

INTRODUCED: September 9, 2024

AN ORDINANCE No. 2024-242

To authorize the conditional use of the property known as 801 North 23rd Street for the purpose of a restaurant with a total floor area exceeding 1,500 square feet, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 15 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 801 North 23rd Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of a restaurant with a total floor area exceeding 1,500 square feet, which is currently allowed only by approval of a conditional use permit by City Council in section 30-419.3(b)(2) of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 30-1045.5 of the Code of the City of Richmond (2020), as amended, it has been made to appear that, if granted pursuant to the terms and conditions set forth in this ordinance and Chapter 30, Article X, Division 5.1 of the Code of the City of Richmond (2020), as amended, the conditional use permit granted by this ordinance will not be

AYES: 7 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 15 2024 REJECTED: _____ STRICKEN: _____

contrary to the general purposes of this chapter 30 of the Code of the City of Richmond (2020) as stated in section 30-100 of the Code of the City of Richmond (2020), as amended; will not be in conflict with the objectives and policies of the master plan for the city; will conform with all applicable sections of Chapter 30, Article X of the Code of the City of Richmond (2020), as amended, and other applicable requirements of the district in which it is proposed to be located; will not substantially diminish or impair the established property values in the neighborhood in which it is proposed to be located; will not have an undue adverse effect on the public health, safety, or general welfare; will not adversely affect the character of the surrounding area or the continued use and development of surrounding property in a manner consistent with applicable zoning regulations or master plan objectives; will not cause undue traffic congestion on public streets or significantly increase traffic volumes on minor residential streets; will be adequately served by essential public services and facilities and will not cause an undue burden on such services and facilities; will not cause the destruction, loss, or damage of significant natural, scenic, or historic features to any greater degree than development of the property for uses permitted by right in the district; will ensure compatibility with surrounding property through existing and proposed landscaping, screening and buffering and the location, arrangement, and character of existing and proposed buildings, structures, open spaces, parking areas, vehicular circulation, driveways, signage, and lighting; and will not cause or result in any significant increase in negative cumulative impact when considered in conjunction with other conditional uses in the neighborhood in which it is proposed to be located; 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 30-1045.5 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the conditional use set forth in and subject to the terms and conditions of this ordinance will not be contrary to the general purposes of Chapter 30 of the Code of the City of Richmond (2020), as amended, as stated in section 30-100; will not be in conflict with the objectives and policies of the master plan for the City; will conform with all applicable sections of Chapter 30, Article X of the Code of the City of Richmond (2020), as amended, and other applicable requirements of the district in which it is proposed to be located; will not substantially diminish or impair the established property values in the neighborhood in which it is proposed to be located; will not have an undue adverse effect on the public health, safety, or general welfare; will not adversely affect the character of the surrounding area or the continued use and development of surrounding property in a manner consistent with applicable zoning regulations or master plan objectives; will not cause undue traffic congestion on public streets or significantly increase traffic volumes on minor residential streets; will be adequately served by essential public services and facilities and will not cause an undue burden on such services and facilities; will not cause the destruction, loss, or damage of significant natural, scenic, or historic features to any greater degree than development of the property for uses permitted by right in the district; will ensure compatibility with surrounding property through existing and proposed landscaping, screening and buffering and the location, arrangement, and character of

existing and proposed buildings, structures, open spaces, parking areas, vehicular circulation, driveways, signage, and lighting; and will not cause or result in any significant increase in negative cumulative impact when considered in conjunction with other conditional uses in the neighborhood in which it is proposed to be located.

§ 2. Grant of Conditional Use Permit.

