



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 114-1050.1 of the Code of the City of Richmond (2004), 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 1600 Monument Avenue and identified as Tax Parcel No. W000-0735/032 in the 2014 records of the City Assessor, being more particularly shown on a survey entitled “ALTA/ACSM Land Title Survey of ‘Stuart Court Apartments,’ 1600 Monument Avenue, Richmond, Virginia,” prepared by Landmark - fleet Surveyors, P.C., and dated May 20, 2014, 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 Seating, My Noodle & Bar,” prepared by Michael Pellis Architecture, [~~and~~] dated July 14, 2014, and revised January 22, 2015, 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 use of the Property shall be in accordance with the nonconforming rights associated with the Property, provided that the restaurant use may include outdoor dining, substantially as shown on the Plans.

(b) The hours of operation for the outdoor dining shall be from 10:00 a.m. to 10:00 p.m. daily.

(c) The number of occupants permitted in the outdoor dining area shall be limited to no more than [~~twenty one (21)~~] 24 persons.

(d) No music or public address system shall be operated in the area designated for outdoor dining.

(e) No parking shall be required to serve the outdoor dining area.

(f) Signage shall be limited to one wall-mounted sign not exceeding 16 square feet in area. The source of illumination for such signage shall not be visible and shall be located, directed or shielded so as not to shine directly on adjoining properties or streets.

(g) Patio lighting shall be constructed or shielded in such a manner that all light emitted by the fixture, either directly from the lamp or candle or indirectly from the fixture, is projected below the horizontal plane of the fixture.

(h) In accordance with section 15.2-2286(A)(3) of the Code of Virginia (1950), as amended, this special use permit shall be subject to automatic review by the City Council 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 City Council, 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 (1950), as amended.

§ 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 (2004), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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 114-1220 of the Code of the City of Richmond (2004), 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.

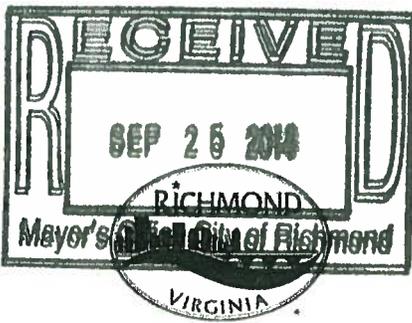
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 114-1080 of the Code of

the City of Richmond (2004), 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 or, if no building permit is required, a certificate of occupancy, 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 or the certificate of occupancy, as applicable, shall be made within twenty-four (24) months following the date on which this ordinance becomes effective. If either the application for the building permit or the certificate of occupancy is not made within the time period stated in the previous sentence or any necessary 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.



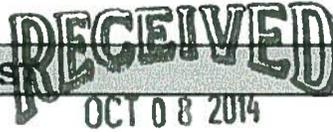
**CITY OF RICHMOND**  
INTRACITY CORRESPONDENCE

O & R REQUEST

SEP 23 2014

Chief Administration Office  
City of Richmond

O&R REQUEST



**DATE:** September 22, 2014

**OFFICE OF CITY ATTORNEY** EDITION: 1

**TO:** The Honorable Members of City Council

**THROUGH:** Dwight C. Jones, Mayor (Patron: Mayor, by Request)  
(This in no way reflects a recommendation on behalf of the Mayor.)

**THROUGH:** Christopher L. Beschler, Interim Chief Administrative Officer

**THROUGH:** Peter H. Chapman, Deputy Chief Administrative Officer for Economic Development and Planning

**FROM:** Mark A. Olinger, Director, Department of Planning and Development Review

**SUBJECT:** Special use permit for 1600 Monument Avenue to allow outdoor dining

**ORD. OR RES. No.** \_\_\_\_\_

**PURPOSE:** To authorize the special use of the property known as 1600 Monument Avenue for the purpose of authorizing outdoor dining for an existing restaurant, upon certain terms and conditions.

**REASON:** The existing restaurant is considered a nonconforming use and any expansion of that use, including the proposed outdoor dining, requires a special use permit.

