained a special use permit in December 2003 in order to operate a catering business in the existing structure located at 718 N. Cleveland Street, Richmond, VA 23221 (the "Premises"). The Landlord leased the property to North End Catering, LLC by Business Lease dated May 6, 2016 (the "Tenant") who has continued operating the Premises as a catering company. The Tenant now wishes to extend the operations of the current location to include a retail space for the sale of juices and bakery items and a walk up window. The Landlord has consented to this application as evidenced by his signature on the application. Additionally, following the completion of this request, the Tenant, with the consent of Landlord, will also be applying for a Sidewalk Café Permit in order to allow patrons of the walk up window to remain and enjoy their beverages and bakery items on site.

Plans:

Please see the following attached drawings:

- 1) Current Floor Plan of the Premises as a catering company only,
- 2) Proposed Floor Plan of the Premises following Special Use Permit approval and Sidewalk Café approval.
- 3) Current Store Front (2 angles), and
- 4) Proposed Store Front with walk up window (2 angles).

Description of Additional Use:

This amendment request will result in allowing the additional use of the Premises with no more than 8 employees on the Premises at any one time. By the nature of the catering business and food service business week days will have very few workers and weekends may have more. The hours of operation will be from 7:30am to 9:00pm. There will be no interior seating, and the exterior seating will be limited to 6 seats. This additional use will have little effect on the amount of vehicular traffic in the area as the proposed walk up window is to encourage foot traffic and nearby locals to purchase juices and bakery items. The walk up window and small

retail space are compatible with the area because the Museum District, where the Premises is located, is pedestrian friendly and encourages small neighborhood businesses. The exterior of the building will not be significantly modified in any way that would be unattractive to the neighboring parcels.

The requested amendment will not be detrimental to the safety, health, morals, and general welfare of the community involved. It will allow the business on the property to better serve the surrounding community and provide a much needed venue to eat and meet as a community and family.

The additional use of the Premises will not tend to create congestion in streets, roads, alleys, and other public ways and places in the area involved as it is meant for patrons to be short term visitors. Once a patron purchases a pastry or juice at the window, he or she will continue his or her walk in the neighborhood and not congregate in unwanted areas.

