

INTRODUCED: November 8, 2021

AN ORDINANCE No. 2021-328

As Amended

To authorize the special use of the property known as 939 Myers Street for the purpose of an outdoor event venue and farmer’s market, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 13 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 939 Myers Street, which is situated in a TOD-1 Transit-Oriented Nodal District, desires to use such property for the purpose of an outdoor event venue and farmer’s market, which use, among other things, is not currently allowed by section 30-457.2 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JAN 24 2022 REJECTED: _____ STRICKEN: _____

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 939 Myers Street and identified as Tax Parcel No. N000-1481/044 in the 2021 records of the City Assessor, being more particularly shown on the plans entitled “River City Roll, 933 Myers Street, Richmond, VA 23230,” prepared by Price, Simpson, Harvey, and dated May 1, 2017, 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 an outdoor event venue and farmer’s market, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “River City Roll, 933 Myers Street, Richmond, VA 23230,” prepared by Price, Simpson, Harvey, and dated May 1, 2017, and 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 an outdoor event venue and farmer’s market, substantially as shown on the Plans.

(b) No more than 12 outdoor events per year shall be permitted.

(c) The Special Use shall be limited to Saturdays only and shall end by no later than [10:00] 9:30 p.m.

(d) Secure fencing shall be provided for the Special Use.

(e) No parking shall be required for the Special Use.

(f) Each event associated with the Special Use shall be provided with private trash service and sanitation facilities.

§ 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

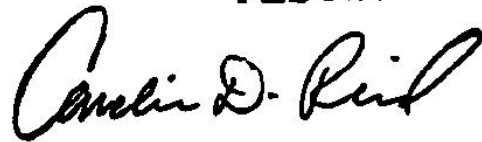
otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 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 730 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.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Camille D. Reil". The signature is written in a cursive style with a large initial 'C'.

City Clerk



City of Richmond

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

Item Request File Number: PRE.2021.860

O & R Request

DATE: October 11, 2021

EDITION: 1

TO: The Honorable Members of City Council

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

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

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

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

RE: To authorize the special use of the property known as 939 Myers Street for the purpose of an outside event venue and farmer's market, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 939 Myers Street for the purpose of an outside event venue and farmer's market, upon certain terms and conditions.

REASON: The applicant is requesting to authorize the special use of the property known as 939 Myers Street for the purpose of using the parking area for an outside event venue and farmer's market. The property is located in a TOD-1 Transit-Oriented District, which does not permit outside entertainment nor does it permit a farmer's market or flea market use.

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 December 6, 2021, meeting.

BACKGROUND: The subject property consists of a single parcel of land that has a lot area of 76,665 square feet (1.76 acres) and is improved with a 22,917 square foot building that is used as a bowling alley, restaurant, and nightclub. The property is located in the Museums neighborhood along Myers Street between N Arthur Ashe Boulevard and W Leigh Street.

The property is located in a TOD-1 Transit-Oriented District, which does not permit outside entertainment nor does it permit a farmer's market or flea market use.

Richmond 300 recommends a future land use of "Destination Mixed-Use" for the property. The primary uses envisioned for Destination Mixed-Use are retail/office/personal service, multi-family residential, cultural, and open space. Secondary uses are institutional and government. The development style envisioned is higher-density, transit-oriented on vacant or underutilized sites. New development should be urban in form, may be of larger scale than the existing context, and should pay special attention to the historic character of the existing context. Development should enhance the public realm and create a sense of place, with many vertically mixed-use buildings. A gridded street pattern should be continued or introduced to increase connectivity. Ground floor uses are envisioned to engage with and enliven the street through windows, doors, storefronts and other features that allow transparency and interaction between building and street. The recommended intensity is high with new buildings typically a minimum of five stories. Pedestrian, bicycle and transit access must be prioritized.

The property is also located adjacent to the Greater Scott's Addition Priority Growth Node. On the Greater Scott's Addition Framework Plan, this parcel is shown as being located within an "Industrial Mixed-Use District," which is envisioned as a continuation of Scott's Addition combining entertainment, residential, office and light industrial uses.

A variety of commercial uses and multi-family uses are located within the vicinity of the property. The subject property and all surrounding properties are located within the TOD-1 Transit-Oriented Nodal District.