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 801 North 23rd Street and identified as Tax Parcel No. E000-0378/017 in the 2024 records of the City Assessor, being more particularly shown on a survey entitled “The Properties Known as #801, #803, #805, #805 1/2 & #807, North 23rd Street in the City of Richmond, VA,” prepared by Edwards, Kratz, Lohr & Associates, PLLC, and dated March 12, 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 a total floor area exceeding 1,500 square feet, hereinafter referred to as “the Conditional Use,” substantially as shown on plans entitled “First Floor Layout, 801 North 23rd Renovation, Virginia Premier Investments, LLC,” prepared by Obsidian, dated July 15, 2024, hereinafter referred to as “the Plans,” a copy of which is attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a conditional use permit for the Property. The conditional 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 conditional use permit is conditioned on the following special terms and conditions:

(a) Pursuant to section 30-419.3(b)(2) of the Code of the City of Richmond (2020), as amended, the Conditional Use of the Property shall be as a restaurant with a total floor area exceeding 1,500 square feet, substantially as shown on the Plans.

(b) The hours of operation for the Conditional Use shall be from 7:00 a.m. to 12:00 a.m. daily.

(c) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 4. **Supplemental Terms and Conditions.** This conditional use permit is conditioned on the following supplemental terms and conditions:

(a) 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.

(b) 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.

(c) 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 conditional use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this conditional 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 conditional 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 30-1045.14 through 30-1045.17 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 conditional use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this conditional 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.

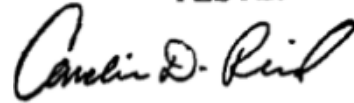
§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a certificate of occupancy for the Conditional Use, substantially in accordance with the Plans for the Conditional Use, subject to the terms and conditions set forth in this ordinance. An application for the certificate of occupancy shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of occupancy is not made within the time period stated in the previous sentence, this ordinance and the conditional use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE

**A TRUE COPY:
TESTE:**

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

City Clerk



City of Richmond

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

Master

File Number: Admin-2024-1143

File ID: Admin-2024-1143

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 2

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 09/06/2024

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 09/09/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2024-1143 - Application Documents,
Admin-2024-1143 - AATF Ordinance

Enactment Number:

Contact:

Introduction Date:

Drafter:

Effective Date:

Related Files:

Approval History

| Version | Seq # | Action Date | Approver | Action | Due Date |
|---------|-------|-------------|-------------------------|----------------|-----------|
| 2 | 1 | 9/6/2024 | Matthew Ebinger | Approve | 9/10/2024 |
| 2 | 2 | 9/6/2024 | Kris Daniel-Thiem - FYI | Notified - FYI | |
| 2 | 3 | 9/6/2024 | Kevin Vonck | Approve | 9/13/2024 |
| 2 | 4 | 9/6/2024 | Alecia Blackwell - FYI | Notified - FYI | |
| 2 | 5 | 9/9/2024 | Sharon Ebert | Approve | 9/10/2024 |
| 2 | 6 | 9/9/2024 | Caitlin Sedano - FYI | Notified - FYI | |
| 2 | 7 | 9/9/2024 | Jeff Gray | Approve | 9/11/2024 |
| 2 | 8 | 9/9/2024 | Lincoln Saunders | Approve | 9/11/2024 |
| 2 | 9 | 9/9/2024 | Mayor Stoney | Approve | 9/11/2024 |

History of Legislative File

| Ver- sion: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|------------|--------------|-------|---------|----------|-----------|--------------|---------|
| | | | | | | | |

Text of Legislative File Admin-2024-1143

DATE: September 6, 2024

TO: The Honorable Members of City Council

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

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

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

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

RE: To authorize the conditional use of the property known as 801 N 23rd St., for the purpose of expanding the total floor area allowed for the principal use as a restaurant, under certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Conditional Use Permit to authorize the first floor for permitted principal uses in the R-63 Zoning District exceeding 1,500 square feet.

BACKGROUND: The property is located in the Union Hill neighborhood on North 23rd street between Cedar and O Streets. The property is currently a 5610 sq. ft. (.129 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 (see Street Typologies Map). Parcels are generally between 1,500 and 5,000 sq. ft.)

The current zoning for this property is R-63 Multifamily Urban Residential. Adjacent properties are primarily R-63 Multifamily Urban Residential District to the West and East respectively. The area is generally multi family residential, with some single family residential, religious institutions, and small, neighborhood commercial uses present in the vicinity.