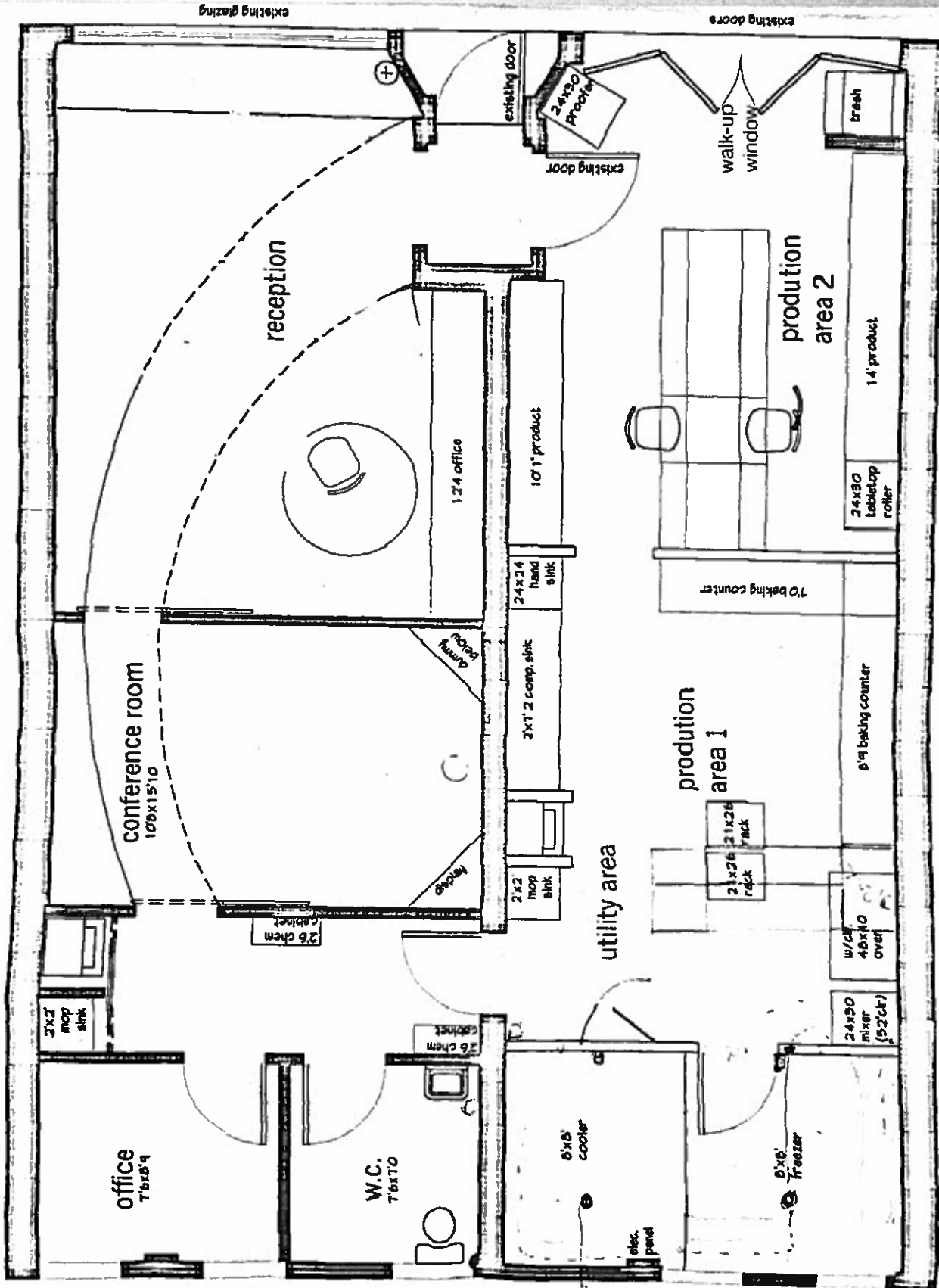
The additional use of the Premises will not create hazards from fire, panic, or other dangers. This amendment does not create an internal dining space and will not encourage patrons to congregate in small enclosed areas. Most patrons will approach the walk up window and leave the Premises following receipt of their item.

The additional use of the Premises does not tend to cause overcrowding of land or an undue concentration of population. This is a small commercial business that will not cause any overcrowding or concentration of population.

The additional use of the Premises does not adversely interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences, and improvements. This is a small business/café that increases the attractiveness of the area. It simply has no negative impact on the facilities listed.

The additional use of the Premises does not interfere with adequate light and air. The amendment simply allows the Property to better serve the community with limited outdoor seating. The additional use of the Premises has no impact on light and air.