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

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$1,800

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 8, 2021

CITY COUNCIL PUBLIC HEARING DATE: December 13, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Consent

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
December 6, 2021

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646 5648



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.richmond.gov/>

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: 939 Myers Street Date: 6/9/21
 Tax Map #: N0001481044 Fee: _____
 Total area of affected site in acres: 1.76

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

Zoning

Current Zoning: TOD-1

Existing Use: boutique bowling alley

Proposed Use

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

Existing Use: bowling alley, restaurant and venue with outdoor events

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Rob Long

Company: River City Roll
 Mailing Address: 939 Myers Street
 City: Richmond State: VA Zip Code: ~~23220~~ 23230
 Telephone: (804) 331-0416 Fax: () N/A
 Email: rob@rivercityroll.com

Property Owner: 939 Myers LLC

If Business Entity, name and title of authorized signer: Taylor Williams

(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: 1310 Roseneath Rd Suite 200
 City: Richmond State: VA Zip Code: 23230
 Telephone: (804) 615-7565 Fax: () N/A
 Email: taylor@spyrock.com

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)

Applicant's Report

River City Roll is a full-service restaurant and entertainment venue located at 939 Myers Street in Scott's Addition. The venue features 20 boutique bowling lanes, private event space, a live entertainment stage, and large covered and heated patio with an indoor and outdoor accessible bar. Outside of the building, River City Roll also has a 150 space parking lot for guests and event use.

As an extension to the normal use, River City Roll is seeking a Special Use Permit to allow for up to 12 (Saturday only) outdoor charity-partnered (proposed schedule for events that did not happen in 2020 attached) events in our parking lot. The SUP would allow a unique opportunity to work with non profits and vendors to provide family friendly attractions along with live music at no cost to the general public. These opportunities would enhance the offerings of the Scott's Addition neighborhood as well as the city of Richmond, VA.

River City Roll is intent on being a positive addition to the Scotts Addition Neighborhood as well as the greater Richmond area.

Please see below for how River City Roll will satisfy the conditions set forth in section 3 of the Application Requirements.

- (1) *Will not be detrimental to the safety, health, morals, and general welfare of the community involved* – River City Roll's team works closely with the City's Sheriff's Office, providing enhanced security and safety presence. All events will be held within a defined perimeter located within the boundaries of the parking lot. Each event offers adequate space and sanitation with the communities health and safety in mind.
- (2) *Will not tend to create congestion in streets, roads, alleys, and other public ways and places in that area involved* – River City Roll is located off the beaten path, on a newly paved Myers Street, parallel to Broad Street behind the Starbucks. Our events take place in our own parking lot and do not hinder the traffic on Myers Street, or the alley running between Myers and Terminal Place. Adequate fencing, signage, and security prevents any parking in the main thoroughfares. Marketing for each event will include ride sharing discount codes.
- (3) *Will not create hazards from fire, panic, or other dangers* – All River City Roll events follow City and Fire Department protocols.
- (4) *Will not tend to cause overcrowding of land and an undue concentration of population* – River City Roll's outdoor events feature a capacity that is well within the amount that

could fit the space. To ensure proper capacity, this number will be reviewed by the City Sheriff's Office.

- (5) *Will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirement, conveniences, and improvements* – Each of the outdoor events at River City Roll will provide proper waste disposal through private trash service, port-a-potty and hand sanitizing stations. The full extent of the events will exist on River City Roll property with no interference to public transportation or improvements.
- (6) Will not interfere with adequate light and air – Outdoor events will have no affect on air quality. Entertainment lighting and outdoor music will be off by 10pm to not interfere with surrounding neighbors.



