

INTRODUCED: December 15, 2025

AN ORDINANCE No. 2025-270

To authorize the special use of the property known as 217 West Clay Street for the purpose of a restaurant with outdoor dining, upon certain terms and conditions.

Patron – Mayor Avula (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 12 2026 AT 6 P.M.

WHEREAS, the owner of the property known as 217 West Clay Street, which is situated in a B-1 Neighborhood Business District, desires to use such property for the purpose of a restaurant with outdoor dining, which use, among other things, is not currently allowed by section 30-434.1 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 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

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

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 217 West Clay Street and identified as Tax Parcel No. N000-0150/001 in the 2025 records of

the City Assessor, being more particularly described in Exhibit A, 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 with outdoor dining, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Outdoor Patio Location,” prepared by an unknown preparer, and dated October 10, 2025, 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 with outdoor dining, substantially as shown on the Plans.

(b) Off-Street parking shall not be required for the Special Use.

(c) The Property shall not be used for outdoor dining before 6:00 a.m. and after 11:00 p.m.

(d) The outdoor dining area shall not exceed the maximum occupancy capacity allowed by the Virginia Uniform Statewide Building Code.

§ 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 Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 1,096 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous

sentence, 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.

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: October 10, 2025

TO: The Honorable Members of City Council

THROUGH: The Honorable Danny Avula, Mayor (by request)
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Odie Donald II, Chief Administrative Officer

THROUGH: Sharon L. Ebert, DCAO for Economic Development and Planning

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

RE: To authorize the special use of the property known as 217 West Clay Street for the purpose of a restaurant with outdoor dining, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: The applicant is requesting a Special Use Permit (SUP) to authorize a restaurant with outdoor dining, which use, among other things, is not currently allowed by section 30-30-434.1, concerning permitted principal and accessory uses, of the Code of the City of Richmond (2020), as amended. A Special Use Permit is therefore required.

BACKGROUND: The property is located in the Jackson Ward neighborhood at the southwest corner of West Clay Street and Brook Road. The property is currently a vacant 3,658.3 square foot (0.1467 acre) parcel of land. The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed Use, which is defined as "existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses."

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets. Parcels are generally between 1,500 and 5,000 sq. ft.

Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.

The current zoning for this property is B-1 Neighborhood Business District. The surrounding area is comprised of a mix of residential and commercial uses. The property is located across the street from Abner Clay Park.

COMMUNITY ENGAGEMENT: Applicant is responsible for initial community outreach. Additional community notification will take place by staff after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

FISCAL IMPACT: \$400 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: December 8, 2025

CITY COUNCIL PUBLIC HEARING DATE: January 12, 2026

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission January 6, 2026

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, Plans, Survey

STAFF:

Alyson Oliver, Program and Operations Supervisor, Land Use Administration, 804-646-3709



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

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

<https://rva.gov/planning-development-review>

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: 217 W CLAY ST Date: 2.26.25

Parcel I.D. #: N0000150001 Fee: _____

Total area of affected site in acres: LESS THAN 1/100th OF AN ACRE

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

Zoning

Current Zoning: B-1 BUSINESS

Richmond 300 Land Use Designation: COMMERCIAL

Proposed Use

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

TO ALLOW PATRONS TO TAKE FOOD AND DRINKS ONTO OUR ENCLOSED PATIO

Existing Use: ONLY SMOKING ALLOWED ON PATIO

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: MICHAEL DERKS

Company: 217 W CLAY LLC

Mailing Address: 3603 MONTROSE AVE

City: RICHMOND

State: VA

Zip Code: 23222

Telephone: (804) 852-5368

Fax: ()

Email: _____

Property Owner: PIT PROPERTIES LLC

If Business Entity, name and title of authorized signer: MICHAEL DERKS / MANAGING PARTNER

(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: 1008 N. ARTHUR ASH BLVD

City: RICHMOND

State: VA

Zip Code: 23220

Telephone: (804) 852-5368

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)

GWARbar
217 W CLAY ST
Richmond, VA
3-1-2025

City of Richmond Zoning Division
Department of Planning and Development Review
900 East Broad Street, Richmond, VA 23219.
Richmond, VA

Re: Special Use Permit Application for GWARbar

Dear Zoning Administrator,

We are submitting this official statement in support of our Special Use Permit application for GWARbar, located at 217 WCLAY ST, and affirm our commitment to operating in full compliance with the City of Richmond's planning and zoning regulations.

Our establishment aligns with the vision and objectives outlined in the Richmond 300: A Guide for Growth, contributing to the city's economic vitality and cultural landscape while maintaining responsible business practices. We will ensure strict adherence to all conditions set forth in the City Charter and all applicable regulations.

We are dedicated to ensuring that our business operations will never be detrimental to the safety, health, or general welfare of the community. Our outdoor patio is fully enclosed by a fence and is designed in a manner that will not create congestion in the streets, sidewalks, or any other public ways or places. We will implement crowd control measures to prevent overcrowding and ensure a safe, enjoyable experience for our patrons and neighbors.

