



SUP-045652-2018

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

Property Address: 214 N. Lombardy St./1601 Hanover Ave. Date: 11/20/2018
Tax Map #: W000-0064-014 Fee: \$1200
Total area of affected site in acres: 0.086

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

Zoning

Current Zoning: R-6

Existing Use: Restaurant with two (2) dwelling units (as per SUP)

Proposed Use

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

Restaurant (with restrictions) with three (3) dwelling units

Existing Use:

Is this property subject to any previous land use cases?

- Yes No
If Yes, please list the Ordinance Number: See Applicant's Report

Applicant/Contact Person: T. Preston Lloyd, Jr., Esq.

Company: Williams Mullen
Mailing Address: 200 S. 10th Street, Suite 1600
City: Richmond State: VA Zip Code: 23219
Telephone: (804) 4,206,615 Fax:
Email: plloyd@williamsmullen.com

Property Owner: Antar Abouzaki

If Business Entity, name and title of authorized signee: [Signature]

(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: 3701 Barrington Bridge Place
City: Henrico State: VA Zip Code: 23233
Telephone: (804) 677-6667 Fax: (804) 261-4005
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)

WILLIAMS MULLEN

Direct Dial: 804.420.6615
plloyd@williamsmullen.com

November 30, 2018

VIA EMAIL AND HAND-DELIVERY

City of Richmond Department of Community Development
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, Virginia 23219
Mr. Matthew Ebinger, Secretary, City Planning Commission

Re: Special Use Permit Application – 214 N. Lombardy Street/1601 Hanover Avenue
City Tax Parcel No. W000-0064/014 (the “Property”)

Ladies and Gentlemen:

This firm is counsel to Mr. Antar Abouzaki (the “Applicant”), the current owner of the parcel and improvements commonly known as 214 N. Lombardy Street/1601 Hanover Avenue, in the Historic Fan District of the City of Richmond (the “Property”). We write to enclose an application with the materials noted on Exhibit A, which proposes to amend and re-ordain the existing Special Use Permit authorizing the residential and commercial uses of the Property, subject to certain terms and conditions proposed herein (the “Application”). This cover letter shall serve as the Applicant’s Report for the Application.

BACKGROUND

The Property is comprised of a three-story residential structure fronting on Hanover Avenue and a contiguous two-story, former carriage-house structure fronting on Lombardy Street, presently vacant, that was formerly comprised of a restaurant use. The restaurant use of the portion of the Property known as 214 N. Lombardy dates back to at least 1945, as noted in the minutes of City Board of Zoning Appeals (“BZA”) case 45-45, which approved a variance to allow an expansion of the restaurant portion of the structure. By special use permit enacted as Ordinance No. 89-296-282, adopted October 23, 1989, as subsequently amended by Ordinance No. 2000-319-326, adopted November 13, 2000, as further amended by Ordinance No. 2007-222-194 (as amended, the “SUP”), City Council authorized the special use of the Property for “a restaurant ... and two apartments”, which use was subject to the conditions set forth in the SUP. The SUP conditions include the following requirement (§ 2(h)):

“...this [SUP] shall be subject to an automatic review by [City Council] upon a change in possession, a change in the owner of the business, or a transfer of majority control over the business entity. Upon review by [City Council], it may either amend or revoke the special use permit after notice and a public hearing as required by [applicable provisions of the Code of Virginia].”

Following a subsequent change in possession of the Property, the Applicant desires to obtain an amendment to re-authorize the special use of the Property as further described below.