2020 Outdoor Concert Series (DID NOT OCCUR)

3/14 Shamrock the Block Official After Party
To benefit SABA's Livability Committee

4/19 Roll Dog Roll – 2 Year Anniversary Party
To benefit Fetch a Cure

5/9 Women for Live Music Festival
To benefit Sparc

5/23 Outlaw's Memorial Day Bash
To benefit UDT-SEAL Association

6/6 Summer of Pride Fest
To benefit VA Pride

6/20 Goin' Country for a Cure
To benefit Alzheimer's Association

7/4 4th of July Celebration
To benefit Richmond's First Responders

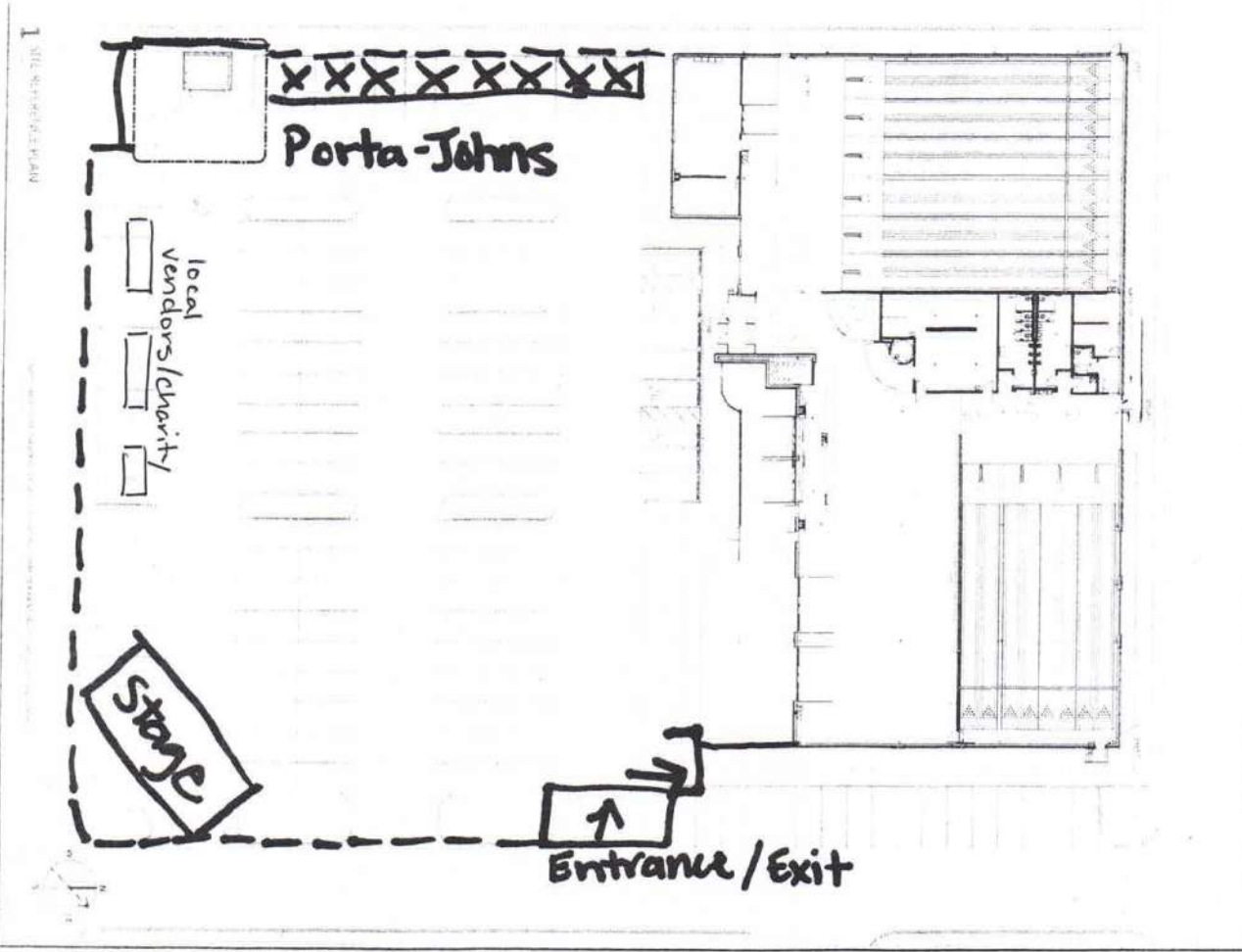
9/6 Labor Day Bash
To benefit RCPS

9/20 2ND Annual Dog Fest
To benefit Vet Fund

10/3 Fall Fest
To benefit National Brain Tumor Society

10/17 Boulevard Pumpkin Festival Official After Party
To benefit RACC

10/31 Frasco's Fright Night
To benefit the Virginia Breast Cancer Foundation



1 MILLERSVILLE PLAZA