COMMUNITY ENGAGEMENT: Union Hill Civic Association was notified of the application; additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

FISCAL IMPACT: \$1500 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: September 9, 2024

CITY COUNCIL PUBLIC HEARING DATE: October 15, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, October 1, 2024

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, Map

STAFF:

Matthew Ebinger, Planning Supervisor, Land Use Administration (Room 511) 646-6308

Madison Wilson, Planner, Land Use Administration (Room 511) 646-7436



Application for **CONDITIONAL 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.richmondgov.com/>

Application is hereby submitted for: (check one)

- conditional use permit, new
- conditional use permit, amendment

Project Name/Location

Property Address: 801 N 23rd Street Date: 7/16/2024
Tax Map #: E0000378017 Fee: \$1,500
Total area of affected site in acres: 0.129

(See **page 8** for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-63

Existing Use: Mixed-Use

Proposed Use

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

Authorization of the first floor for permitted principal uses in the R-63 Zoning District exceeding 1,500 square feet.
Existing Use: Mixed-Use

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: Will Gillette

Company: Baker Development Resources
Mailing Address: 530 East Main Street, Suite 730
City: Richmond State: Va Zip Code: 23219
Telephone: (864) 377-9140 Fax: ()
Email: will@bakerdevelopmentresources.com

Property Owner: 801 N 23RD STREET LLC

If Business Entity, name and title of authorized signee: _____

(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: 3420 PUMP RD STE 169
City: RICHMOND State: VA Zip Code: 23233
Telephone: () Fax: ()
Email: _____

Property Owner Signature: Daniil V. Kleyman
Daniil V. Kleyman (Jul 17, 2024 17:20 EDT)

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.**



Review & Approval process for **CONDITIONAL USE PERMIT**

Conditional use permits are intended as a means for the City Council, after review and recommendation by the Planning Commission, to authorize certain uses which, although generally appropriate in the district in which they are permitted, have potentially greater impacts on neighboring properties than uses which are permitted as a matter of right. Such uses may or may not be appropriate at a particular location in the district depending on surrounding land uses, other site-specific factors, and determination in each case of potential local impacts from the use and the measures proposed by the applicant to mitigate any adverse impacts. The conditional use permit procedure provides the opportunity for the city council to review each proposed conditional use and to approve or disapprove the use or impose such conditions as reasonably necessary to ensure the use will be compatible with the surrounding area.

Conditional use permits can only be applied for those uses enumerated in the zoning ordinance as being eligible to be authorized by a conditional use permit. These listed uses vary according to the zoning district in which a property is located. The listing of a use as being permitted in a particular zoning district by conditional use permit does not constitute assurance or presumption that a conditional use permit for such use will be approved. Approval of a conditional use permit for a particular use at a specific location within a district is subject to evaluation by the City Council and a determination in each case based on the standards and conditions set forth in the City's Zoning Ordinance.

Applicants **must schedule a pre-application conference with the Division of Land Use Administration staff to review the standards for approval of conditional use permits, the specific conditions applicable to particular uses, the City's Master Plan, and other issues that may be involved prior to making application.** Please call (804) 646-6304 to schedule an appointment with the staff. Staff will review submitted applications to ensure all required materials and information are provided. If the application is not acceptable, the required information must be provided prior to formal staff review.

Applicants should also discuss the proposed conditional use permit with area civic associations, property owners, residents, and the area Council Representative prior to submitting an application. Letters from the associations and property owners stating their position in regards to the request should be submitted with the application.

The Division of Land Use Administration circulates the application materials to appropriate City agencies as determined necessary. City agencies reviewing the proposal may include: Public Works, Building Permits & Inspections, Public Utilities, Water Resources, Zoning Administration, and Fire and Emergency Services. The Division of Land Use Administration will coordinate responses by City agencies. Written comments will be provided generally within 30 days of the application submittal date.

