



# CITY OF RICHMOND

## Department of Planning & Development Review

### *Staff Report*

**Ord. No. 2019-259:** To amend and reordain Ord. No. 2000-319-326, adopted Nov. 13, 2000, as amended by Ord. No. 2007-222-194, adopted Sept. 10, 2007, which authorized the special use of the property known as 214 North Lombardy Street for the purpose of modifying the exterior and interior of the building and adding new signage to the facade, to authorize a restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment and up to three dwelling units, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** October 7, 2019

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#### **PETITIONER**

T. Preston Lloyd

#### **LOCATION**

214 North Lombardy Street

#### **PURPOSE**

To amend and reordain Ord. No. 2000-319-326, adopted Nov. 13, 2000, as amended by Ord. No. 2007-222-194, adopted Sept. 10, 2007, which authorized the special use of the property known as 214 North Lombardy Street for the purpose of modifying the exterior and interior of the building and adding new signage to the facade, to authorize a restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment and up to three dwelling units, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The applicant wishes to amend and re-ordain Ord. No. 2000-319-326, adopted November 13, 2000, as amended by Ord. No. 2007-222-194 adopted September 10, 2007, which authorized a special use permit for a restaurant and two dwelling units, to instead authorize a restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment, with modified conditions, and up to three dwelling units.

Staff finds the proposed amendment would be consistent with the historic uses of the property and historic pattern of development and uses for the area, as recommended by the Master Plan. It should be noted that there were significant issues with the prior use of the property, which have informed the conditions of the proposed amendment.

Staff finds that the proposed amendment will fill an important gap in the streetscape with an active use and would provide additional “eyes on the street” for this segment of Lombardy Street.

Staff finds that the proposed amendment will provide housing option for residents that seek housing within walkable communities that are in close proximity to transit and service options.

Staff finds that with the ordinance conditions the safeguards contained within the City Charter, relative to the granting of Special Use Permits, are met. Specifically, staff finds that the proposed use would not be detrimental to the general welfare of the community involved and would not create congestion in the streets in the area involved.

Therefore, staff recommends approval of the Special Use Permit Amendment request.

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## **FINDINGS OF FACT**

### **Site Description**

The subject property consists of a 3,750 SF (0.09 acre) parcel of land currently improved with a two- to three-story building with a history of mixed-use land use. The property is located at the southwest corner of North Lombardy Street and Hanover Avenue, and is a part of The Fan neighborhood in the City's Near West Planning District.

### **Proposed Use of the Property**

Multi-family residential and restaurant, tearoom, café, etc. use. The proposed residential density of the project is approximately 33 units per acre.

### **Master Plan**

The City of Richmond's current Master Plan designates the subject property for Single-Family (Medium-Density) land use which includes, "...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 (p.133).

For the Near West End Planning District, the Plan states, "Most of what exists is correct and appropriate" (p. 230).

Specifically for The Fan neighborhood, the Master Plan states "The Fan is a neighborhood which exists much as it has since the early 1900's. It is identified on the Land Use Plan map as appropriate for the continuation of a wide range of urban residential uses (with varying housing styles and residential densities) and commercial uses to serve the area. While the Land Use Plan map does not provide specific details regarding the exact location of each type and density of residential and commercial uses, it is intended to reflect the importance of maintaining such a mix in this urban residential neighborhood" (p. 233).

The Master Plan further states, "Although no corner commercial uses are identified in the Fan District on the Land Use Plan map, if the establishment legally existed upon adoption of this Master Plan then it is appropriate" (p. 236).

### **Zoning and Ordinance Conditions**

The property is currently located in the R-6 Single-Family Attached Residential zoning district and is subject to Special Use Permit Ordinance No. 2000-319-326. Proposed amendments to the ordinance include:

(b) Use of the property shall be limited to a ~~[restaurant substantially as shown on the attached floor plans;]~~ restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment and ~~[two apartments]~~ up to three dwelling units, substantially as shown on the Plans. The seating capacity of the restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment shall not exceed ~~[eighty (80)]~~ 80 persons. The restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment use shall occur only within the building and shall not be permitted outside the building, except in accordance with a sidewalk café permit approved pursuant to Chapter 24, Article II, Division 8 of the Code of the City of Richmond (2015), as amended, or as permitted by subsection (h) of this section. Notwithstanding the approval of any such permit, no on-premises consumption of alcohol shall be permitted exterior to the building or in any portion of the public right-of-way.

(c) Facilities for the collection of refuse servicing the residential units of the Property shall be provided in accordance with the requirements of the Director of Public Works. ~~[Such facilities]~~ Facilities for the collection of refuse servicing the use of the restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment shall be serviced by a private refuse collection service and located and screened within the interior courtyard of the property so as not to be visible from adjacent properties and public streets.

(f) ~~[Identification of the premises shall be limited to one nine (9) square foot sign in the form of a stained glass window as shown on the plans]~~ 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 (2015), as amended, and (ii) not more than one wall sign, awning sign, or canopy sign not exceeding an aggregate of 20 square feet in area in accordance with a signage plan approved by the Director of Planning and Development Review specifying the type, location, dimensions, materials, and means of illumination of the signage.

(g) There shall be no enlargement or exterior alterations to the building except for those which are ~~[shown on the attached plans]~~ expressly authorized by this ordinance and normal repair and maintenance.

(h) ~~[In accordance with section 15.2 2286(A)(3) of the Code of Virginia, this special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by section 15.2 2206 of the Code of Virginia]~~ The exterior portion of the building fronting on North Lombardy Street may be altered to incorporate a walk-up window in connection with the use of the property as a restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment; provided, however, that no alcohol shall be sold through the walk-up window for on-premises or off-premises consumption.

(i) No amplified sound or music, live or otherwise, or public address system shall be operated in a manner that sound produced therefrom is audible beyond the boundaries of the [premises] property including without limitation, any band or musical performance; provided, however, that the foregoing shall not prohibit two or fewer acoustic instruments that do not include percussions.

(k) The hours of operation of the restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment use shall be limited to 6:00 a.m. through 9:00 p.m., Monday through Sunday, provided that no deliveries shall be made prior to 7:00 a.m.

(l) The restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment shall not be authorized for any Virginia Alcoholic Beverage Control Authority license for on-premises or off-premises consumption of mixed beverages.

(m) No off-street parking shall be required for the property; provided, however, that for as long as the property is located within any residential restricted parking district established pursuant to Chapter 27, Article VI, Division 3 of the Code of the City of Richmond (2015), as amended, each lease for each dwelling unit authorized by this ordinance shall include language that restricts applications by tenants to the City for parking permits such that the aggregate total of parking permits for all dwelling units on the property is no more than five. The owner shall notify the Zoning Administrator upon the termination of each tenant's lease.

(n) 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 (2015), as amended, and all future amendments to such laws.

**Surrounding Area**

Most adjacent properties are located within the same R-6 District as the subject property. The adjacent property to the South is zoned B-1 Neighborhood Business.

A mix of single-, two- and multi-family land uses, and commercial land uses, are present in the vicinity, including commercial uses located midblock on the same block of Lombardy as the subject property.

**Affordability**

The applicant has stated that all rental units will be market rate.

**Neighborhood Participation**

Staff has received a letter of no opposition from the Fan District Association, as well as letters from nearby residents in opposition to this application.

**Staff Contact:** Jonathan Brown, Senior Planner, PDR, Land Use Administration, 804-646-5734.