Current Floor Plan



double
sidewalk

718 N
Cleveland
Street

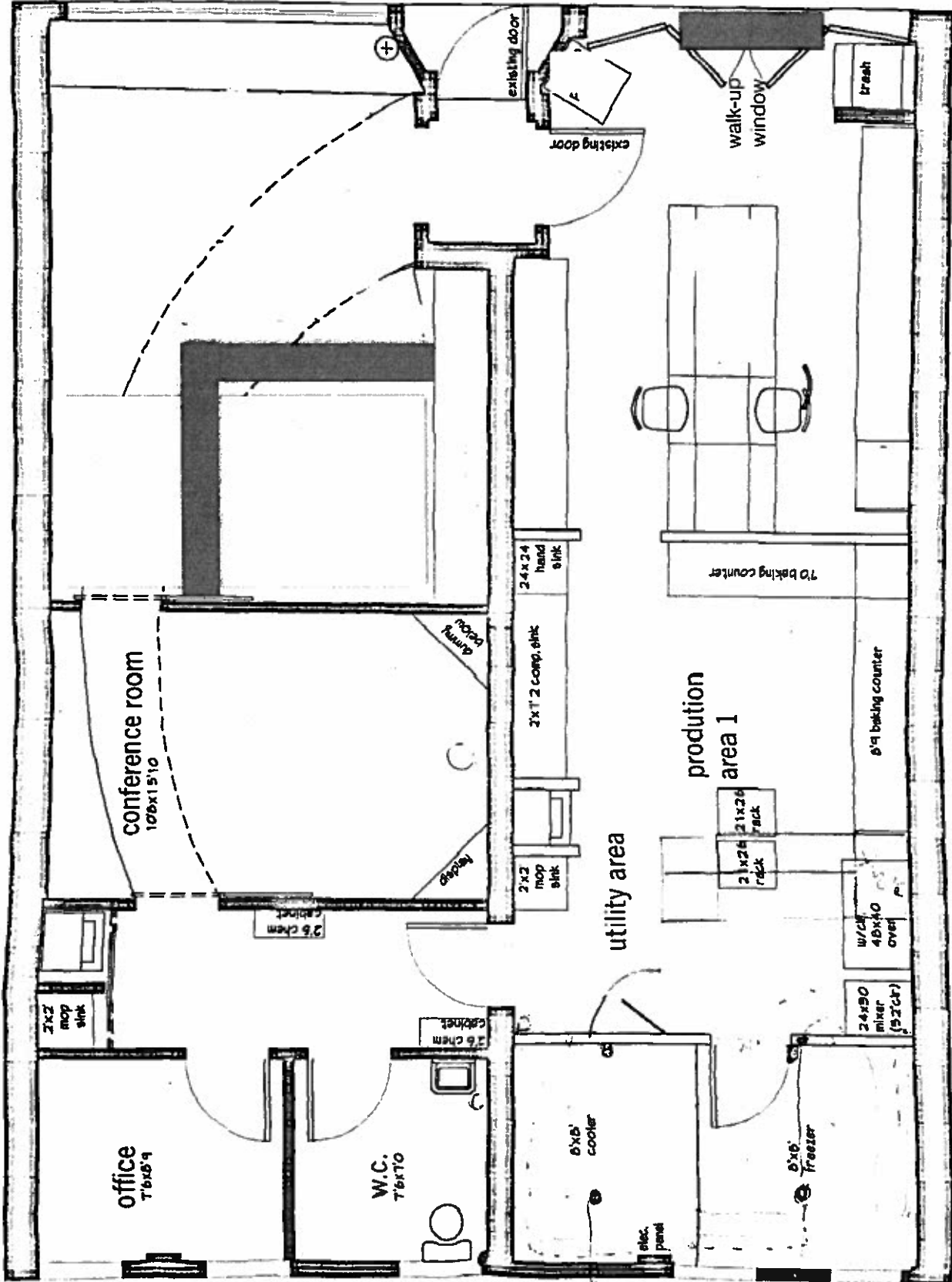
718 N
Cleveland
Street

FLOOR PLAN

1/4"=1'-0"