After review by these agencies and by the Division of Land Use Administration, the staff will confer with the applicant regarding suggested conditions to be included in the ordinance and any suggested changes to the application. **If** the property is located in a City Old and Historic District and the request involves exterior alterations, additions or new construction, the plans should also be reviewed by the Commission of Architectural Review prior to an ordinance being introduced in City Council. Once the application is in final form, an ordinance is drafted and the plans are attached to and are made a part of the ordinance. The staff will forward a copy of the ordinance to the applicant for review and approval.

The ordinance is then reviewed by the City Attorney's office and the City Administration. Once their review is complete, the ordinance is introduced to City Council and a public hearing is scheduled, usually thirty days after introduction. During this thirty-day period, public notice of the hearing is posted on the site and in a daily newspaper. Notices are also mailed to the owners of all properties within 150 feet of the subject property. One week prior to the City Council public hearing, the Planning Commission, after receiving a report from the Department of Planning and Development Review, considers the proposed special use permit and forwards a recommendation to City Council. The Planning Commission welcomes information submitted prior to the meeting and may ask questions of proponents and opponents during the course of its deliberation on the ordinance.

A conditional use permit shall be approved by the City Council only if it finds, after consideration of the recommendation of the Planning Commission, that the proposed use and related plans are appropriate at the location proposed based upon its consideration of the following standards and the specific conditions, where applicable, for the particular use in the district in which it is proposed to be located. No conditional use permit shall be



Review & Approval process for:
CONDITIONAL USE PERMIT

approved by the city council unless it finds the proposed use and development:

1. Will not be contrary to the general purposes of this chapter as stated in section 114-100;
2. Will not be in conflict with the objectives and policies of the master plan for the city;
3. Will conform with all applicable sections of this article and other applicable requirements of the district in which it is proposed to be located;
4. Will not substantially diminish or impair the established property values in the neighborhood in which it is proposed to be located;
5. Will not have an undue adverse effect on the public health, safety or general welfare;
6. Will not adversely affect the character of the surrounding area or the continued use and development of surrounding property in a manner consistent with applicable zoning regulations or master plan objectives;
7. Will not cause undue traffic congestion on public streets or significantly increase traffic volumes on minor residential streets;
8. Will be adequately served by essential public services and facilities and will not cause an undue burden on such services and facilities;
9. Will not cause the destruction, loss or damage of significant natural, scenic or historic features to any greater degree than development of the property for uses permitted by right in the district;
10. Will ensure compatibility with surrounding property through existing and proposed landscaping, screening and buffering and the location, arrangement and character of existing and proposed buildings, structures, open spaces, parking areas, vehicular circulation, driveways, signage and lighting; and
11. Will not cause or result in any significant increase in negative cumulative impact when considered in conjunction with other conditional uses in the neighborhood in which it is proposed to be located.

In general, the approval process for conditional use permits takes between 120 to 180 days. However, depending on the complexity of the proposed conditional use permit, more or less time may be required. ***Incomplete submissions or major modifications to the plan during the review process may cause delays in the schedule.***

Legislative Land Use Application Process





FILING

Conditional use permit applications are filed with the:

Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street, Richmond, Virginia 23219
Telephone (804) 646-6304

APPLICATION REQUIREMENTS

The application for a conditional use permit must include the following, each part of which is explained below. **Application must be submitted in an electronic format (PDF).**

1. **Application form,**
2. **Application fee;**
3. **Applicant’s report;**
4. **Management program or operations plan, if applicable**
5. **Electronic PDF plans; and**
6. **Survey plat.**

1. **Application Form:** All the owners of the property must sign the application form. If a legal representative signs for a property owner, a copy of an executed power of attorney is required.
2. **Application Fee:** The appropriate fee must accompany the application. Checks should be made payable to the “City of Richmond”. The fees are determined from the following fee schedule.

| Application Type | Fee Required |
|---------------------|------------------------------|
| Initial Application | \$1,500.00 + \$100 per acre* |
| Amendment | \$1,000 + 100 per acre* |