**RECOMMENDATION:** In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its November 3, 2014 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The property is located in the R-6 Single-Family Attached Residential zoning district. It is also located within the Monument Avenue Old & Historic District. The property is currently improved by a multi-family apartment building containing sixty-three (63) dwelling units and a commercial (restaurant) space in a portion of the basement. Neither the multi-family dwelling use nor restaurant uses are permitted principal uses in the R-6 district. However, because the building was constructed in 1924 before the enactment of the existing Zoning Ordinance, and because the property was zoned F Multifamily District in 1947 which permitted apartment buildings that included "public dining rooms" (according to the City Attorney's

interpretation of the Zoning Ordinance in 1949), the building is deemed to be nonconforming (grandfathered) in respect to the provision of multi-family dwelling units and a restaurant.

The Richmond Master Plan designates this property as Single-Family (Medium Density). Primary uses for the Single-Family designation are, "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). In addition, the Master Plan specifically addresses commercial uses in the Fan neighborhood stating, "Although no corner commercial uses are identified on the Land Use Plan Map, if the establishment legally existed upon adoption of this Master Plan then it is appropriate" (p. 236).

According to the Applicant's Report, the proposed outdoor dining area would be approximately 395 square feet in area and be open from 10:00 AM 10:00 PM, Monday through Sunday. The occupancy would be limited to 21 persons.

**FISCAL IMPACT:** The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

**COST TO CITY:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

**REVENUE TO CITY:** \$1,800 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** October 13, 2014

**CITY COUNCIL PUBLIC HEARING DATE:** November 10, 2014

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission, November 3, 2014

**AFFECTED AGENCIES:** Office of Chief Administrative Officer; Law Department (for review of draft ordinance); City Assessor (for preparation of mailing labels for public notice)

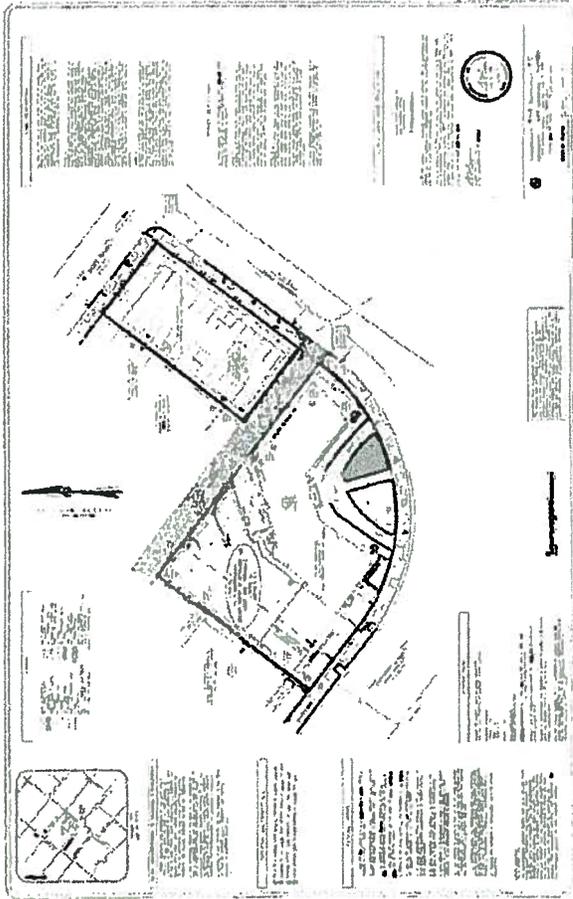
**RELATIONSHIP TO EXISTING ORDINANCES:** None.

