



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Report 2016-006: Review of special use permit conditions imposed by Ord. 2014-94-158, which authorized the special use of the property known as 1619 and 1621 West Broad Street for a radio broadcasting studio and offices on the second floor, including an accessory antenna and a parking waiver, for the purpose of permitting a nightclub use, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: January 19, 2016

PETITIONER

Andrew Conlin
919 East Main Street, Suite 2110
Richmond, VA 23219

LOCATION

1621 West Broad Street

PURPOSE

To evaluate whether the special use of the property tends to be detrimental to the safety, health, morals and general welfare of the community.

SUMMARY & RECOMMENDATION

On May 12, 2014, City Council approved Ord. No. 2014-94-158, amending Ord. No. 2004-325-204, as previously amended by Ord. No. 2006-105-183, adopted Jul. 10, 2006, which authorized the special use of the property known as 1619 and 1621 West Broad Street for a radio broadcasting studio and offices on the second floor, including an accessory antenna and a parking waiver, for the purpose of permitting a nightclub use, upon certain terms and conditions.

As part of that approval, City Council included the following condition:

“One year after the effective date of this ordinance, the property owner shall request that the City Planning Commission hold a public hearing at which it shall review the special use permit to evaluate whether the special use of the property tends to be detrimental to the safety, health, morals and general welfare of the community. If the Commission finds that the special use of the property is not detrimental to the safety, health, morals and general welfare of the community, no further action shall be required. If the Commission finds the special use of the property tends to be detrimental to the safety, health, morals and general welfare of the community, the Commission may recommend to the City Council that this ordinance be amended or that the privileges granted by this ordinance be revoked.”

In addition, the ordinance required that during the first 365 days after the effective date of the ordinance, upon noting that a condition of the 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.

Staff has evaluated the conditions of the special use permit and determined that the Zoning Administrator has issued no notices of violation and that the special use of the property has not detrimental to the safety, health, morals and general welfare of the community as was found by the Commission in October of 2014.

FINDINGS OF FACT

Site Description

The subject property is located on the south side of West Broad Street between North Lombardy Street and North Allen Avenue and contains approximately 5,040 square feet of lot area. The site is occupied by two, two-story commercial storefront buildings that were constructed in 1925 on separate parcels. Over the years the buildings were connected with interior doorways and the two parcels were consolidated in 1990. The two buildings contain approximately 6,960 square feet of combined floor area. The first floor and basement of the building are currently used by The Camel restaurant and music venue. The second floor is used for a radio broadcasting studio and office.

The property to the north across West Broad Street is zoned M-1 Light Industrial and is occupied by a large home improvement retail and warehouse use. The properties to the south across the public alley front on West Grace Street and are zoned R-48 Multi-Family Residential and occupied by a single-family and multifamily dwellings. The properties to the east and to the west are also zoned UB and are occupied by commercial uses.

Current Use of the Property

The first floor and basement of the building are currently used by The Camel restaurant and music venue. The second floor is used for a radio broadcasting studio and office.

Any principal or accessory entertainment use of the property shall cease by 2:00 a.m. daily.

The approved extension of hours in 2014 authorized a nightclub use of the property 7 days a week.

Master Plan

The Master Plan recommends "Community Commercial" use for the subject property. "Primary uses include office, retail, personal service and other commercial and service uses, intended to provide the shopping and service needs of residents of a number of nearby neighborhoods or a section of the City. As compared to Neighborhood Commercial, this category includes a broader range of uses of greater scale and intensity, with greater vehicular access and orientation, but that are also compatible with nearby residential areas" (p. 134). Furthermore, the Master Plan states, "Vacant buildings on the corridor should be encouraged to develop first floor commercial uses with office and/ or residential uses for upper floors. Ideally, Broad Street should be a dense urban development that is oriented to the pedestrian and compatible with adjacent residential development" (p. 239).

Zoning & Ordinance Conditions

The special use permit waives a number of required parking spaces. As this property is located in the PO-4 Parking Overlay District, the maximum number of spaces that would be required for the first floor and basement, calculated at a rate of 1 space for every 170 square feet of floor area, is 24.4 spaces. The use of the second floor as a radio broadcasting studio requires 6.3 spaces, bringing the total number of spaces required to 31. Twelve spaces are nonconforming (grandfathered) and four spaces are provided at the rear of the property. Therefore, the current special use permit waives 15 parking spaces.

Under the current special use permit, the first floor and basement of the building can be occupied by any permitted use in the UB district under certain terms and conditions, which includes the existing restaurant and accessory entertainment use in conjunction therewith. Any principal or accessory entertainment use of the property shall cease by 2:00 a.m. daily.

The approved extension of hours in 2014 authorized a nightclub use of the property 7 days a week.

The zoning ordinance was amended in 2013 to establish a definition for nightclub and distinguish a nightclub from a restaurant use. A nightclub is defined as any establishment in which all of the following features are made available at any time from 12:00 midnight until 6 a.m.:

1. Alcoholic beverage served or consumed on the premises;
2. Floor space provided for dancing or standing or both for patrons in conjunction with an entertainment activity;
3. Music or other sound that is amplified through speakers for the purpose of entertaining patrons, except for the following:
 - a. Sound associated with television or similar media being viewed by patrons; and
 - b. Music provided exclusively as background entertainment for dining patrons

The approved extension of hours authorized a nightclub use of the property 7 days a week between the hours of 12 a.m. and 2 a.m.

Surrounding Area

The property to the north across West Broad Street is zoned M-1 Light Industrial and is occupied by a large home improvement retail and warehouse use. The properties to the south across the public alley front on West Grace Street and are zoned R-48 Multi-Family Residential and occupied by a single-family and multifamily dwellings. The properties to the east and to the west are also zoned UB and are occupied by commercial uses and some second-floor residential units.

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