

INTRODUCED: June 25, 2018

AN ORDINANCE No. 2018-188

To amend and reordain Ord. No. 74-221-232, adopted Oct. 29, 1974, as last amended by Ord. No. 2003-70-60, adopted Mar. 24, 2003, which authorized a special use of the property known as 6100 Jahnke Road and legitimized an increase in the number of permitted restaurants and the permitted floor area for the restaurant use in an existing shopping center, to authorize up to three restaurants, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JULY 23 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 74-221-232, adopted October 29, 1974, as previously amended by Ordinance No. 2003-70-60, adopted March 24, 2003, be and is hereby amended and reordained as follows:

§ 1. That the property known as 6100 Jahnke Road and identified as Tax Parcel C005-0508/026 in the [~~2003~~] 2018 records of the City Assessor, consisting of 1.6 acres located on the north line of Jahnke Road, beginning at a point approximately 42.48 feet west of the intersection of the west line of Newell Road with the north line of Jahnke Road, said point

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JULY 23 2018 REJECTED: _____ STRICKEN: _____

being at the west line of Lot 8, Block B of Claremont Subdivision; thence following an offset in the right-of-way of Jahnke Road 3.15 feet in a southwardly direction; thence in a westwardly direction along the north line of Jahnke Road 297.24 feet to a property line; thence in a northwardly direction along said line 205.08 feet to a property line; thence in an (“eastwardly”) direction along said line 309.11 feet to a property line; thence in a southwardly direction along said line 250.63 feet to the point of beginning, as shown on the plot plan attached to Ordinance No. 74-221-232, adopted October 29, 1974, and to [~~the draft of this amendatory ordinance~~] Ordinance No. 2003-70-60, adopted March 24, 2003, is hereby permitted to be used for a shopping center, and to permit the construction of a building together with accessory parking.

§ 2. That the Commissioner of Buildings is hereby authorized to issue to the owner of the [~~real estate~~] property, or its successor in fee simple title, a special use permit for such purposes, and to permit the erection of a commercial building together with accessory parking on the [~~real estate~~] property for use for such purpose substantially in accordance with the plans attached to Ordinance No. 74-221-232, adopted October 29, 1974, consisting of sheets one and two, plot plan and floor plans and front elevation, entitled[?] “C.F.M. Shopping Center, Jahnke Road, Richmond, Virginia,” dated September 27, 1974, as modified by sheet one of the plot plan entitled “C.F.M. Shopping Center, Jahnke Road, Richmond, Virginia,” dated January 30, 2003, attached to this amendatory ordinance and prepared by an unknown preparer, and as modified by the plans entitled “The Treat Shop – Work Area Addition, 6114/6112 Jahnke Rd., Richmond, VA. 23225,” attached to this amendatory ordinance, prepared by CLDesign, L.L.C., and dated January 26, 2018, which are incorporated into and made a part of this amendatory ordinance. The permits shall be transferable to the successor in title of the owner,

whether acquired by operation of law, deed or otherwise, and shall run with the land, subject to the following terms and conditions:

(a) That the acceptance of the permits and the exercise of the privileges granted by this ordinance by the owner and its successor in title shall constitute a warranty on the part of the owner and its successor that title to the land and the building will be vested in the same person or corporation;

(b) That the owner will be bound by, observe and comply with all other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and building, except as otherwise provided ~~[n]~~ in this ordinance;

(c) That uses to be permitted within the proposed shopping center shall be limited to a maximum of ~~[two]~~ three restaurants and ~~[these]~~ the uses permitted by Chapter ~~[42]~~ 30, Article ~~[13]~~ IV, Division 19 of the Code of the City of Richmond ~~[(1968)]~~ (2015), as amended. The permitted uses shall be subject to the limitations set forth on the ~~[attached]~~ plans attached to Ordinance No. 74-221-232, adopted October 29, 1974; Ordinance No. 2003-70-60, adopted March 24, 2003; and this amendatory ordinance;

(d) That parking areas and access drives shall be paved with a dust-free, all-weather surface and parking spaces in such numbers and at such locations as shown on the ~~[attached]~~ plot plan entitled "C.F.M. Shopping Center, Jahnke Road, Richmond, Virginia," by an unknown preparer, and dated January 30, 2003, a copy of which is attached to this amendatory ordinance, shall be delineated on the pavement surface. Driveways shall be constructed to City standards;

(e) That a strip of land five ~~[(5)]~~ feet in width for the future widening of Jahnke Road shall be dedicated at no cost to the City to the extent to which the subject property is contiguous to such road;

(f) That a deceleration lane to facilitate the turning of vehicles into the westernmost driveway shall be constructed at the applicant's expense and in accordance with the specifications of the Director of Public Works of the City;

(g) That a solid wood fence not less than five feet in height shall be erected and maintained along the eastern and northern property lines, but not within [~~twenty-five~~] 25 feet of the present right-of-way of Jahnke Road;

(h) [~~The twenty-five~~] That the 25 foot landscaped buffer along the eastern property line shall be left substantially in its natural state;

(i) That storm drainage facilities shall be provided at the applicant's expense and in a manner meeting the approval of the Director of Public Works of the City;

(j) That facilities for the collection of refuse shall be located to the rear of the building so as not to be visible from adjoining properties or streets;

(k) That signs identifying the premises shall be limited to the following:

(1) One double-faced freestanding sign identifying the name of the shopping center and not exceeding a total height of [~~fifteen (15)~~] 15 feet and an area of [~~fifty (50)~~] 50 square feet. Illumination, if provided, shall be of an indirect source and shall not be of a flashing or intermittent type. The sign shall be located approximately [~~one hundred seventy (170)~~] 170 feet west of the east property line and not less than [~~fifteen (15)~~] 15 feet from the street line, and

(2) Signs attached flat against the building or attached to the roof, but not projecting above the top of the roof, and not exceeding in the aggregate one square foot in area for each one foot of building frontage. Illumination, if provided, shall be of an indirect source and shall not be of a flashing or intermittent type;

(l) That lighting of the premises shall be designed and directed so as not to shine directly onto adjoining property or streets;

(m) That one ~~[(4)]~~ eight ~~[(8)]~~ foot by ~~[fifteen-(15)]~~ 15 foot roof/canopy structure may be constructed in the loading area at the rear of the existing building;

~~(n) [That should the owner use the premises for any purposed which is not permitted by this ordinance, or fails, refuses or neglects to comply with the provisions of foregoing paragraphs (a) through (m) and does not terminate such use or comply with such provisions within ninety days after written notice so to do has been given to the owner by the Commissioner of Buildings, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void;~~

~~(o)~~ That application for a building permit ~~[to erect the building]~~ or a certificate of occupancy will be made within ~~[twelve months]~~ 730 days from the effective date of this amendatory ordinance, which building permit shall expire by limitation and become null and void if the building is not commenced within ~~[ninety]~~ 180 days from the date of the building permit, or if work of constructing the building is suspended or abandoned for a period of ~~[ninety]~~ 180 days at any time after the work is commenced, as provided in ~~[section 8.1-114.2 of the Richmond City Code of 1968 (Building Code—Ordinance No. 73-211-207, adopted September 24, 1973)]~~ the Virginia Uniform Statewide Building Code; and if application for the building permit is not made within ~~[twelve]~~ 12 months from the effective date of this amendatory ordinance or should the building permit become null and void, the privileges granted by this amendatory ordinance shall terminate and the special use permit shall ~~[become null and void]~~ be governed by Ordinance No. 74-221-232, adopted October 29, 1974, as last amended by Ordinance No. 2003-70-60, adopted March 24, 2003.

§ 3. 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]~~ 30.1050.7 through ~~[32-1050.11]~~ 30.1050.11 of the Code of the City of Richmond ~~[(1993)]~~ (2015), 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]~~ and all future amendments to such law. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section ~~[32-1080]~~ 30-1080 of the Code of the City of Richmond ~~[(1993)]~~ (2015), as amended, and all future amendments to such law or any other applicable laws or regulations.

§ 4. 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)]~~ 730 consecutive ~~[months]~~ days, use of the property shall be governed thereafter by the zoning regulations prescribed for the district in which the property is then situated.

§ 5. This ~~[amendatory]~~ 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.2018.174

O & R REQUEST

O & R Request

MAY 25 2018
4-7854

Office of the
Chief Administrative Officer

RECEIVED
JUN 13 2018

EDITION: 1

OFFICE OF THE
DEPUTY ATTORNEY

PW 5-25-18

DATE: May 24, 2018

TO: The Honorable Members of City Council

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

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

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

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

RE: To amend Ordinance No. No. 74-221-232, adopted October 29, 1974, as last amended by Ordinance No. 2003-70-60, adopted March 24, 2003 which authorized a special use of the real estate property known as 6100 Jahnke Road and legitimized an increase in the number of permitted restaurants and the permitted floor area for the restaurant use in an existing shopping center, to authorize up to three restaurants, upon certain terms and conditions.

ORD. OR RES. No. _

PURPOSE: To amend Ordinance No. No. 74-221-232, adopted October 29, 1974, as last amended by Ordinance No. 2003-70-60, adopted March 24, 2003 which authorized a special use of the real estate property known as 6100 Jahnke Road and legitimized an increase in the number of permitted restaurants and the permitted floor area for the restaurant use in an existing shopping center, to authorize up to three restaurants, upon certain terms and conditions.