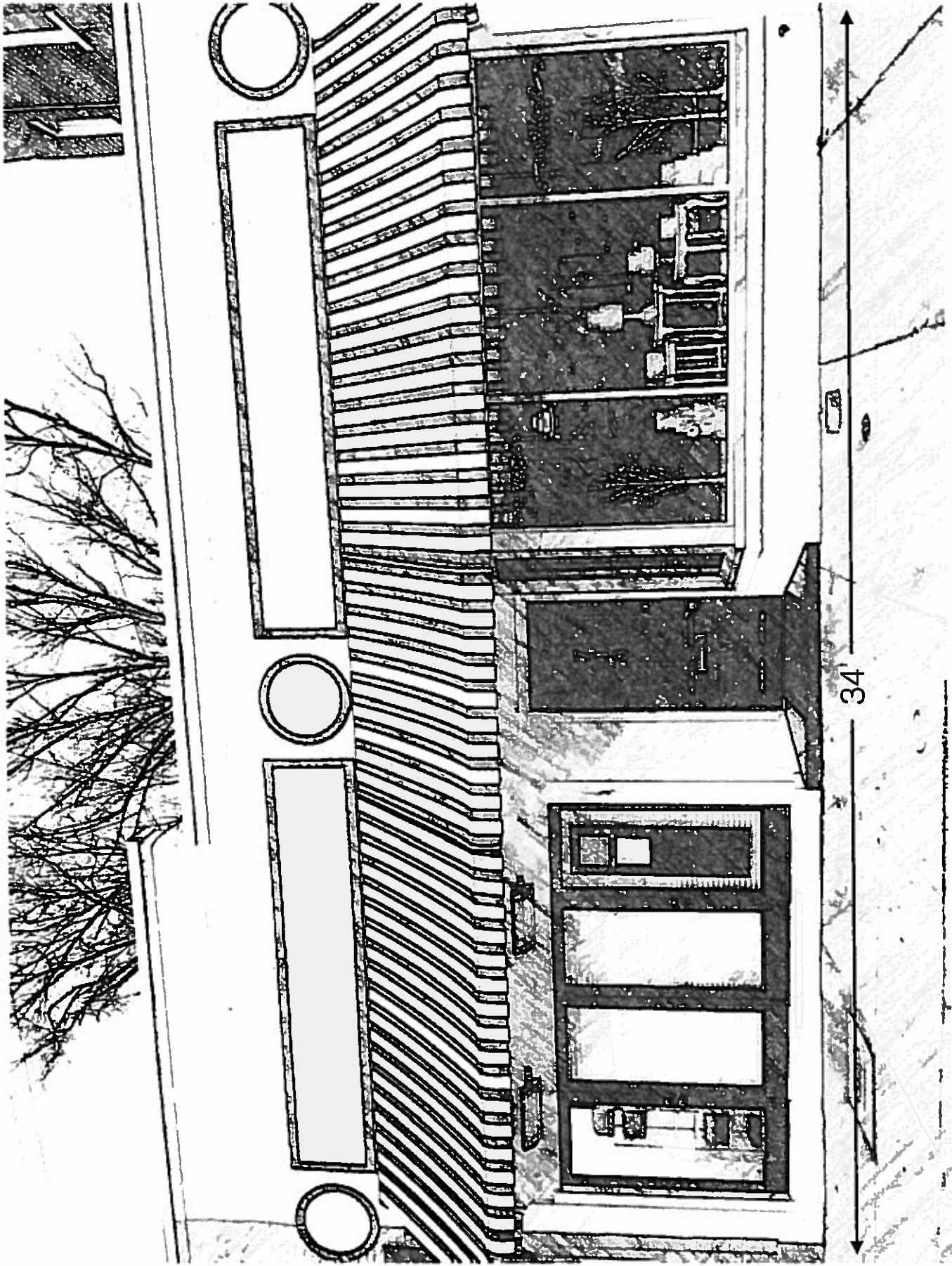
Proposed Retail Floor Plan

718 N Cleveland Street
 double sidewalk