Additionally, we will maintain full compliance with fire safety codes and implement all necessary precautions to eliminate any risk of fire, panic, or other hazards. Our establishment will not adversely impact public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation infrastructure, or any other public services, conveniences, or improvements. We will also ensure that our operations do not interfere with adequate light, air, or any essential environmental considerations.


We are committed to being a responsible and respectful addition to our neighborhood, prioritizing the well-being of our community and upholding the highest standards of safety and compliance.

Please feel free to reach out if any additional information is required. We appreciate your time and consideration of our application.

Sincerely,

Tony Clements

General manager



(804) 852-1070

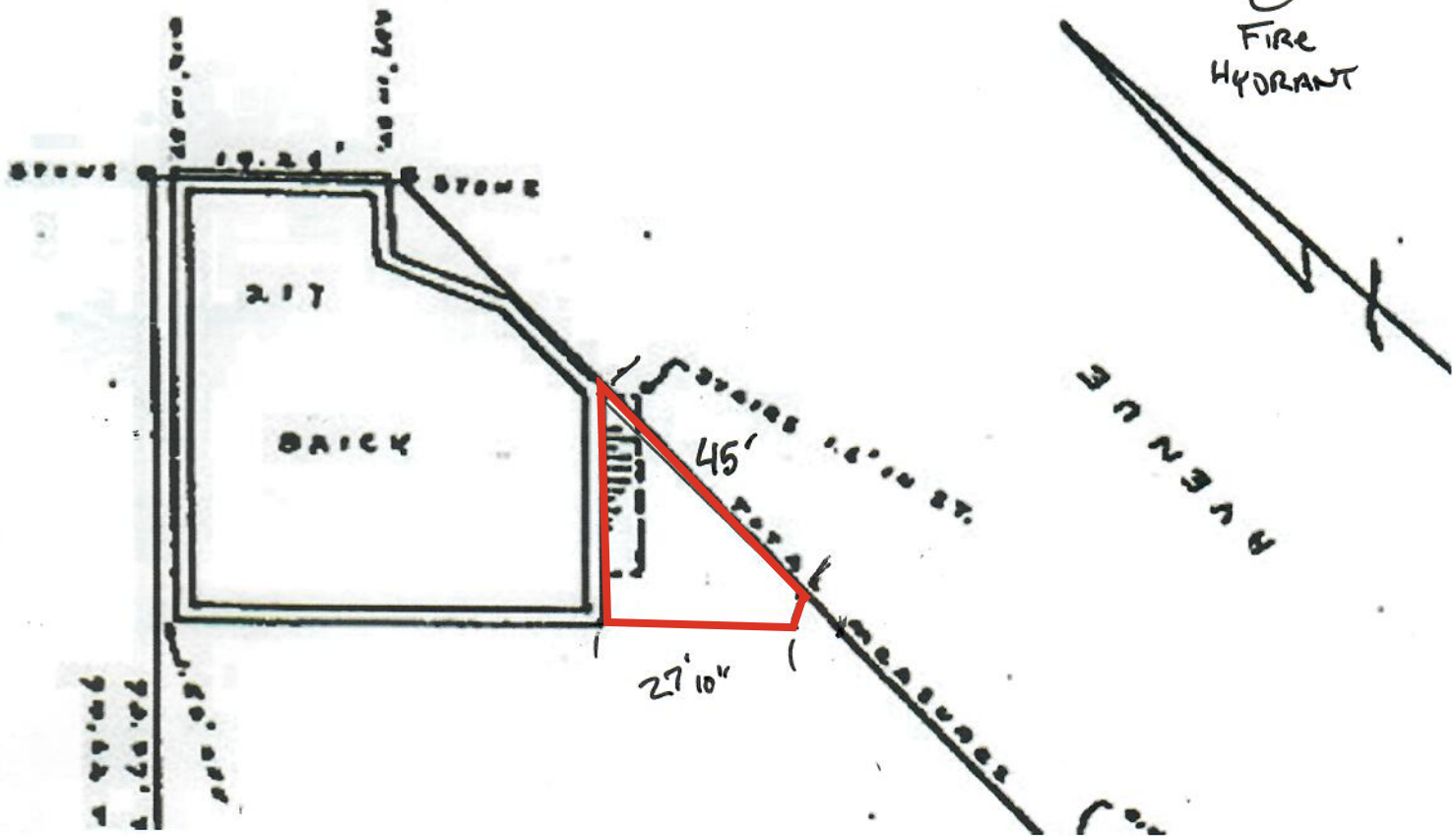
GWARbar

Outdoor Patio Location

shown in red

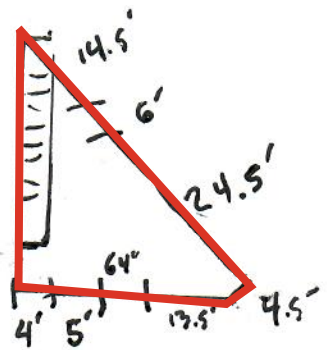
October 10, 2025

W. CLAY STREET



①
FIRE
HYDRANT

AVENUE

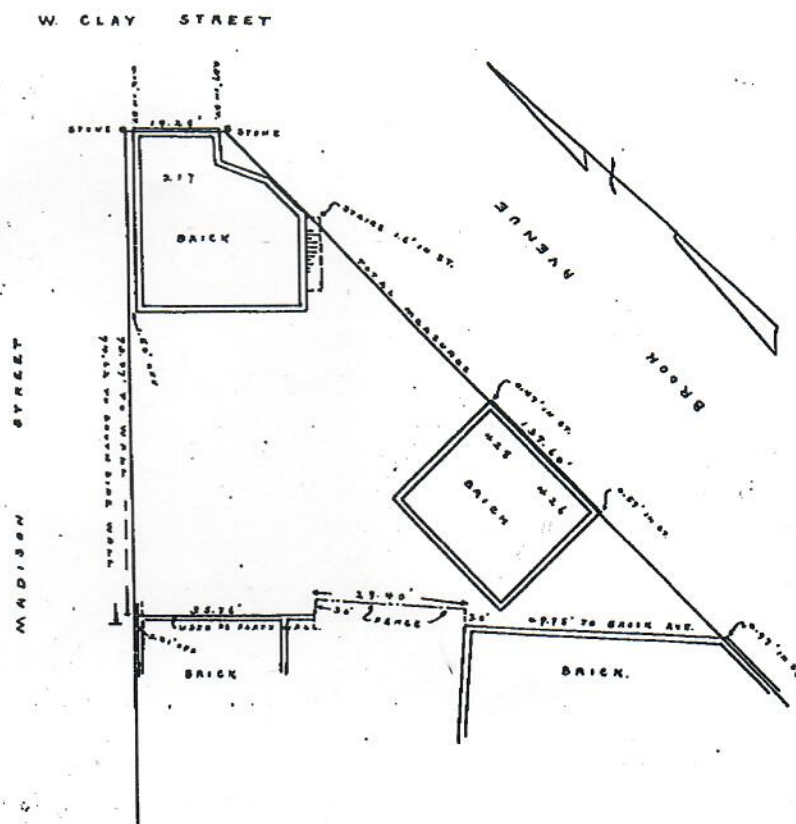


That I am well acquainted with the property, belonging to T. Francis Green, Jr., fronting on Clay Street, where it corners with Brook Avenue and Madison Street, with the improvements thereon and known as 217 West Clay Street and 426-428 Brook Avenue. I have known this property for more than thirty years and can state from my personal knowledge that the present improvements on said property have been located thereon, as they now exist, for more than thirty years. From reliable information, which I obtained from others and the general appearance of the property at the time I first became acquainted with it, I feel certain that the improvements, now located upon the property, have stood thereon as at present, for approximately fifty years.

R.E. Peyton, Jr.

Sworn to and subscribed before me in my city and state aforesaid this 28th day of February 1933.

Myra Penick, Notary Public.