**ATTACHMENTS:** Application Form, Applicant's Letter, Draft Ordinance, Plans

**STAFF:** Willy Thompson, Senior Planner; Land Use Administration (Room 511) 646-5734

*DCD O&R No.14-36*





**PROJECT**  
OUTDOOR SEATING

**OWNER**  
MY NOODLE & BAR

**ARCHITECT**  
1000 MIDWINTER VILLAGE  
SAN FRANCISCO, CALIFORNIA

**DATE**  
JULY 15, 2018

**SCALE**  
1/8" = 1'-0"

**4 SITE PLAN & LOCATION MAP**  
SCALE: 1/8" = 1'-0"

**RECEIVED**  
JUL 15 2018  
LAND USE ADMINISTRATION

**PROPOSED PROJECT SCOPE**

1. EXISTING BUILDING TO BE DEMOLISHED AND REPLACED WITH A NEW 10,000 SQ. FT. BUILDING.

2. EXISTING PARKING TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

3. EXISTING DRIVEWAY TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

4. EXISTING SIDEWALK TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

5. EXISTING LANDSCAPE TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

6. EXISTING UTILITIES TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

7. EXISTING SIGNAGE TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

8. EXISTING FENCE TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

9. EXISTING DRIVEWAY TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

10. EXISTING SIDEWALK TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

11. EXISTING LANDSCAPE TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

12. EXISTING UTILITIES TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

13. EXISTING SIGNAGE TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

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15. EXISTING DRIVEWAY TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

16. EXISTING SIDEWALK TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

17. EXISTING LANDSCAPE TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

18. EXISTING UTILITIES TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

19. EXISTING SIGNAGE TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

20. EXISTING FENCE TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

**3 SURVEY**  
SCALE: 1/8" = 1'-0"

**PROPOSED FENCE KEY NOTES**

1. 2'-4" METAL POSTS AT 8' ON CENTER.

2. 2'-4" METAL POSTS AT 8' ON CENTER.

3. 1/2" X 1/2" METAL BRACKET PLATE AT 8' ON CENTER.

4. 1/2" X 1/2" METAL BRACKET PLATE AT 8' ON CENTER.

5. 1/2" X 1/2" METAL BRACKET PLATE AT 8' ON CENTER.

6. 1/2" X 1/2" METAL BRACKET PLATE AT 8' ON CENTER.

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19. 1/2" X 1/2" METAL BRACKET PLATE AT 8' ON CENTER.

20. 1/2" X 1/2" METAL BRACKET PLATE AT 8' ON CENTER.

NOTE: FENCE SHALL BE PERMITTED TO BE 10' HIGH.

**2 FENCE DETAILS**  
SCALE: 1/8" = 1'-0"

**SECTION**

**1 PATIO LEVEL PLAN**  
SCALE: 1/8" = 1'-0"

**PROPOSED PROJECT SCOPE**

1. EXISTING BUILDING TO BE DEMOLISHED AND REPLACED WITH A NEW 10,000 SQ. FT. BUILDING.

2. EXISTING PARKING TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

3. EXISTING DRIVEWAY TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

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19. EXISTING SIGNAGE TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

20. EXISTING FENCE TO BE RECONFIGURED TO ACCOMMODATE THE NEW BUILDING.

**SUP-1**  
SHEET 1 OF 1

**1 PATIO LEVEL PLAN**  
SCALE: 1/8" = 1'-0"

**2 FENCE DETAILS**  
SCALE: 1/8" = 1'-0"

**SECTION**



# 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) 646-8304  
<http://www.richmondgov.com/>

RECEIVED

JUL 15 2014

LAND USE ADMINISTRATION

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

Project Name: PATIO FOR MY NOODLE Date: 6-29-14

Property Address: 1600 MONUMENT AVENUE Tax Map #: W0000735032

Fee: \$1600 Total area of affected site in acres: LESS THAN 1 ACRE  
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

### Zoning

Current Zoning: R-6

### Proposed Use

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

Existing Use: Multifamily Restaurant  
Is this property subject to any previous land use cases?

- Yes
- No

If Yes, please list the Ordinance Number:

outdoor dining for existing restaurant

Applicant/Contact Person: MICHAEL PELLIS

Company: MICHAEL PELLIS ARCHITECTURE, PLLC

Mailing Address: 201 W 7TH ST.

City: RICHMOND State: VA Zip Code: 23224

Telephone: (804) 212 9024 Fax: ( ) N/A

Email: MICHAEL@MICHAELPELLIS.COM

Property Owner: \_\_\_\_\_

If Business Entity, name and title of authorized signee: CHESTERFIELD BUILDING / LUIS COZZA A

Mailing Address: 900 WEST FRANKLIN STREET

City: Richmond State: VA Zip Code: \_\_\_\_\_

Telephone: (812) 206-6181 Fax: ( )

Email: BO COZZA@IMEE.CO

Property Owner 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)



MICHAEL www.michaelpellis.com  
PELLIS 804.212.9024  
ARCHITECTURE 201 W. 7th St., Richmond, VA 23224

