

INTRODUCED: March 11, 2024

AN ORDINANCE No. 2024-086

To authorize the special use of the property known as 2727 West Broad Street for the purpose of a restaurant use with a nightclub that is open until 2:00 a.m, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 8 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 2727 West Broad Street, which is situated in a B-5 Central Business District, desires to use such property for the purpose of a restaurant use with a nightclub that is open until 2:00 a.m., which use, among other things, is not currently allowed by sections 30-442.1:1, concerning principal uses permitted by conditional use permit, and 30-517, concerning signs regulations in a B-5 Central Business District, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), 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 tend to create

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: APRIL 8 2024 REJECTED: _____ STRICKEN: _____

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 30-1050.1 of the Code of the City of Richmond (2020), 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 2727 West Broad Street and identified as Tax Parcel No. W000-1214/018 in the 2024 records of the City Assessor, being more particularly shown on a survey entitled “Plat of Property Situated on the Western Line of West Broad Street and North of Mulberry Street, Richmond, VA.,” prepared by Steven B. Kent and Associates, P.C., and dated October 19, 2005, 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 use with a nightclub that is open until 2:00 a.m., hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Restaurant, 2727 West Broad Street, Richmond, Virginia,” prepared by Appich Architects, and dated January 17, 2024, 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 Special Use of the Property shall be as a restaurant use with a nightclub that is open until 2:00 a.m., substantially as shown on the Plans.

(b) No fewer than 12 off-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.

- (c) All site improvements shall be substantially as shown on the Plans.
- (d) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- (e) Outdoor dining on the Property shall be for the purpose of dinner service related to the restaurant use and shall only be in operation between the hours of 7:00 a.m. and 12:00 a.m. The outdoor dining area shall be limited to the extent shown on the Plans.
- (f) Signs on the Property shall be limited to (i) signs permitted in all districts pursuant to section 30-505 of the Code of the City of Richmond (2020), as amended, (ii) signs permitted in the underlying zoning district, and (iii) one roof-mounted sign with an area no greater than 12 square feet.
- (g) Hours of operation of the nightclub use shall be from 12:00 a.m. until 2:00 a.m. and the nightclub use shall not operate between the hours of 2:00 a.m. to 6:00 a.m.
- (h) Operation of the nightclub use permitted by this Special Use permit does not constitute an exemption to providing sound control; the nightclub use shall be conducted strictly in accordance with Chapter 11, Article II of the Code of the City of Richmond (2020), as amended.
- (i) A management plan detailing operation of the nightclub use, pursuant to section 30-1045.6(5) of the Code of the City of Richmond (2020), as amended, shall be submitted to the Zoning Administrator prior to establishing the nightclub use on 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 (2020), 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 30-1220 of the Code of the City of Richmond (2020), 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 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), 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 (2020), 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.

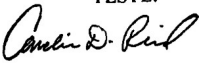
§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days 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.

APPROVED AS TO FORM:

City Attorney's Office

A TRUE COPY:
TESTE:

City Clerk



City of Richmond

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

Master

File Number: Admin-2024-0103

File ID: Admin-2024-0103

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 3

Reference:

In Control: City Clerk Waiting Room

Department: Planning and Development.Review

Cost:

File Created: 01/31/2024

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 03/11/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2024-0103 - Application Documents,
Admin-2024-0103 - Map, Admin-2024-0103 -
Ordinance AATF

Enactment Number:

Contact:

Introduction Date:

Drafter: Raymond.Roakes@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
3	1	2/14/2024	Matthew Ebinger	Approve	2/16/2024
3	2	2/14/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
3	3	2/15/2024	Kevin Vonck	Approve	2/21/2024
3	4	2/15/2024	Alecia Blackwell - FYI	Notified - FYI	
3	5	2/15/2024	Sharon Ebert - FYI	Notified - FYI	
3	6	2/15/2024	Caitlin Sedano - FYI	Notified - FYI	
3	7	2/22/2024	Jeff Gray	Approve	2/19/2024
3	8	2/23/2024	Lincoln Saunders	Approve	2/26/2024
3	9	3/1/2024	Mayor Stoney	Approve	2/27/2024

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
---------------	--------------	-------	---------	----------	-----------	-----------------	---------

Text of Legislative File Admin-2024-0103

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: February 14, 2024

TO: The Honorable Members of City Council

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

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

FROM: Kevin J. Vonck, Director of Planning & Development Review

RE: To authorize the special use of the property known as 2727 West Broad Street for the purpose of a restaurant with a nightclub that is open until 2:00 a.m., upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Special Use Permit to authorize restaurant with a nightclub that is open until 2:00 a.m., which use, among other things, is not currently allowed by section 30-442.1:1, concerning nightclubs, and section 30-517, concerning signage, of the Code of the City of Richmond (2020), as amended. A Special Use Permit is therefore required.