*\$100 for each acre or fraction thereof over the first acre (fee is not prorated by acreage)

3. **Applicant’s Report: A written report must be submitted** describing the proposed conditional use and explaining the manner in which it complies with the requirements and standards of the zoning ordinance. The zoning ordinance has set forth specific conditions for each particular use permitted under a conditional use permit (§30-1045.6). The report should address how the requested use meets the specific conditions for that use. The report should also address how the proposed use and development will meet the standards for approval found on page 3. **Please note that the above materials will be forwarded to the City Planning Commission and City Council along with the conditional use permit ordinance.**
4. **Management Program or Operations Plan, if applicable:** A management program is required with an application for conditional use permit for adult care residences, group homes, lodginghouses, shelters, and social service delivery uses. An operations plan is required for nondwelling uses occupying the ground floor of existing buildings in the R-8 zoning district.

If a management program is required it shall include the items listed below. If a particular element listed below is not applicable to a specific type of use because of the characteristics of that use, the management program shall include a statement of why the element is not applicable:



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- 5a.** Detailed description of the managing entity, including the organizational structure, names of the board of directors, mission statement, and any bylaws;
- b.** Detailed descriptions of programs offered on the premises, including operating procedures and characteristics, the intent of the programs and a description of how the programs support a long term strategy for meeting the residents' or clients' needs;
- c.** Detailed description of off-site programs offered, and/or description of linkages to programs operated by others;
- d.** Detailed description of the number and type of residents or clients to be served, including an outline of program objectives, eligibility criteria, and requirements for referrals to other programs;
- e.** Operational details for on-site programs including: hours of operation, number and type of staff, staff qualifications, and typical hours worked by staff; method of resident or client supervision; operating procedures including procedures for orienting a new resident or client to the facility's programs; expectations for residents or clients; prerequisites for continued client enrollment such as a requirement that the resident or client participate in programs; rules of behavior for residents or clients; the location and nature of any security features and arrangements; and names and telephone numbers of persons to contact in emergencies and any emergency procedures; and
- 6f.** Annual operating budget, including sources of funding,

If an operations plan is required it shall include the items listed below. If a particular element listed below is not applicable to a specific type of use because of the characteristics of that use, the management program shall include a statement of why the element is not applicable:

- a.** Operational characteristics and features of the use;
 - b.** Staffing levels;
 - c.** Hours of operation;
 - d.** Type of ABC license and related restrictions;
 - e.** Floor plan showing the general arrangement of the use and seating capacity of tables and other facilities for patrons;
 - f.** Description of intended use of the upper floor(s) of the building, including floor plans and plans for ingress and egress;
 - g.** Provisions for containing trash and refuse generated by the use, including screening of containers, and means of preventing trash from blowing onto adjacent properties or streets;
 - h.** Provisions for off-street parking;
Provision for security, including procedures, features, arrangements and staffing levels for both the interior and exterior of the premises; and
 - e.** A plan and procedures for mitigating potential impacts on nearby dwelling uses.
- 5. Plans:** An electronic PDF of Plans are required to provide sufficient detail to permit the staff to make a determination of the compatibility of the proposed project with surrounding development.
Plans must be properly scaled and include a scale bar. Depending on the request, plans may include the following:
- a.** Site Plan
 - b.** Elevation Plans
 - c.** Floor Plans



FILING

- d. Landscape Plans
- e. Signage Plan & Details
- f. Lighting Plan & Details

Electronic plans may be submitted on a disk or via email at:

DCDLanduseadmin@richmondgov.com.

For items required on the submitted plans, please see the attached "Checklist of Plan Requirements".

6. **Survey Plat:** A PDF of a survey plat showing the property and including metes and bounds is required. The plat should show existing physical features of the property, including:
 - a. North arrow, scale, property address, the distance to nearest public street, preparer of plat, date, revision dates, area of site;
 - b. Existing structures, buildings, paved areas, fences, streets, alleys, easements, and limits of the 100 year flood plain, Chesapeake Bay Preservation Area limits, wetlands, and streams.