 existing glazing
 existing doors

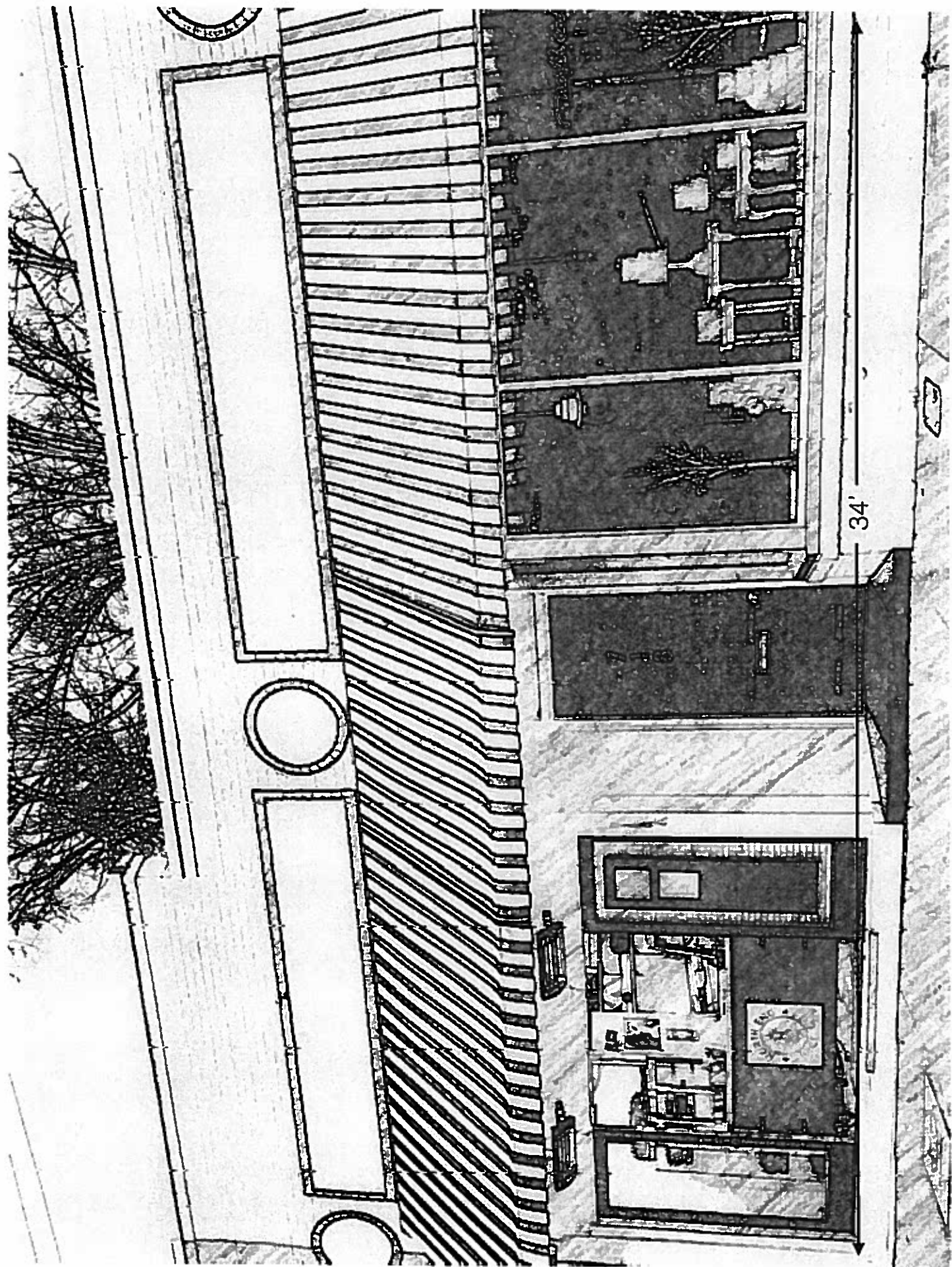


FLOOR PLAN
 1/4" = 1'-0"