BACKGROUND: The property is in the Fan neighborhood situated on a block bounded by West Broad Street, North Mulberry Street, and North Arthur Ashe Boulevard. The property is currently an existing restaurant and night club on a 12,190 sq. ft. (0.28 acre) parcel. The City's Richmond 300 Master Plan designates a future land use for the subject property as Destination Mixed-Use, which is defined as "Key gateways featuring prominent destinations, such as retail, sports venues, and large employers, as well as housing and open space. Located at the convergence of several modes of transportation, including Pulse BRT or other planned transit improvements."

"Intensity: Buildings typically a minimum height of five stories."

Primary Uses: Retail/office/ personal service, multi-family residential, cultural, and open space.

Secondary Uses: Institutional and government.” P. 64

The current zoning for the property is located in an B-5 Central Business District which is adjacent to R-48 Multifamily Residential zoning district to the rear of the property. The site is located along West Broad Street, a Great Street, as designated in the Master Plan.

COMMUNITY ENGAGEMENT: The Fan Area Business Alliance and Fan District Association neighborhood association were notified of the application; additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

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.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: March 11, 2024

CITY COUNCIL PUBLIC HEARING DATE: April 8, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, April 2, 2024

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

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

STAFF: Matthew Ebinger, Planning Supervisor - Land Use Administration 804-646-6308

Ray Roakes, Planner - Land Use Administration 804-646-5467

**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: 2727 W. Broad St. Richmond, VA 23220

Date: 12/07/2023

Parcel I.D. #: W0001214018 Fee: \$2400

Total area of affected site in acres: 0.28

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

Zoning

Current Zoning: B5

Richmond 300 Land Use Designation: Destination Mixed Use

Proposed Use

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

Night club / Bar to be open with live music and/ or DJ until 2am

Existing Use: Restaurant and bar

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Brandon Pearson

Company: Sabai, LLC

Mailing Address: 2727 W. Broad St.

City: Richmond

State: VA

Zip Code: 23220

Telephone: (415) 548-0579

Fax: ()

Email: b@thejungleroomva.com

Property Owner: FEATHERSTON SERVICE STATION, INC

If Business Entity, name and title of authorized signee: HENRY C. BRIGGS, AGENT FOR

(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: 13609 SWANHOLLOW DR

City: RICHMOND

State: VA

Zip Code: 23233

Telephone: (804) 355-5771

Fax: (804) 355-5772

Email: BRIGGSREAL@AOL.COM

Property Owner Signature: HC Briggs

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)

December 7, 2023
Brandon Pearson
415-548-0579
2727 W. Broad St. Richmond, VA 23220

Section 3. Applicant's Report:

We are applying for a special use permit for our property at 2727 W. Broad St. Richmond, VA 23220.

We are currently a full operating restaurant and bar. We are applying for permission to extend our live music and dancing until 2am. With our limited hours of operation this extension would be of great help to our establishment, our employee's income, and to the overall guest experience we provide. Specifically, we use our venue to invite DJs from all over the world to play in Richmond.

Our hours of operation are Friday and Saturday 6pm to 2am. Our last call is at 1:30am and we ask all our guests to leave the property by 1:50am. On occasion we will have private events on Sundays – Thursdays.

We have 4 bartenders, 1 bar back, 3 security guards, and 2 managers at all times of operation. There are 3 exit doors just in the Jungle Room, the entire building has 9 doors that lead outside should there be an emergency of any sorts. We are up to date on all fire suppression and safety. I have attached a copy of our assembly & educational occupancies permit from the fire department (as it was requested by the fire department). Chief Dyer and Mr. Walter Jackson (Code Enforcement Inspector) have done a walk-through of the building and have approved the safety of the building. I do not have a physical copy of our business license (as we have not yet received one), but we are in good standing with the city's finance department (please see Ms. Gineen Logan with any questions regarding this). I have also attached a copy of our ABC license.