REASON: The applicant has requested an amendment to the special use permit for an existing shopping center to legitimize a third restaurant within the shopping center and authorize the expansion of the restaurant.

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 July 16, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 71,618 SF, 1.6 acre parcel of land currently improved with a shopping center and located in the Cedarhurst neighborhood of the Midlothian planning district. The current tenants of 6114 Jahnke Road wish to expand their restaurant use into the adjacent commercial space at 6112 Jahnke Road for the purposes of storage and food preparation.

The City of Richmond's current Master Plan designates a future land use category for the subject property as Single-Family Medium Density. As stated in the plan, "Primary uses are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-5A, R-6 and R-7." (City of Richmond Master Plan, p. 134)

The property is currently zoned R-3 Single Family Residential and is subject to a special use permit first adopted in 1974 to authorize the current shopping center.

Adjacent and nearby properties to the west, north, and east are located within the R-3 District. Properties to the south, across Jahnke Road, are located in the B-2 Community Business District. A mix of residential, commercial and institutional uses are present in the vicinity.

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

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: June 25, 2018

CITY COUNCIL PUBLIC HEARING DATE: July 23, 2018

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, July 16, 2018.

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 ORD. OR RES.: Amendment of Ord. 2003-70-60

REQUIRED CHANGES TO WORK PROGRAM(S): None.

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

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646-5734

PDR O&R No. 18-28



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.richmondva.com/>

SUP-231921-2018

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: 6114 Jahnke Rd Date: 02/15/2018
 Tax Map #: C0050569026 Fee: \$1800
 Total area of affected site in acres: 1.6

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

Zoning

Current Zoning: R3

Existing Use: Single family medium density

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
FOOD AND DRY GOODS STORAGE, FOOD PREPARATION FOR THE TREAT SHOP LOCATED AT 6114 JAHNKE ROAD

Existing Use: PREVIOUSLY A NAIL SALON

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: SHAWN DAVIS/ESSIE DAVIS

Company: S & E PROGRESSIONS DBA THE TREAT SHOP

Mailing Address: 6114 JAHNKE ROAD

City: RICHMOND State: VA Zip Code: 23225

Telephone: (804) 918-5125 Fax: ()

Email: SPD1118@GMAIL.COM

Property Owner: SANG WON SREC MANAGEMENT, LLC
 If Business Entity, name and title of authorized signer: Sang Won

(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: _____

City: _____ State: _____ Zip Code: _____

Telephone: () Fax: ()

Email: _____

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)

Proposed Use Report

For Property 6112 Jahnke Road, Richmond, VA 23225

The proposed use for the property of 6112 Jahnke Road, Richmond, VA. 23225, will be for expansion of storage and preparation space for The Treat Shop located at 6114 Jahnke Rd. Its use will be for cold storage, dry storage of donut supplies and food items and preparation of food and donuts.

The number of employees will be no more than four using this location as its purpose is for food and donut preparation. The hours of operation will be from 9 p.m. to 6 p.m. not open to the public. This will not increase the vehicular traffic in the community as the proposed space will be for employee's use only and not open to the public. This expansion and proposed use will not cause any harm to public safety, health or the general welfare to the community as its use will be regulated by the Richmond Department of Public Safety and Health and all requirements imposed by the Virginia Health department will be followed.

The proposed use will not create any congestion in streets, roads, alleys or any other public ways in the area as its use is for storage and preparation of food. The proposed space will not be open to the public which will not cause any congestion of traffic.

There will not be any cooking in this location to interfere with the light and air of the community. The proposed use for the property will be for production and storage for 6114 Jahnke road which will not adversely affect the public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements and conveniences.

The Treat Shop has been a positive, uplifting influence and supported business in the 23225 community and outside our area. The Treat Shop is also a wholesale supplier with accounts with Coffee shops, (Lampighter Coffee Roasters, Brewer's Café and Crosswords Coffee and Ice Cream, local government (U.S. Defense Supply Center (Bellwood)), convenience stores (Raceway & Hopkins Road Convenience Stores) and the Veterans' hospital (McGuire Veterans Hospital). We have also sponsored events with Richmond public schools including Lucille Brown

Middle School, Westover Hills Elementary, E.S.H. Green Elementary School, Patrick Henry Elementary School, Good Shepard Episcopal School as well as working with Virginia Community College's Culinary Externship program. The

Treat Shop has also sponsored the 2016 Miss Teen Pageant, worked with Neighborhood Housing Services of Richmond's initiative for Disabled Homeless Veteran's, the Nerd Squad, United Community Church, as well as working with numerous other charitable organizations.

This proposed use for expansion will be a supported, positive influence on the area and its growth by continuing to support the diverse community in which we have faithfully served. This expansion won't cause any harm to public safety, the health or the general welfare of the community.


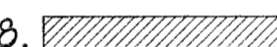
PROJECT DATA

UNIT DATA	SQUARE FOOTAGE	BUILDING CODE	ZONING	OWNER	DESIGNER	CONTRACTOR
Work Area and Storage Office Area	928 103	2012 Virginia Rehabilitation Code	R3 - Residential Property Classification - 421 B Neighborhood Shopping Center	Shawn and Essie Davis 1206 Spruance Road Richmond, VA 23225	C L Design, LLC PO Box 35251 North Chesterfield, VA 23235	

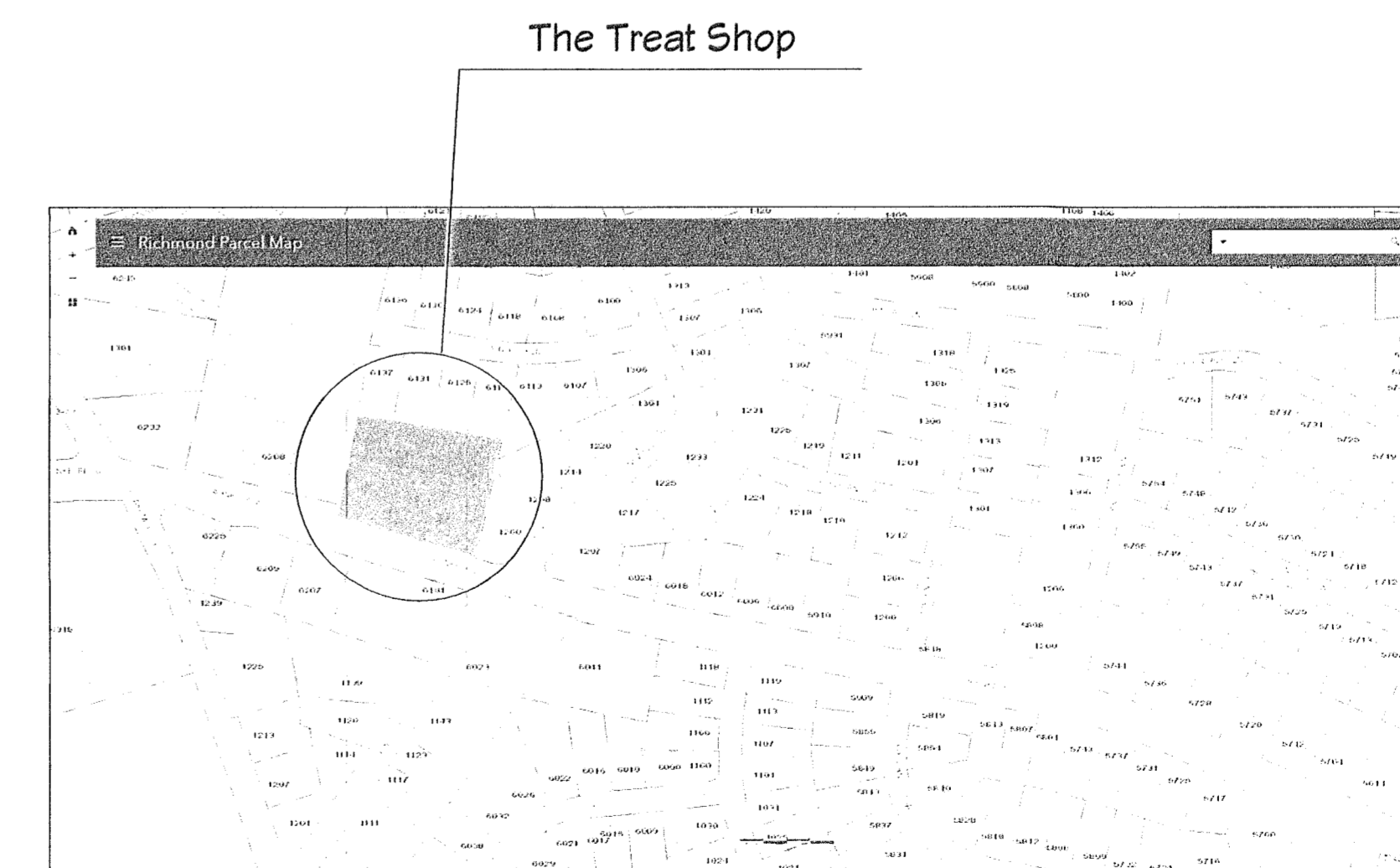
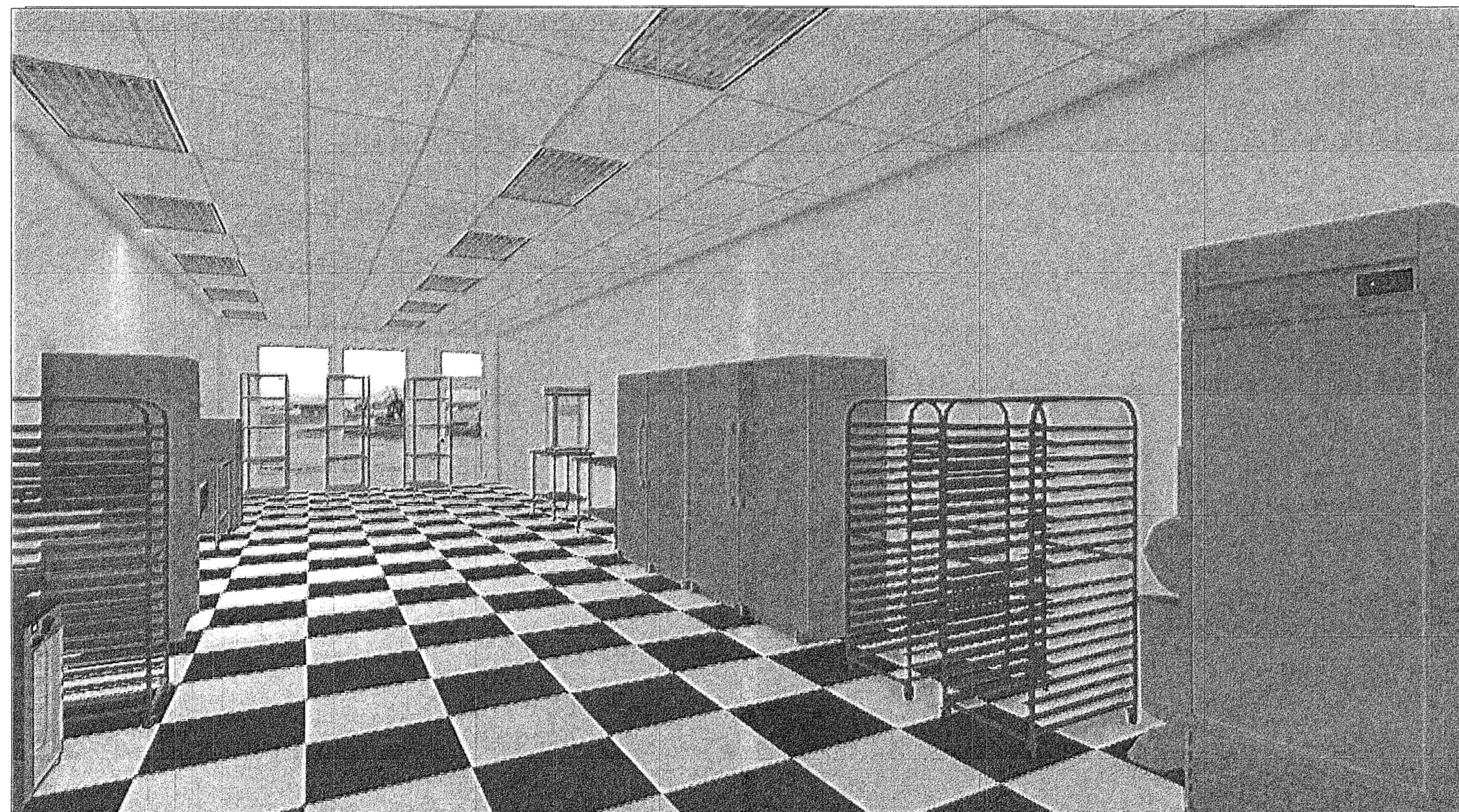
DRAWING INDEX