● retail location
 ● cafe tables- proposed outdoor dining

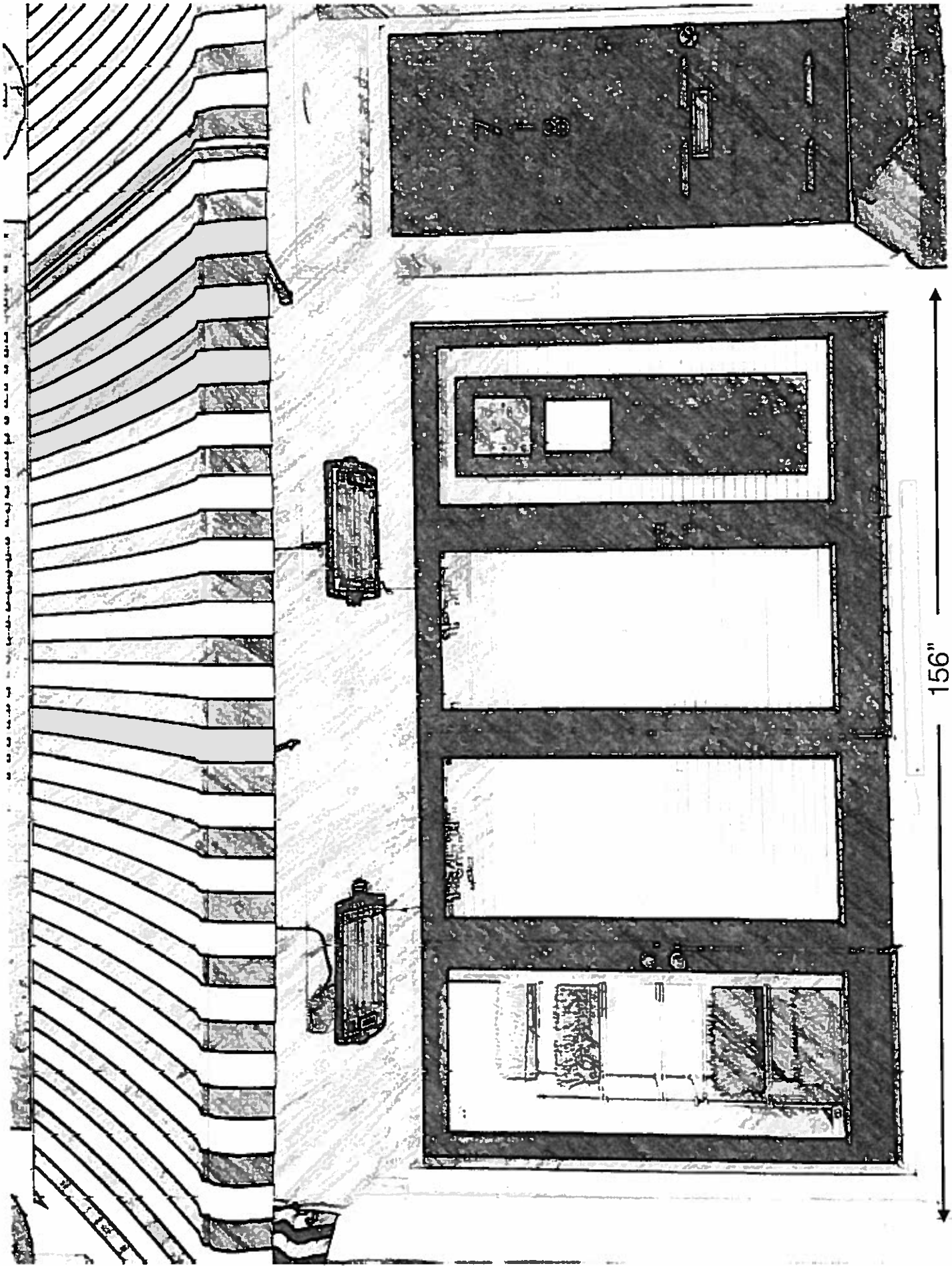


Current Store Front