We have security at the entrance and in our parking lot to ensure that there is no overcrowding and congestion in the road, our parking lot, or the alley way behind our building. We have a great relationship with the police department and the officers that patrol the area. In the eight years that we have been in business, we have never had any major instances that require police force. We strive to provide a safe and inclusive environment for our guests and staff.

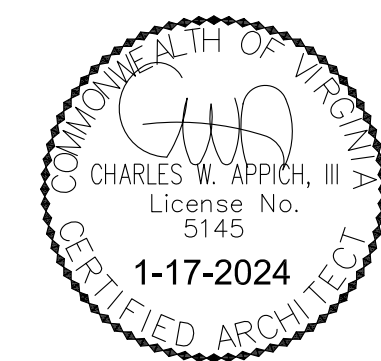
90% of the people that attend our events all Uber/Lyft to and from the Jungle Room. We do have a parking lot that has 20 spaces for parking use for our guests. We are also near the GRTC bus line for transportation.

Our location does not interfere or affect with any schools, parks, playgrounds, water supplies, sewage disposals, transportation, or other public requirements, conveniences, and improvements. The walls are insulated with Rockwool soundproof insulation and the panels with the speakers painted on them have soundproofing insulation inside of those as well as sound usually escapes from doors and windows.

We serve a full food menu that is available to our guests at all hours of operation.

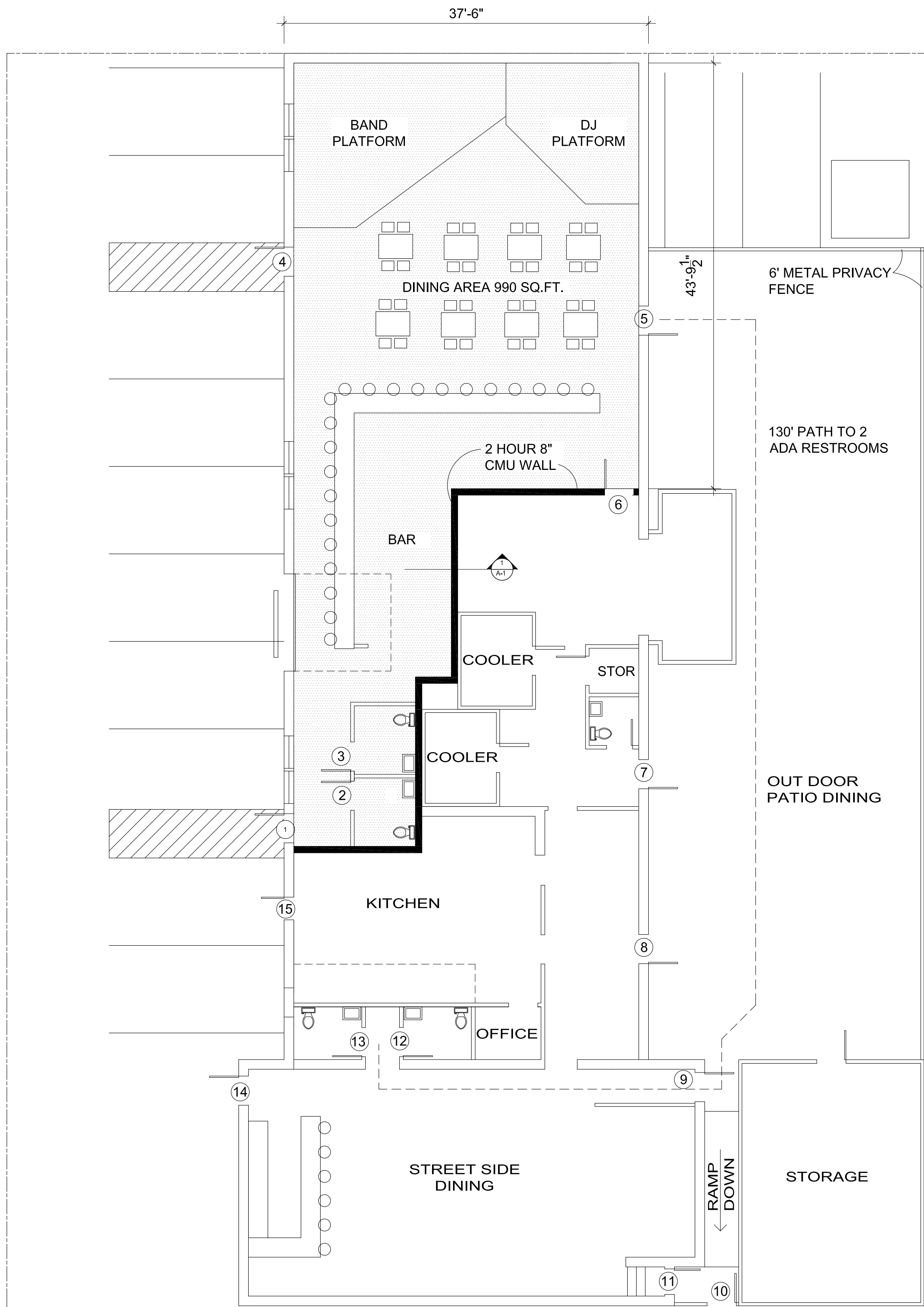
Additionally, we have met with the board of West Grace Society, which is the neighborhood we are in, and have asked for and received their approval of continuing to serve them. We have also met with our city council woman Katherine Jordan, who has informed us that there have been no complaints filed against us in the past 8 years we have been in business.