COMMUNITY UNIT PLAN

| | |
|-----------------------------------|-----------------------------------|
| Preliminary | \$3,000 + \$100/acre ¹ |
| Extension of Preliminary Approval | \$1,500 |
| Final | \$1,500 + \$100/acre ¹ |
| Amendment | \$1,500 + \$100/acre ¹ |

CONDITIONAL USE PERMIT

| | |
|-----------|-----------------------------------|
| Initial | \$1,500 + \$100/acre ² |
| Amendment | \$1,000 + \$100/acre ² |

PLAN OF DEVELOPMENT

| | |
|--|-----------------------------------|
| Floor area & Land disturbed ≤5,000 square feet | \$500 + \$100/acre ² |
| Floor area & Land disturbed ≥5,001 & ≤50,000 square feet | \$1,000 + \$100/acre ² |
| Floor area & Land disturbed ≥50,001 square feet | \$1,500 + \$100/acre ² |

REZONING/CONDITIONAL REZONING

| | |
|--|-----------------------------------|
| Each continuance caused by the applicant | \$1,500 + \$100/acre ² |
| | \$250 |

SPECIAL USE PERMIT

| <i>Use</i> | <i>Initial</i> | <i>Amendment</i> |
|--|----------------|------------------|
| Day Nursery | \$300 | \$200 |
| Single- or two-family detached or attached dwelling | \$300 | \$200 |
| Outdoor dining | \$300 | \$200 |
| Mobile food business | \$300 | \$200 |
| Sign | \$300 | \$200 |
| Multi-family dwelling (3 to ten units) | \$1,800 | \$1,200 |
| Commercial or industrial equal to or less than 5,000 sq ft | \$1,800 | \$1,200 |
| Multi-family dwelling (more than 10 units) | \$2,400 | \$1,800 |
| Commercial or industrial more than 5,000 sq ft | \$2,400 | \$1,800 |

Each continuance caused by the applicant \$250

SUBDIVISION

| | |
|--|------------------|
| Preliminary Plat | \$500 + \$15/lot |
| Extension of Preliminary Plat Approval | \$150 |
| Final Plat | \$500 + \$15/lot |
| Subdivision Confirmation Letter | \$100 |
| Continuance* | \$50 |
| Plat of Correction | \$100 |

A full refund of the application fee is permitted if the application is withdrawn prior to the second submittal of plans. Once a second submittal of plans is made, fees are not refundable.

¹For Community Unit Plans (CUP), the first 10 acres are included in the base price.

²For Conditional Use Permits, Plans of Development, and Rezoning, the first acre is included in the base price.

For all applications with an additional price per acre, fractions of an acre are rounded up to the nearest whole number. Do not prorate the fee per fraction of acre.

- Example: A Conditional Use Permit (CUP) for a 0.76 acre property would owe \$1,500 (base fee only). A CUP for a 2.3 acre property would owe \$1,700 (\$1,500 base fee + 2*\$100 (for the 1.3 acres over the first acre))

* No charge for the 1st continuance requested by the applicant or for any continuance requested by the Planning Commission. The second or subsequent continuance request by the applicant costs \$50.

Fees went into effect upon adoption of Ordinance No. 2018-209 by City Council on September 10, 2018.







CUP_Application_20240715_801 N 23rd

Final Audit Report

2024-07-17

| | |
|-----------------|--|
| Created: | 2024-07-17 |
| By: | William Gillette (wwgillette@gmail.com) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAA6Ez9TPPEd6DTAmf8MmxNSIB6PFUtRfJ4 |