SHT.	DESCRIPTION
T1	Title Sheet - General Information
A1	Demolition and Floor Plan with Proposed Equipment Layout
A2	Interior Elevation, Detail and Electrical Layout

GENERAL NOTES:

- Contractor is to verify all conditions and dimensions in the field before commencement of work.
- All rehabilitation work is to be done in accordance with 2012 Virginia Rehabilitation Code.
- The existing bath fixtures are to be removed and plumbing capped off.
- The existing electrical system to remain unchanged with the exception of the new 220v for the donut mixer and new outlets in the office area.
- The existing lighting to remain unchanged with the exception of the new ceiling fixture in the office area.
- The existing mechanical system to remain unchanged.
-  Denotes walls to be removed.
-  Denotes new walls.

The Treat Shop - Work Space Addition



Project Location Map

NO. REVISION

TITLE SHEET

The Treat Shop - Work Area
Addition

611416112 Jahnke Rd. Richmond, VA. 23225

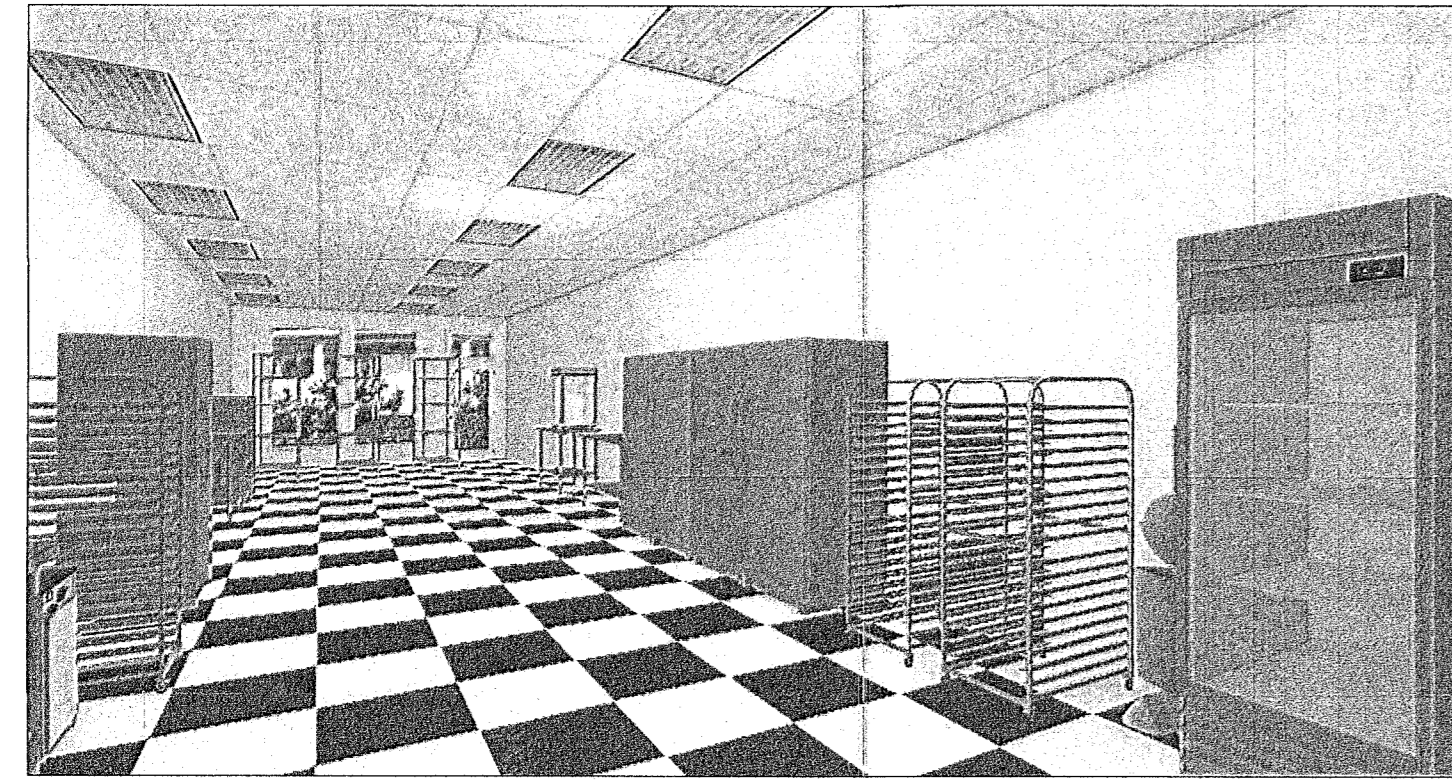
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T1