We are providing a safe, fun, and different type of entertainment to the community. There is nothing like the Jungle Room in the City of Richmond, many of our guests travel from out of town to come to our shows to see artists that come here from all over the world. We would love the opportunity to keep serving Richmond.



RESTAURANT
2727 WEST BROAD STREET
RICHMOND, VIRGINIA

PROJECT NUMBER: 2024-5
DATE: JANUARY 17, 2024
DRAWN BY: CWA



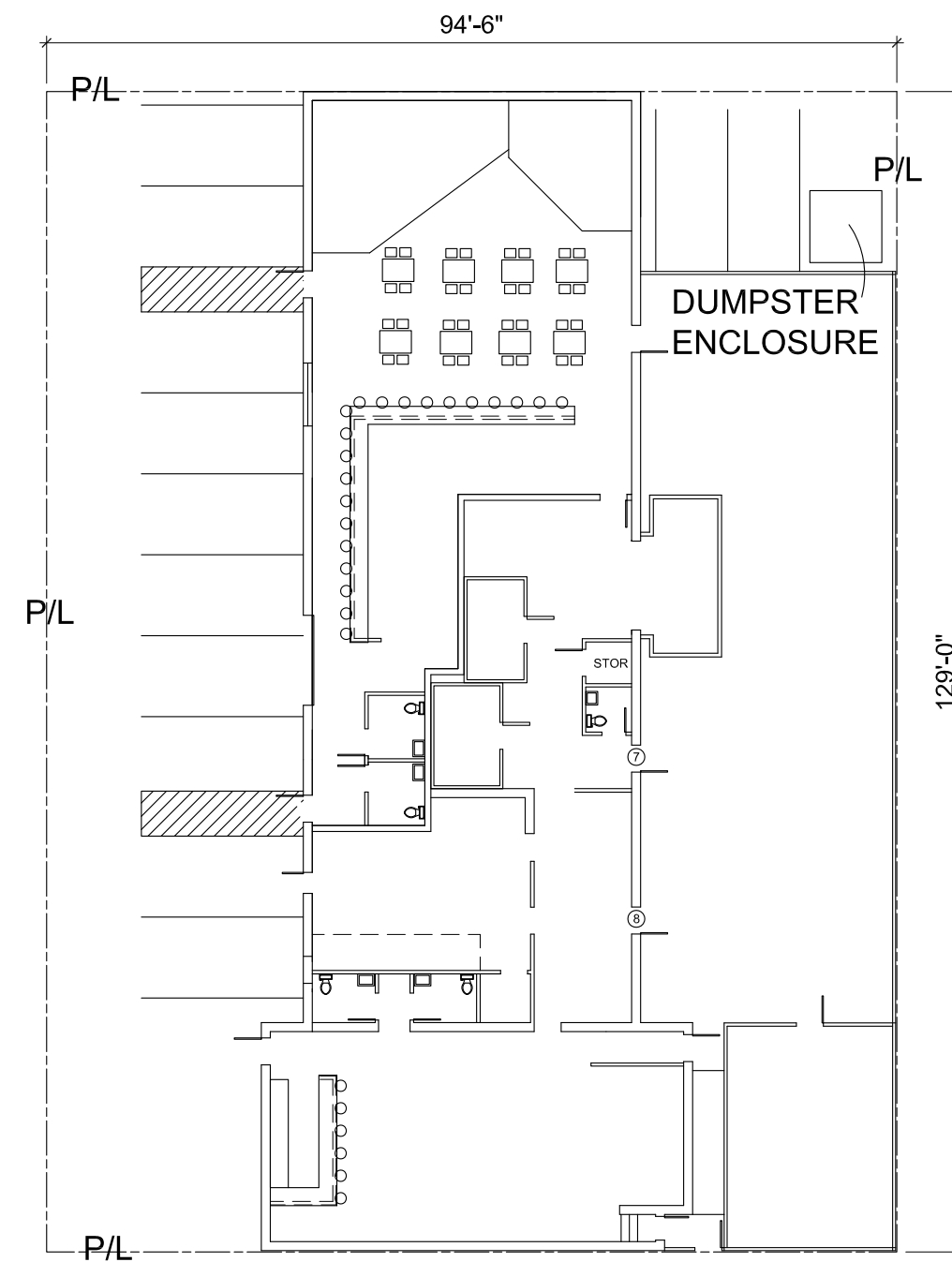
FLOOR PLAN
SCALE: 1/8" = 1'-0"