Plat of property situated on the south side Clay Street and between Madison St. and Brook Avenue, in the City of Richmond Va. lines as surveyed.

Feb. 17, 1933

Scale 1" = 20'

Chas. H. Fleet

Certified Civil Eng.

EXHIBIT A

ALL that certain parcel of land in the City of Richmond, Virginia, together with all improvements thereon on the said parcel and appurtenances thereto belonging, commonly known as No. 217 West Clay Street and Nos. 426 and 428 Brook Road (formerly Brook Avenue) and bounded as follows, to-wit:

BEGINNING at the southwestern intersection of Clay Street and Brook Road (formerly Brook Avenue), thence running westwardly along and fronting on the southern line of Clay Street nineteen and twenty-nine hundredths (19.29) feet, more or less, to the eastern line of Madison Street; thence running southwardly along the said eastern line of Madison Street ninety-four and sixty-two hundredths (94.62) feet; thence running eastwardly approximately at right angles to Madison Street thirty-five and seventy-six hundredths (35.76) feet; thence approximately at right angles in the northerly direction three (3) feet; thence southwardly approximately at right angles eastwardly twenty-nine and forty hundredths (29.40) feet; thence southwardly approximately at right angles three (3) feet; thence eastwardly approximately at right angles forty-nine and seventy-five hundredths (49.75) feet to the western line of Brook Road (formerly Brook Avenue); thence northwardly along the said western line of Brook Road (formerly Brook Avenue) one hundred and thirty-seven and sixty hundredths (137.60) feet to the point of beginning, the real estate hereinabove described being shown on a plat of survey thereof, made by Chas. H. Fleet, Certified Civil Engineers, dated February 17, 1933, attached to and recorded with the Deed from Thomas Francis Green, Jr. to Dave Caplan, dated February 18, 1933, and recorded March 30, 1933, in Deed Book 385-B, page 431, in the Circuit Court of the City of Richmond, Virginia (formerly Division I).