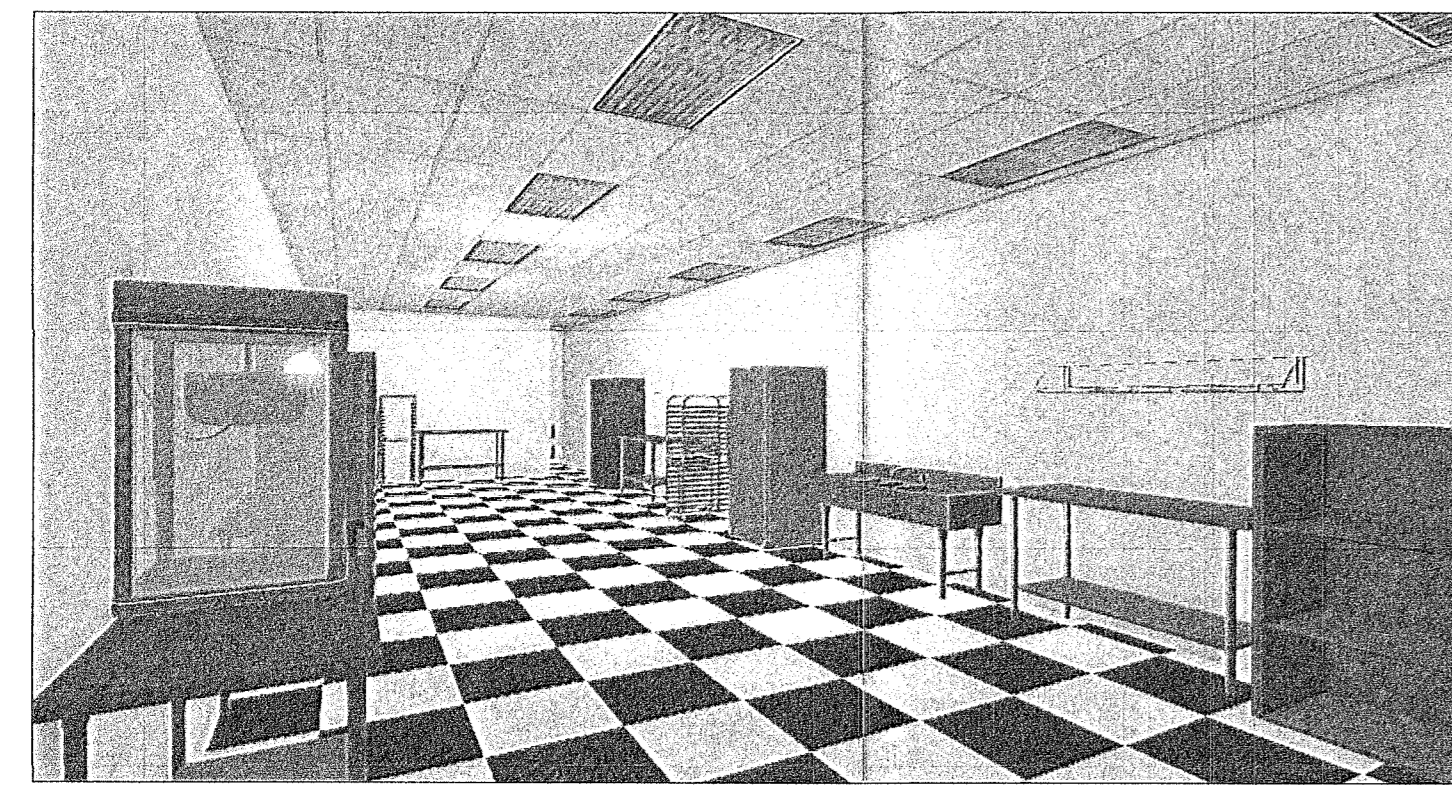
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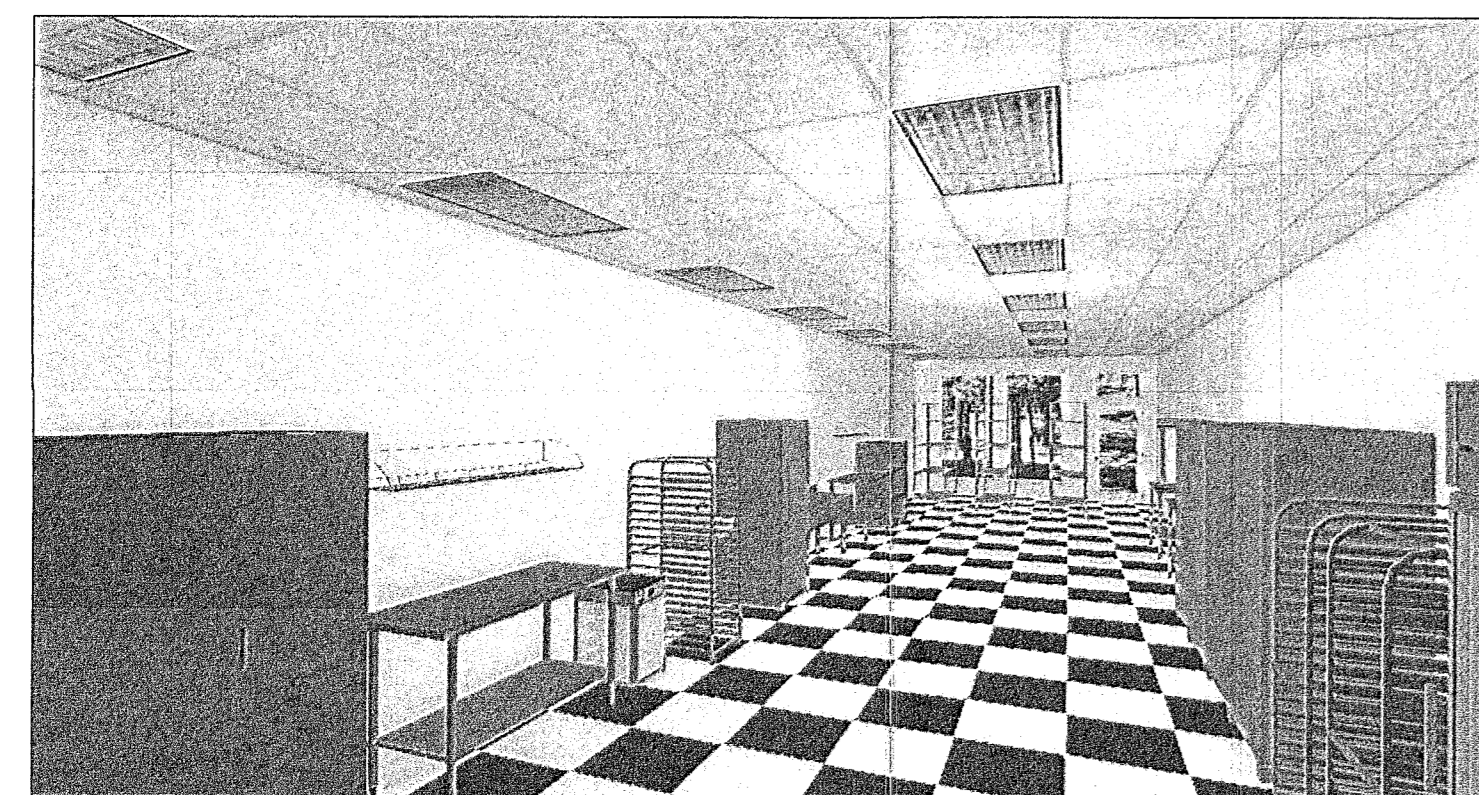
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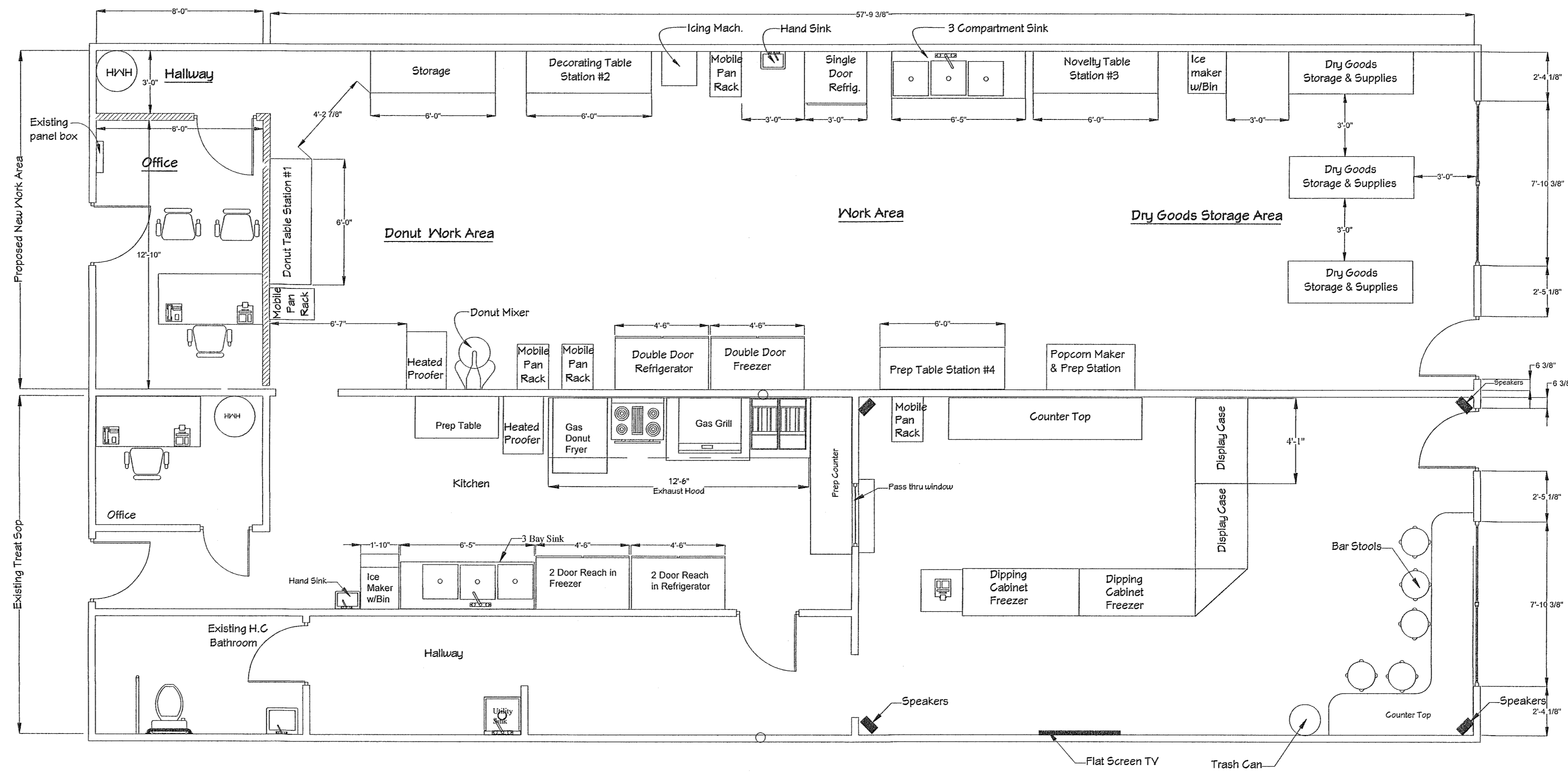
Proposed Treat Shop Work Area
(rear right view)