CODE NOTES

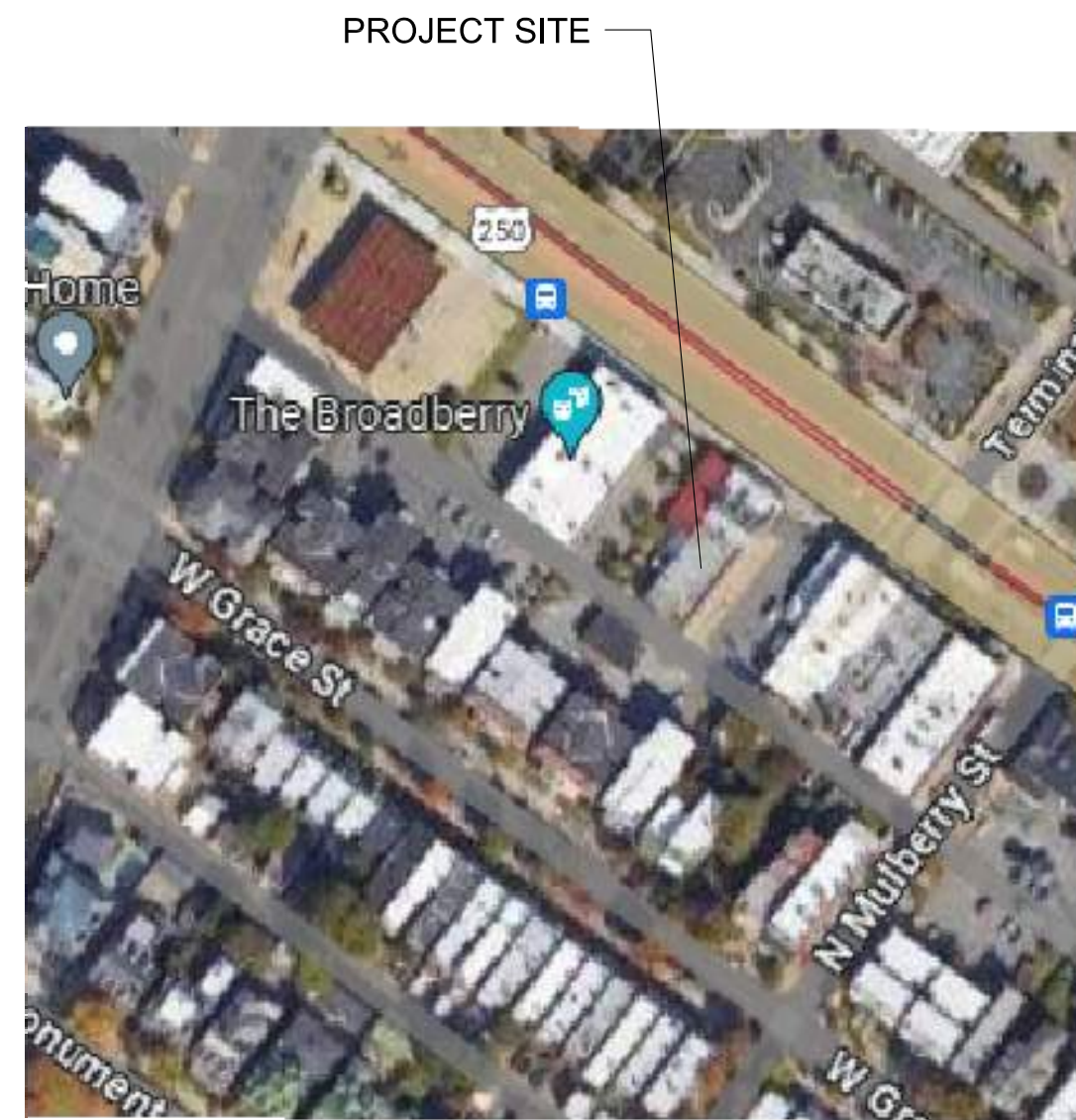
1. VCC 2018 & ALL LOCAL CODES SHALL APPLY
2. USE GROUP A-2
3. CONSTRUCTION TYPE V-B
4. SQUARE FEET 2087 (PERMIT AREA SHOWN DOTTED) OCCUPANT LOAD 99 MAXIMUM POSTED
5. EXISTING 8" CMU 2 HOUR FIRE BARRIER TIGHT TO BOTTOM OF ROOF DECK SHOWN HATCHED SOLID
6. ADD NEW 90 MINUTE LABELED DOOR AND FRAME DOOR NUMBER 6