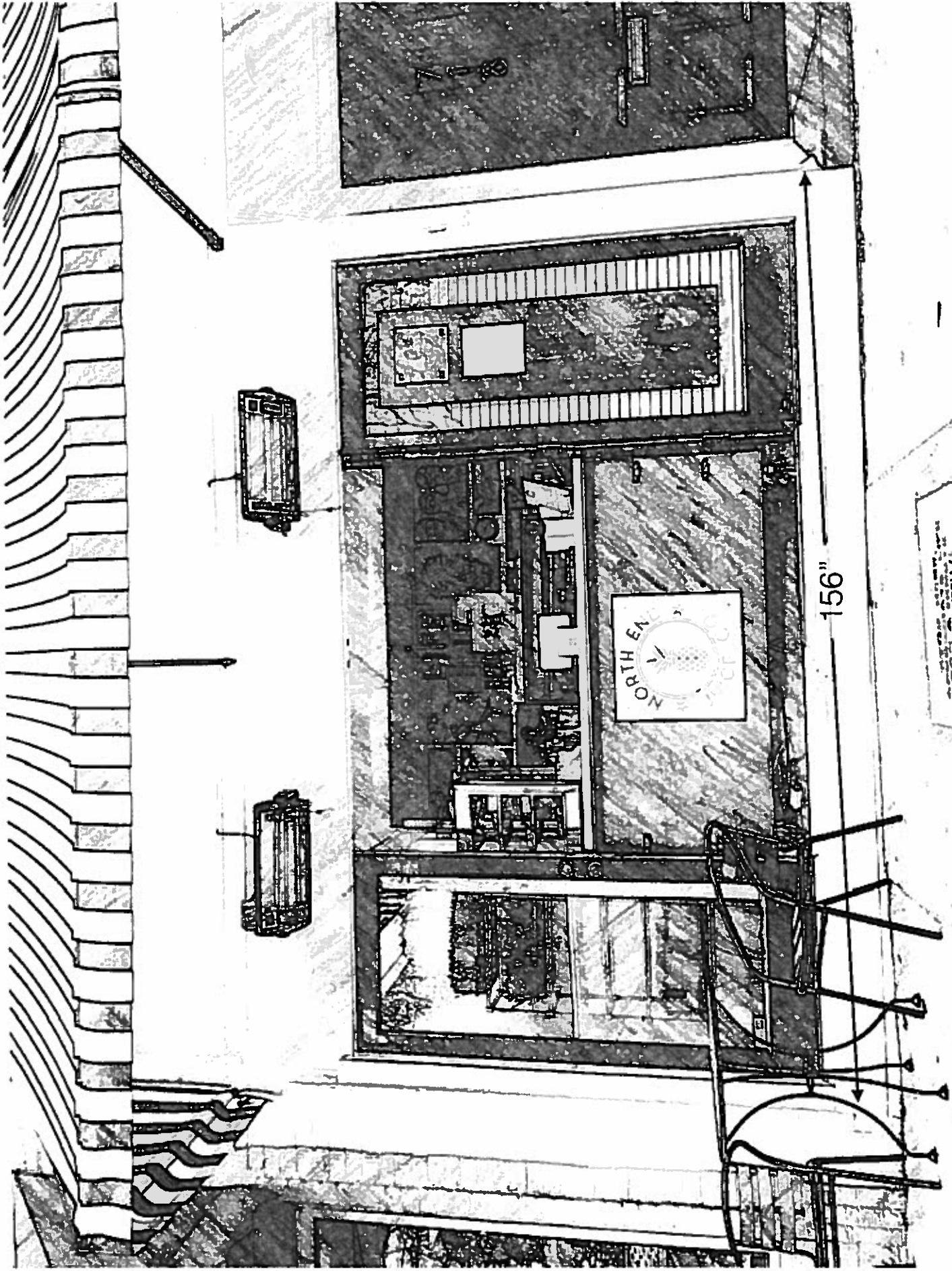
34'

Proposed Store Front with Walk-Up Window



156"

Current Store Front



Proposed Store Front with Walk-Up Window