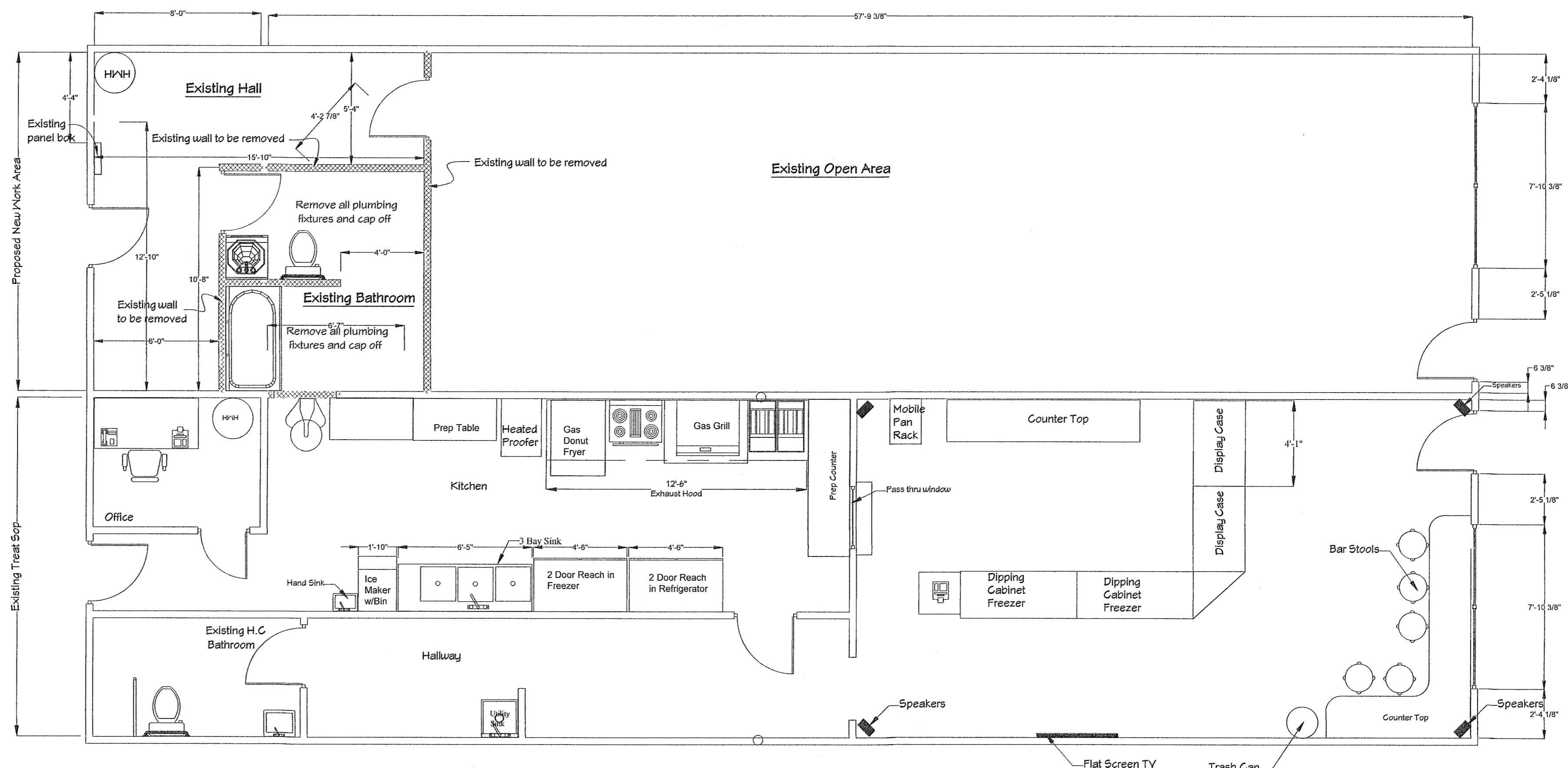
Proposed Treat Shop Work Area
(front left view)



Proposed Treat Shop Work Area
(rear left view)



The Treat Shop Proposed Floor Plan
Scale: 1/4" = 1'-0"

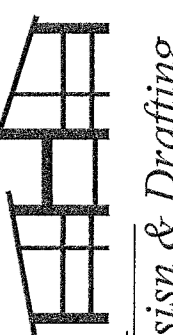


The Treat Shop Demolition/Existing Floor Plan
Scale: 1/4" = 1'-0"

DEMOLITION AND FLOOR PLAN

The Treat Shop - Work Area
Addition

6114/6112 Jahnke Road Richmond, VA 23225

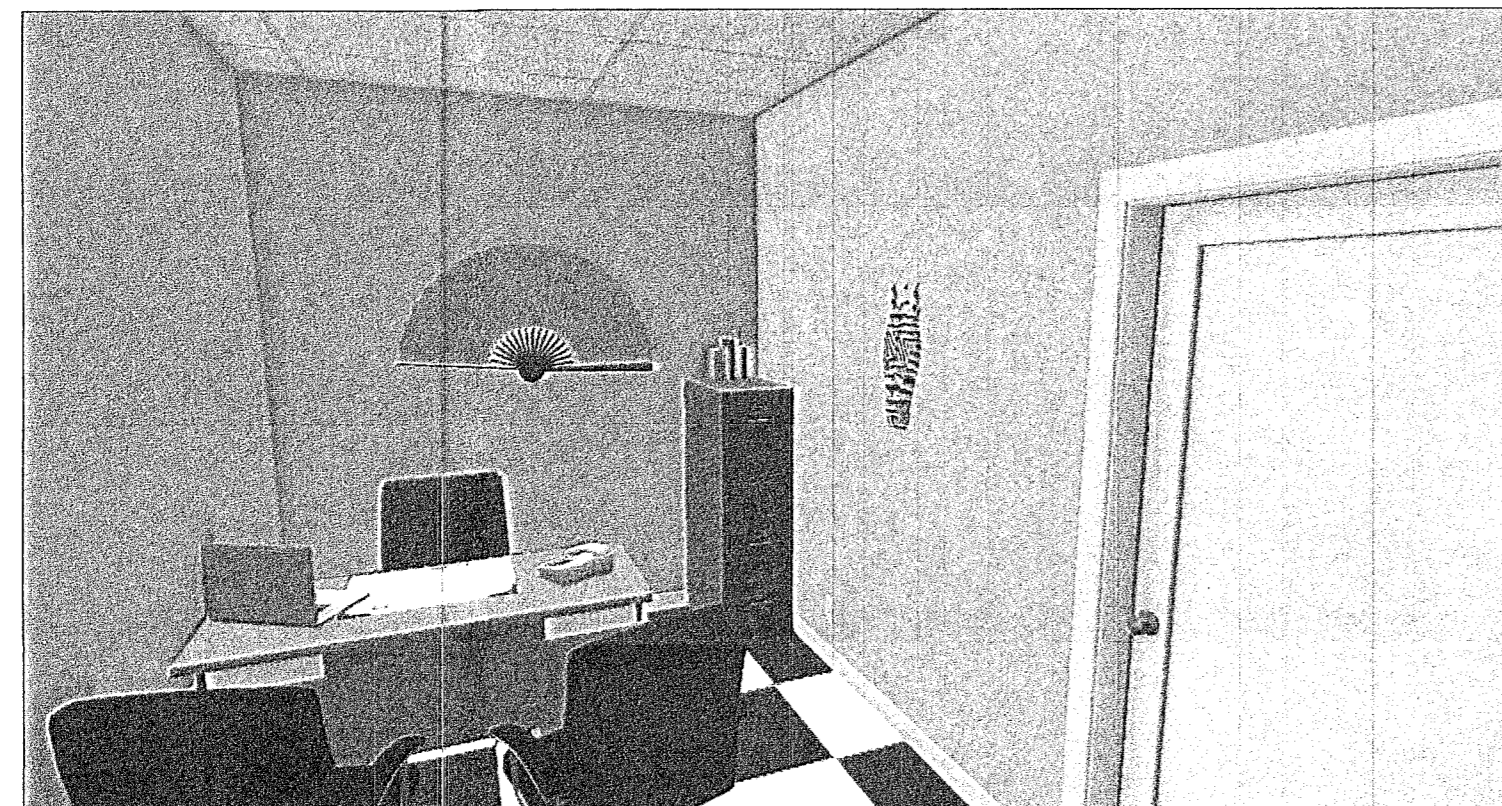
GPD Design, LLC. 
Architectural Design & Drafting
architecturalconsult@gmail.com ph:804.347.0836