DOOR SCHEDULE

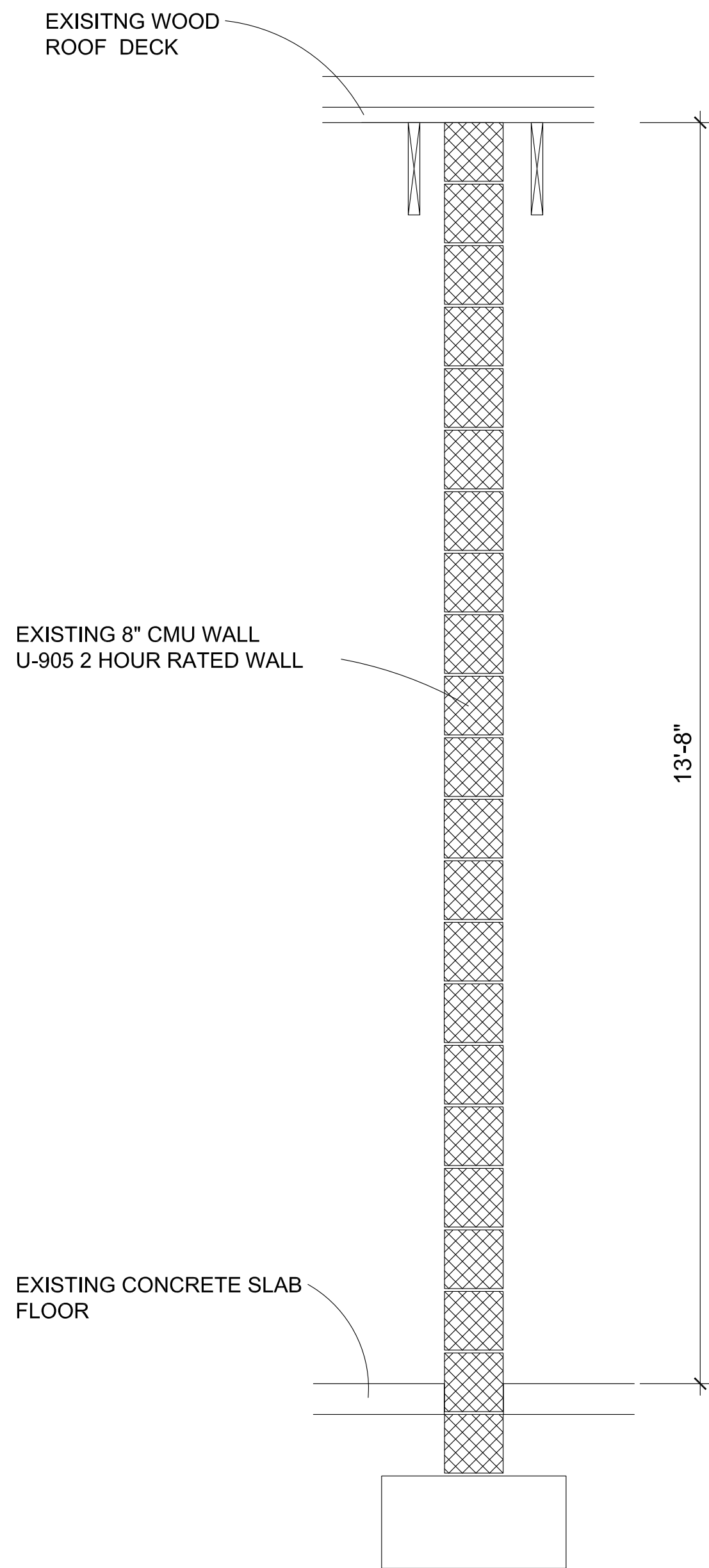
- 1 - 36"X 7'-0" X 1-3/4" - ENTRY DOOR EXISTING
- 2 - 36" X 6'-8" X 1-3/8" - FLUSH SOLID WOOD EXISTING
- 3 - 36" X 6'-8" X 1-3/8" - FLUSH SOLID WOOD EXISTING
- 4 - 36"X 7'-0" X 1-3/4" - ENTRY DOOR EXISTING
- 5 - 36"X 7'-0" X 1-3/4" - EGRESS EXIT DOOR EXISTING
- 6 - 36" X 7'-0" X 1-3/4" - 90 MINUTE LABEL DOOR AND FRAME NEW
- 7 - 36"X 7'-0"X 1-3/4" - EGRESS EXIT DOOR EXISTING
- 8 - 36"X 7'-0" X 1-3/4" - EGRESS EXIT DOOR EXISTING
- 9 - 36"X 7'-0" X 1-3/4" - EGRESS EXIT DOOR EXISTING
- 10 - 3' X 8' METAL SECURITY GATE
- 11 - 36"X 7'-0" X 1-3/4" - EGRESS EXIT DOOR EXISTING
- 12 - 36" X 6'-8" X 1-3/8" - FLUSH SOLID WOOD EXISTING
- 13 - 36" X 6'-8" X 1-3/8" - FLUSH SOLID WOOD EXISTING
- 14 - 36"X 7'-0" X 1-3/4" - EGRESS EXIT DOOR EXISTING
- 15 - 36"X 7'-0" X 1-3/4" - SERVICE DOOR EXISTING