WILLIAMS MULLEN

November 30, 2018

Page 2

PROPOSED USE

The Applicant proposes to amend and re-ordain the existing SUP, subject to the following modifications:

A. **Coffee House.** Re-authorize the use of the “restaurant”, as authorized in the prior SUP; provided, however, that such restaurant use shall be regulated in order to facilitate a coffee shop (or equivalent concept) that is subject to the following additional conditions and restrictions:

i. *Hours of Operation.* The public hours of operation of the restaurant use shall be limited to the following: no earlier than 6:00 a.m. and no later than 9 p.m., Monday through Sunday. No deliveries shall be permitted prior to 7 a.m.

ii. *Alcohol.* The restaurant shall neither apply for nor be issued any ABC license authorizing on- or off-premises consumption of mixed beverages.

iii. *Noise.* No amplified sound, live or otherwise, or public address system, shall be operated in a manner such that any sound produced on the Property is audible from any location off the Property.

iv. *Refuse.* Facilities for the collection of refuse shall be screened and located in the courtyard of the building.

v. *Floor Plans.* The restaurant use shall be limited to the portion of the building shown and labeled as “1st FLR RESTAURANT” and “2nd FLR RESTAURANT” on sheet A-004 of the enclosed Conceptual Plan. No other alternations or enlargements to the exterior of the building shall be permitted.

B. **Dwelling Units.** Authorize the use of the balance of the building for up to three (3) residential dwelling units, substantially as shown and labeled as “1ST FLOOR (UNIT 1)”, “2ND FLOOR (UNIT 2)” and “3RD FLOOR (UNIT 3D)” on sheet A-001 of the Conceptual Plan, enclosed herewith. The interior layout of the residential dwelling units shall be substantially as shown on Sheets A-002 and A-003 of the Floor Plans.

CONFORMANCE WITH HISTORICAL USES, MASTER PLAN, AND SURROUNDING ZONING

The Application is consistent with over a half-century of historic use of the Property as a restaurant with residential dwelling units. These uses also are generally consistent with the Master Plan Future Land Use designation of the Property as “Single Family (Medium Density)”. The Property and nearly all parcels in the immediate vicinity are zoned R-6, which permits up to two (2) dwelling units in a structure as a matter of right; however, various actions of the BZA and City Council have authorized the commercial and/or multifamily use of many buildings in within a block radius of the Property, including

WILLIAMS MULLEN

November 30, 2018

Page 3

205¹, 206² and 210³ Lombardy, next door at 1603 Hanover Avenue⁴, as well as 302⁵, 304⁶, 306⁷, and 310 Lombardy/1601 Park Avenue⁸. This offers ample evidence of the conformance of this proposal with the existing character of the Historic Fan District, i.e. street-oriented retail uses along a north-south corridor with residential units located above or fronting on an east-west street.

COMPLIANCE WITH CHARTER

The Ordinance as previously approved demonstrates that the special use of the Property as a restaurant with residential units meets the criteria set forth in the Charter of the City of Richmond that the Application is not (i) 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 cause overcrowding of land and 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.

Thank you for your consideration of this matter. Please confirm when the Application has been received and deemed complete, or contact the undersigned at 804.420.6615 or plloyd@williamsmullen.com, should you require any additional materials.

Very truly yours,



T. Preston Lloyd, Jr.

Enclosures

cc. The Honorable Kimberly Gray, 2nd District Member, Richmond City Council (via email)
Nael Abouzaki, Esq. (via email w/o enclosures)

37659452_1

¹ Commercial space that includes Lombardy Market and the restaurant Flora (f/k/a Balliceaux).

² Twelve (12)-unit apartment building.

³ Four (4)-unit apartment building.

⁴ Five (5)-unit apartment building.

⁵ Three (3)-unit apartment building.

⁶ Three (3)-unit apartment building.

⁷ Three (3)-unit apartment building.

⁸ Commercial space that includes restaurant Kuba Kuba, as authorized by Special Use Permit Ord. No. 99-324-304 adopted Oct. 11, 1999, beneath residential units. This ordinance followed a prior variance approved by the BZA as Case No. 31-97, which authorized a coffee shop restaurant. Per the minutes of that case:

"Mr. [Rodney] Poole [BZA Member] expressed concern about customers double parking in the morning. He noted a similar facility in the Grove/Libbie area which is a big problem in the mornings. The subject property is located at a narrow and heavily traveled intersection. Ms. [Ann] Cox [BZA Member] stated that *this is likely to be more of a neighborhood facility with a greater percentage of walk-in traffic.*" (Emphasis added)

The BZA ultimately approved the proposal unanimously (with one abstention).