Sheet No:

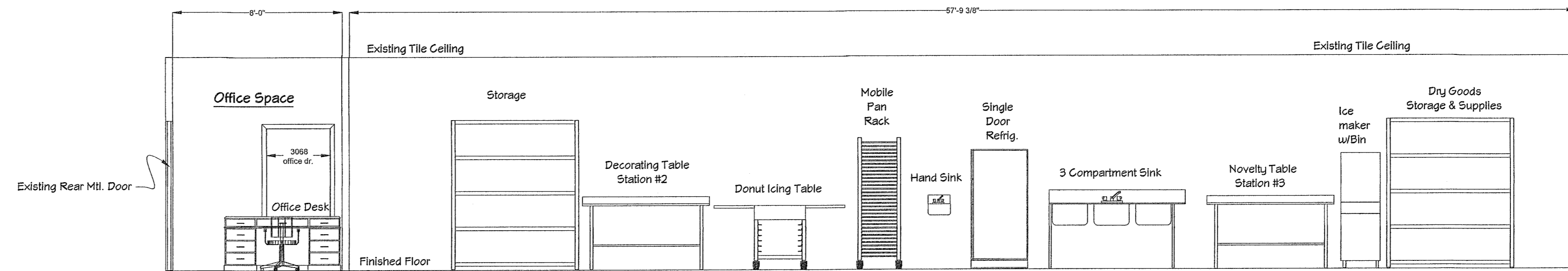
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Date: 1/26/18
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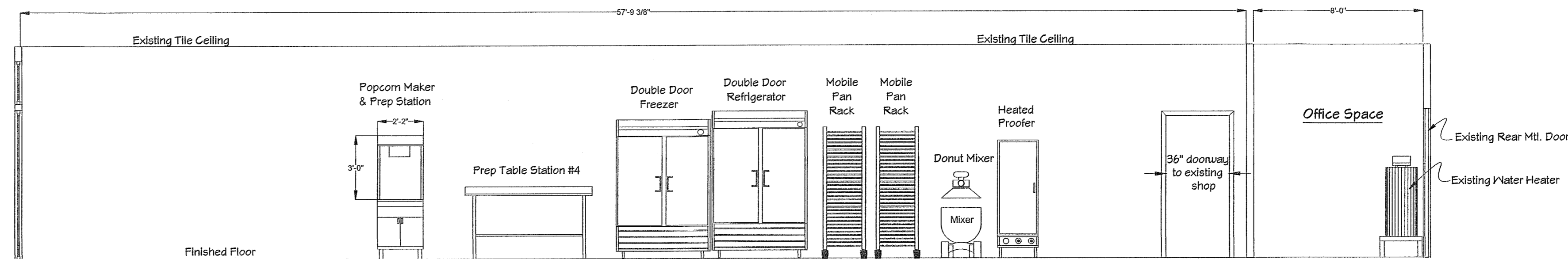
NO. REVISION



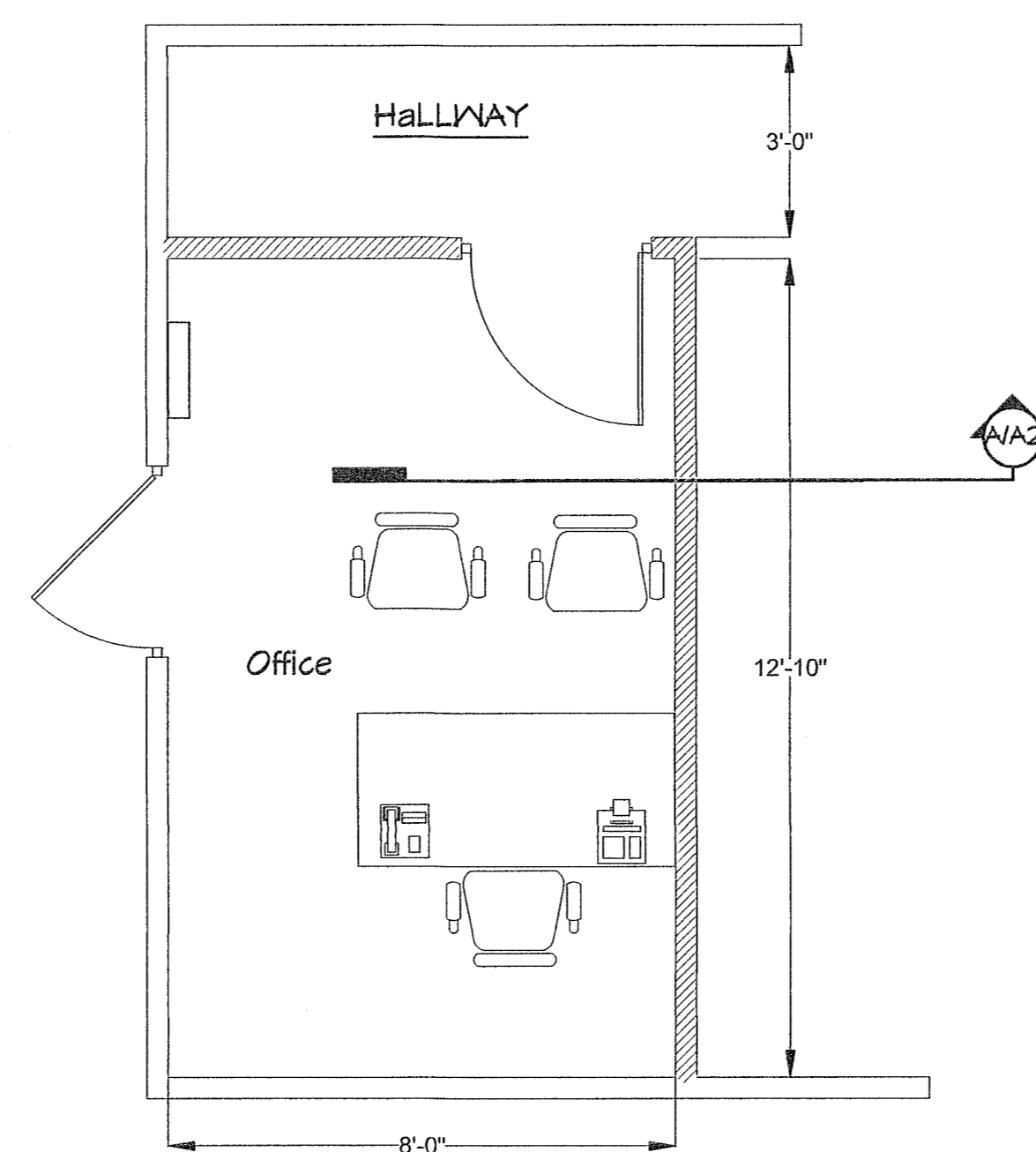
Proposed Office Rendering



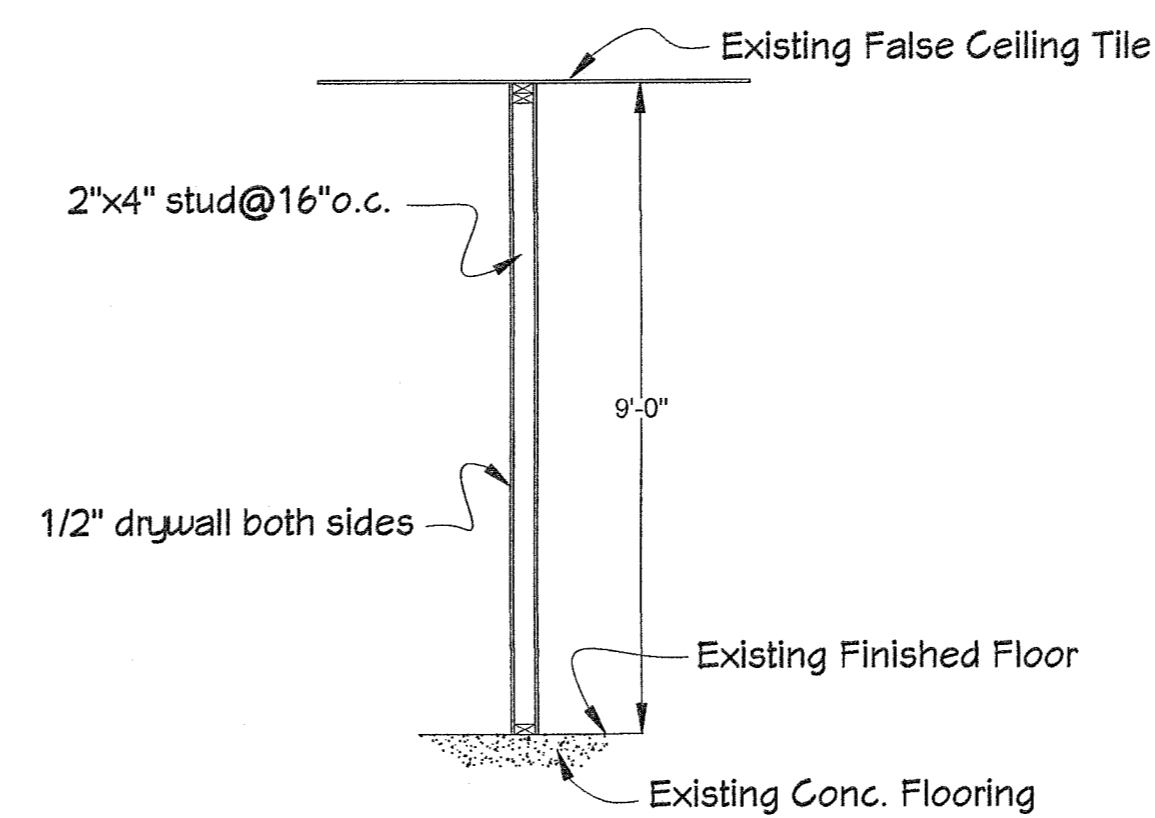
Proposed Right Side Interior Elevation
Scale: 1/4" = 1'-0"