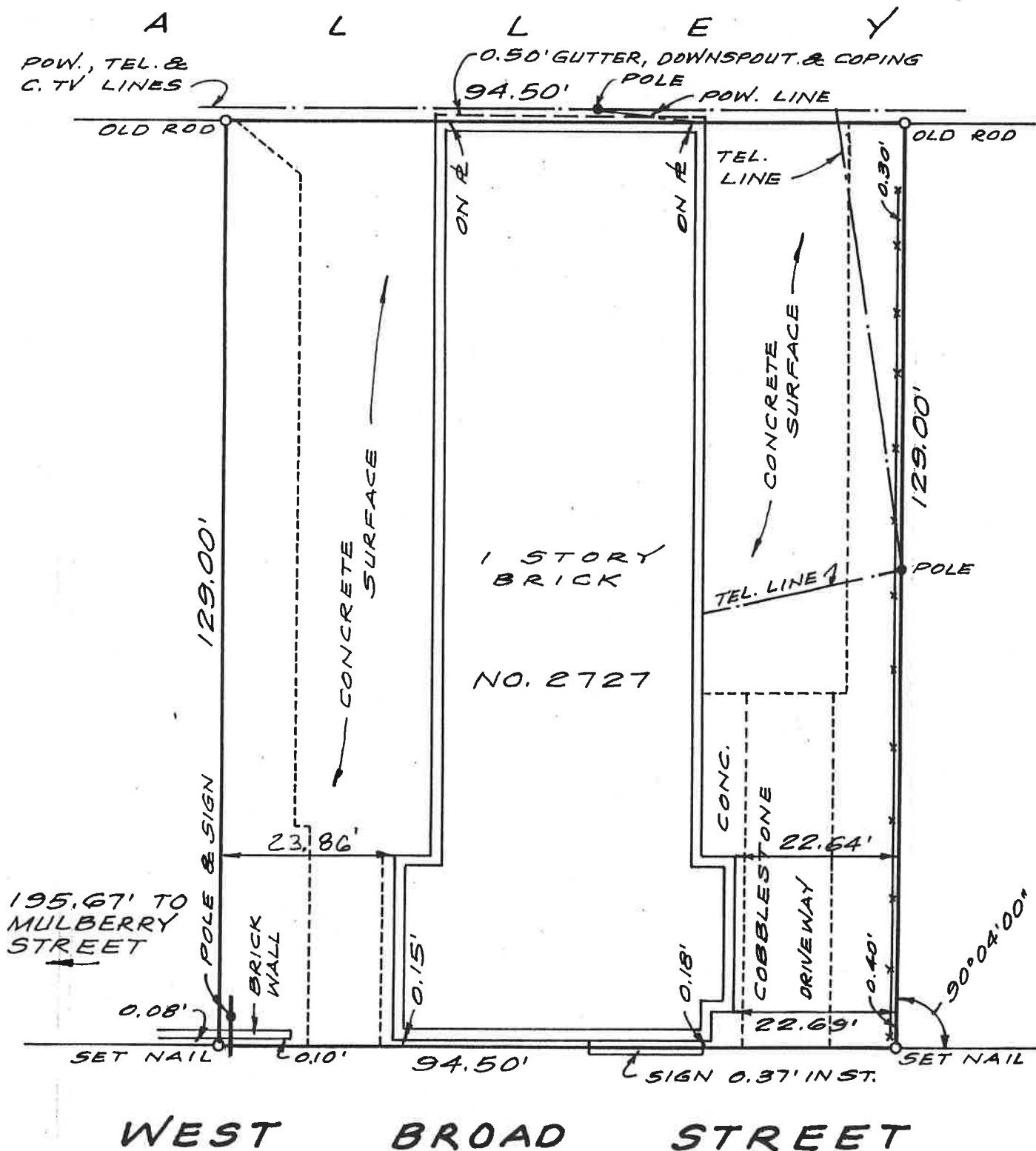
WEST BROAD STREET
SITE PLAN
SCALE: 1" = 20'