## **MY NOODLE RESTAURANT & BAR ENCLOSED OUTDOOR SEATING SPECIAL USE PERMIT APPLICANT REPORT**

Department of Planning and Development Review  
Land Use Administration Division, Room 511  
City Hall, 900 East Broad Street, Richmond Virginia 23219

July 15, 2014

To Whom It May Concern:

The owner of My Noodle Restaurant & Bar, Joe Kiatsuranon (the applicant), is requesting the allowance of enclosing the existing patio with a fence and gate located at 1600 Monument Avenue in Richmond Virginia. The fence would enclose the patio directly to the west of the stairs leading down to the restaurant located in the basement. The proposed fenced-in area would allow for outdoor seating to accommodate 21 customers. The proposed fence will be black metal, similar in appearance, to the existing fences on other portions of the existing Stuart Court Apartments property. The fence would be 48" high and be permanently cemented into the ground with posts located per the plans. The portion of the fence facing Monument Avenue would have a 15" deep wooden counter top attached to it with bracket supported by the vertical fence supports. All other furniture will be free standing and temporary in nature. No food or beverages will be prepared on this patio. The purpose of the patio will be for seating of customers only.

Please refer to the plan sheet titled SUP-1 as evidence in support of the following statements:

1. The enclosed fence and gate will not be detrimental to the safety, health, morals and general welfare of the community involved. The purpose of the fence and self-closing gate is to ensure the functions stay within the confines of the patio. The owner would like to restrict the usage of the patio to the following weekly schedule:
  - Mon – Sunday: 10am – 10pm
2. The fence is located on the patio and the gate swings inward so as to not create congestion in the adjacent public sidewalk.
3. The existing stair has 44" or greater clearance for egress on one side of the stair, therefore the new fence and gate will not interfere with the legal width of the existing egress path.
4. The proposed fenced in area is approx. 395 SF which would allow for 26 occupants – therefore the owner's limitation of 21 results in a less-crowded, less-concentrated population for the space.
5. The fence and gate will not adversely affect any public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements.
6. The fence and gate will not interfere with adequate light and air as they are of an open railing design and only 48" in total height.

The applicant and architect met with the Monument Avenue Preservation Society (MAPS), Charles Samuels and The Fan District Association and all groups expressed support for the proposed fenced in patio. Please feel free to reach out to each group and inquire regarding their specific comments. We have addressed all of their concerns regarding hours of operation and permanent vs. non-permanent items and total occupancy capacity.

Thank you for your consideration.

Michael Pellis  
(On behalf of the applicant)



**The Fan District Association of Richmond, Virginia  
208 N. Strawberry Street, Richmond, Virginia 23220**

June 25, 2014

**RECEIVED**  
JUL 15 2014  
LAND USE ADMINISTRATION

Michael Pellis  
Michael Pellis Architecture  
201 W. 7<sup>th</sup> St.  
Richmond, VA 23224

Dear Sir:

**Subject: General Support for Development Concept at My Noodle & Bar**

The Fan District Association of Richmond, VA, Inc., (FDA) Board of Directors (Board) has voted to support the concept of installing a patio beside the entrance to the My Noodle & Bar, which is located in the basement of the Stuart Circle Apartments. The Board's continued support is conditional in that it must review and support detailed plans and specifications that accompany an application to the City of Richmond (City) Department of Planning and Development Review.

The FDA appreciates your attendance at its Zoning Committee meeting in May. You explained that your client wishes to install the patio to provide outdoor seating. There will be no music or music speakers, an ornamental fence will surround the patio, the patio will close nightly at 10:00 PM, and seating will be limited to 21 persons. You explained that your client has met with neighbors and will be obtaining the Monument Avenue Preservation Society (MAPS) approval. The FDA has concerns that another owner may not show the same concerns for neighbors, so FDA approval would also limit is approval to an SUP that applies only to the current owner and occupancy.

The FDA Board appreciates your bringing this matter to its attention. Please feel free to contact me if you have additional questions, concerns, or issues.

Sincerely,

Matthew P. Stanley  
President  
(804) 332-1794  
[president@fandistrict.org](mailto:president@fandistrict.org)