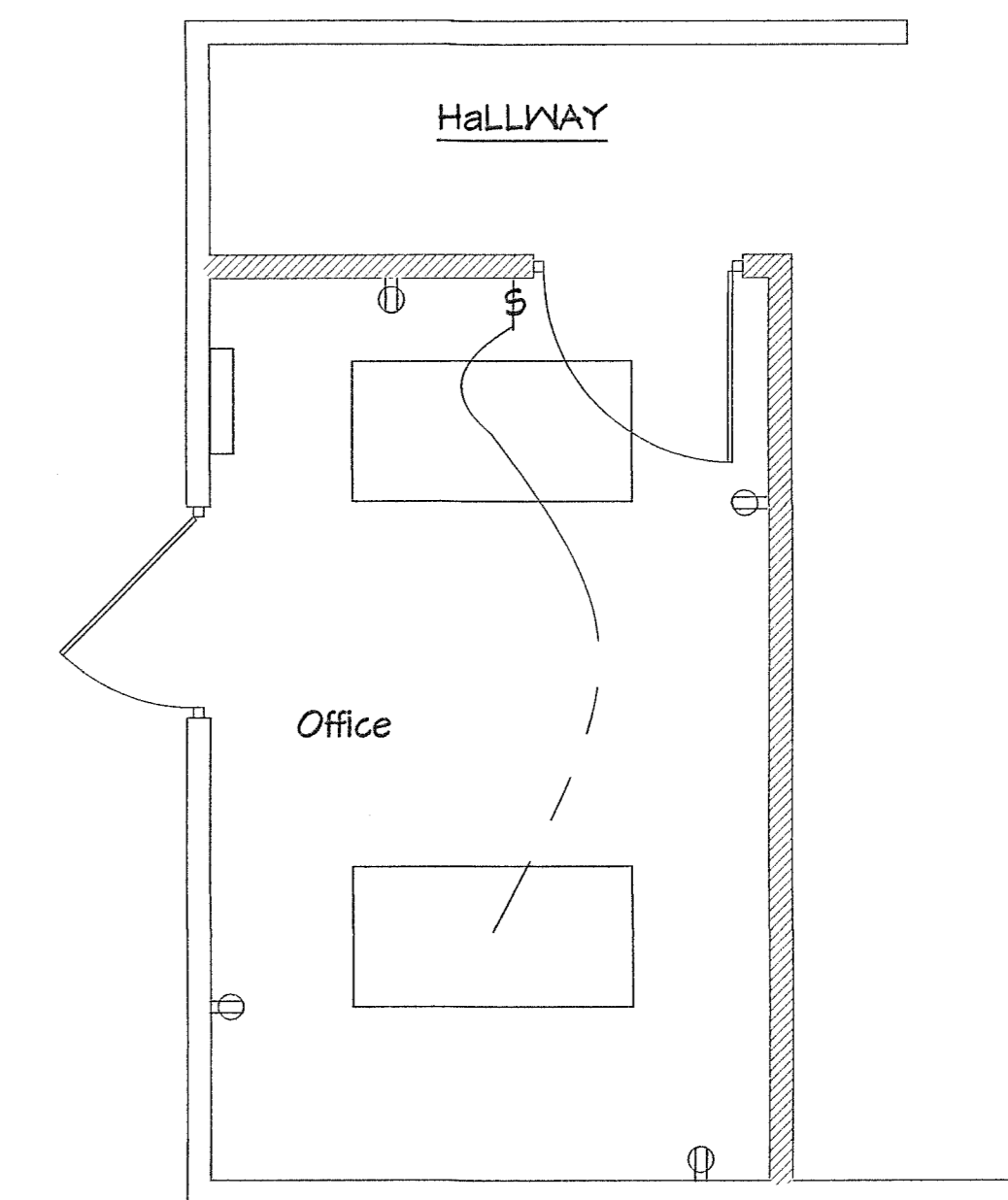
Proposed Left Side Interior Elevation
Scale: 1/4" = 1'-0"



Office Floor Plan
Scale: 3/8" = 1'-0"



Typical New Wall Section A/A2
Scale: 3/8" = 1'-0"



Office Electrical Layout
Scale: 3/8" = 1'-0"

ELECTRICAL LEGEND

- \$ Single pole Light switch
- ⊕ 110 Wall outlet
- Electrical wiring
- Fluorescent ceiling fixture

ELEV. DETAIL & ELEC. LAYOUT

NO.

REVISION

The Treat Shop - Work Area Addition

6114/6112 Jahnke Road Richmond, VA 23225

GPD design, LLC.
Architectural Design & Drafting
architecturaltoonstir@gmail.com
ph: 804.347.0856

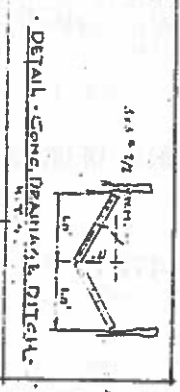
Sheet No:

A2

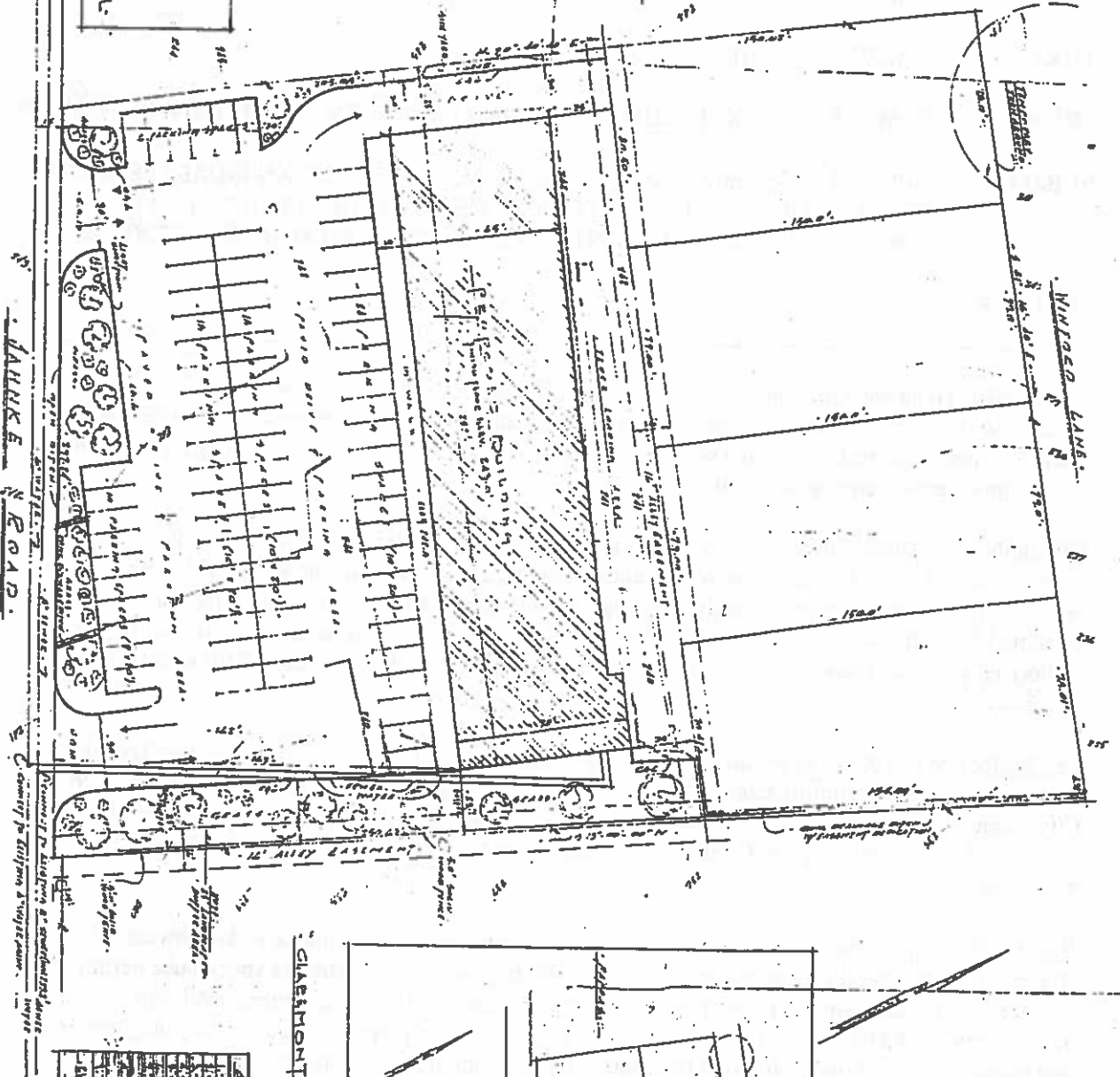
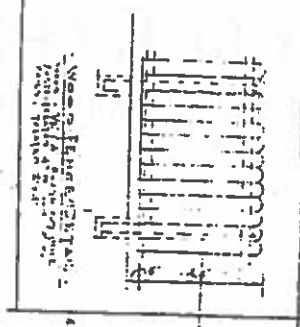
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Scale: 1/4" = 1'-0"