VICINITY PLAN
NOT TO SCALE



SECTION
A - 1
SCALE: 3/4" = 1'-0"



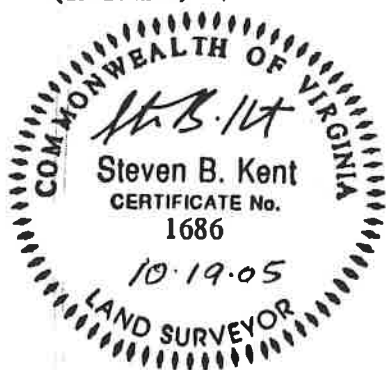
NOTE:
THIS SURVEY HAS BEEN PREPARED
WITHOUT THE BENEFIT OF A TITLE
REPORT AND DOES NOT, THEREFORE,
NECESSARILY INDICATE ALL
ENCUMBRANCES ON THE PROPERTY.

NOTE:
THIS PROPERTY IS NOT
LOCATED IN A SPECIAL
FLOOD HAZARD AREA AS
DESIGNATED BY THE
SECRETARY OF HOUSING
& URBAN DEVELOPMENT.
(IN ZONE C)

PLAT OF PROPERTY SITUATED
ON THE WESTERN LINE OF
WEST BROAD STREET AND
NORTH OF MULBERRY STREET
RICHMOND, VA.
OCT. 19, 2005 SCALE: 1" = 20'

CERTIFICATION

THIS IS TO CERTIFY THAT WE MADE AN ACCURATE FIELD
SURVEY OF THE PREMISES SHOWN HEREON, THAT ALL
IMPROVEMENTS AND VISIBLE EASEMENTS ARE SHOWN
HEREON, THAT THERE ARE NO ENCROACHMENTS BY
IMPROVEMENTS EITHER FROM ADJOINING PREMISES,
OR FROM SUBJECT PREMISES, OTHER THAN SHOWN
HEREON.



STEVEN B. KENT & ASSOCIATES, P.C.
LAND SURVEYORS
1521 Brook Road
Richmond, VA 23220
PH. 804-643-6113



**City of Richmond
Department of Planning
& Development Review**

Special Use Permit

LOCATION: 2727 West Broad Street

APPLICANT: Brandon Pearson,
Representative Property Owner

COUNCIL DISTRICT: 2

PROPOSAL: To authorize the special use of the property known as 2727 West Broad Street for the purpose of a restaurant along with a nightclub that is open until 2am, upon certain terms and conditions.

*For questions, please contact Ray Roakes
at 804-646-5467 or raymond.roakes@rva.gov*