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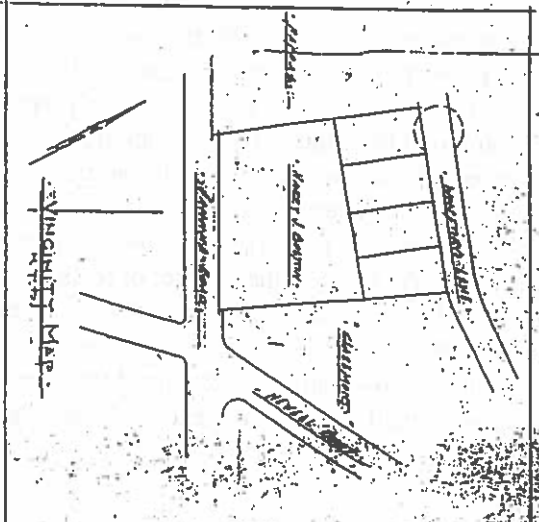
- ANNA PAPAZ.



- PLATE PLAN.

- DANKS ROAD.

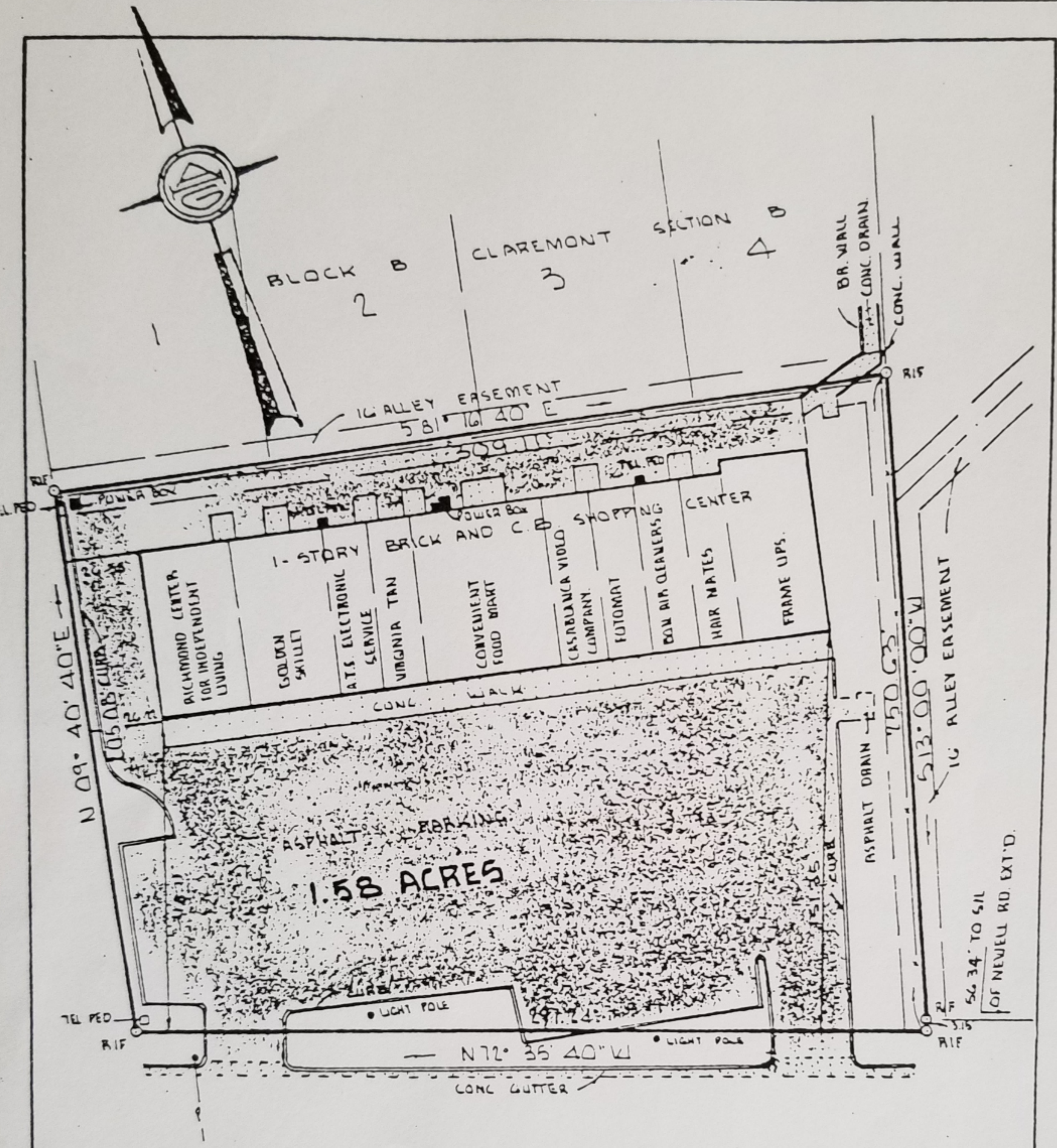
- CLASHMONT.



NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	1/15/58
2	REVISED PLAN	2/10/58
3	FINAL PLAN	3/10/58
4	REVISED PLAN	4/10/58
5	FINAL PLAN	5/10/58
6	REVISED PLAN	6/10/58
7	FINAL PLAN	7/10/58
8	REVISED PLAN	8/10/58
9	FINAL PLAN	9/10/58
10	REVISED PLAN	10/10/58
11	FINAL PLAN	11/10/58
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14	REVISED PLAN	2/10/59
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27	FINAL PLAN	3/10/60
28	REVISED PLAN	4/10/60
29	FINAL PLAN	5/10/60
30	REVISED PLAN	6/10/60
31	FINAL PLAN	7/10/60
32	REVISED PLAN	8/10/60
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94	REVISED PLAN	10/10/65
95	FINAL PLAN	11/10/65
96	REVISED PLAN	12/10/65
97	FINAL PLAN	1/10/66
98	REVISED PLAN	2/10/66
99	FINAL PLAN	3/10/66
100	REVISED PLAN	4/10/66

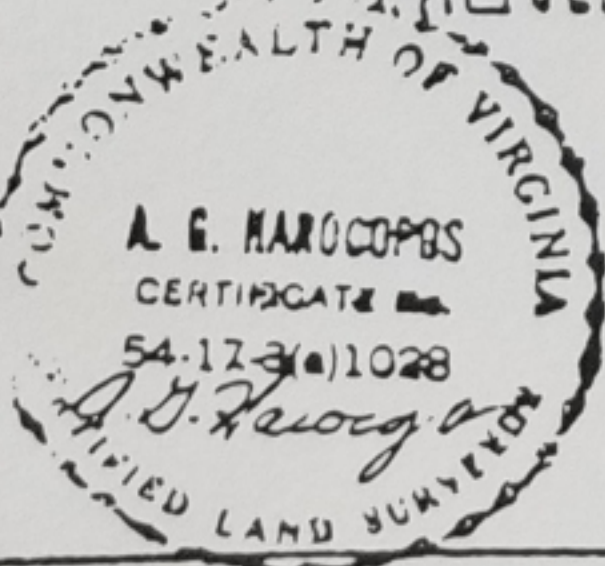
- CEM SHOPPING CENTER.
- ANNAL BONTA.
- RICHMOND, VIRGINIA.
- 2ND FL. 1-1-58.

SUBJECT PLAT



JAHNKE ROAD

SURVEY OF
 1.58 ACRES OF LAND LOCATED ON THE
 NORTH LINE OF JAHNKE ROAD WITH IM-
 PROVEMENTS THEREON. RICHMOND, VIRGINIA.



PLAT PREPARED FOR SANG
 H. AND YOUNG H. WON.

NOTE THIS LOT IS NOT IN OR NEAR
 FLOOD PLAIN ACCORDING TO H.V.F. FLOOD
 MAPS, & (M) BY ACTUAL FIELD SURVEY

A. G. HAROCOPOULOS & ASSOCIATES, P.C. CERTIFIED LAND SURVEYOR AND CONSULTANT	
5700-B HOPKINS RD	RICHMOND VA 23234
Office 271 4734	
Scale <u>1" = 50'</u> Date <u>8-30-85</u> Drawn by <u>A.G.H.</u>	

BRUNING 40-105 62627

JN. 10054