"CUP_Application_20240715_801 N 23rd" History

-  Document created by William Gillette (wwgillette@gmail.com)
2024-07-17 - 9:15:07 PM GMT- IP address: 174.179.212.236
-  Document emailed to dvk5f@yahoo.com for signature
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-  Email viewed by dvk5f@yahoo.com
2024-07-17 - 9:28:41 PM GMT- IP address: 18.188.125.65
-  Signer dvk5f@yahoo.com entered name at signing as Daniil V. Kleyman
2024-07-17 - 9:29:18 PM GMT- IP address: 173.53.11.89
-  Document e-signed by Daniil V. Kleyman (dvk5f@yahoo.com)
Signature Date: 2024-07-17 - 9:29:20 PM GMT - Time Source: server- IP address: 173.53.11.89
-  Agreement completed.
2024-07-17 - 9:29:20 PM GMT



July 16th, 2024

BY ELECTRONIC SUBMISSION

Mr. Matthew Ebinger
City of Richmond Department of Planning and Development Review
Land Use Administration Division, Room 511
900 East Broad Street
Richmond, VA 23219

Re: Conditional Use Permit: 801 N 23rd Street (E-000-0378/017)

Dear Mr. Ebinger,

This letter shall serve as the Applicant's Report accompanying the application for a Conditional Use Permit (the "CUP") in order to authorize a total of roughly 1,760 feet of permitted principal uses in the R-63 Multifamily Urban District within a ground floor commercial space in the property known as 801 N 23rd Street (the "Property"). The Property is located at the northeastern corner of the intersection of N 23rd and Cedar Streets and is a ground floor unit contained within an existing 2-story mixed-use building which is currently occupied as a restaurant on the first floor and dwelling units on the second floor. This request is limited to the ground floor portion of the building with a street address of 801 N 23rd Street.

The Property is zoned R-63 Multifamily Urban Residential, which permits the existing restaurant use as a permitted principal use on corner lots up to 1,500 square feet. The existing portion of the first floor known as 801 N 23rd Street has been operated as a restaurant since 2014 and contains 1,162 square feet of floor area. The applicant would now like to expand the restaurant into the adjacent unit known as 803 N 23rd Street which was previously occupied as a one-bedroom apartment. The proposed expansion would add roughly 637 square feet of floor area for a total of 1,797 square feet. While the proposed use is permitted by the underlying zoning and no changes are proposed to the exterior of the building, a CUP is now required as the commercial area will exceed 1,500 square feet.

This request is consistent with the recommendations of the Richmond 300 Master Plan (the "Master Plan"), which recommends "Neighborhood Mixed-Use" for the Property. The Master Plan describes this land use designation 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." Recommended development styles are described

as featuring “a variety of building types that are close to one another and create a unified street wall. The ground floor should “engage the street with features such as street-oriented facades with window and door openings along the street.”

Given the recommendations of the Richmond 300 Plan, the specific details of this request and the specific location and attributes of the Property, the proposed use is appropriate for the Property and it meets the criteria set forth in the Charter of the City of Richmond that the use: (1) Will not be contrary to the general purposes of the chapter as stated in section 114-100; (2) Will not be in conflict with the objectives and policies of the master plan for the city; (3) Will conform with all applicable sections of Article X and other applicable requirements of the district in which it is proposed to be located; (4) Will not substantially diminish or impair the established property values in the neighborhood in which it is proposed to be located; (5) Will not have an undue adverse effect on the public health, safety or general welfare; (6) Will not adversely affect the character of the surrounding area or the continued use and development of surrounding property in a manner consistent with applicable zoning regulations or master plan objectives; (7) Will not cause undue traffic congestion on public streets or significantly increase traffic volumes on minor residential streets; (8) Will be adequately served by essential public services and facilities and will not cause an undue burden on such services and facilities; (9) Will not cause the destruction, loss or damage of significant natural, scenic or historic features to any greater degree than development of the property for uses permitted by right in the district; (10) Will ensure compatibility with surrounding property through existing and proposed landscaping, screening and buffering and the location, arrangement and character of existing and proposed buildings, structures, open spaces, parking areas, vehicular circulation, driveways, signage and lighting; and (11) Will not cause or result in any significant increase in negative cumulative impact when considered in conjunction with other conditional uses in the neighborhood in which it is proposed to be located.

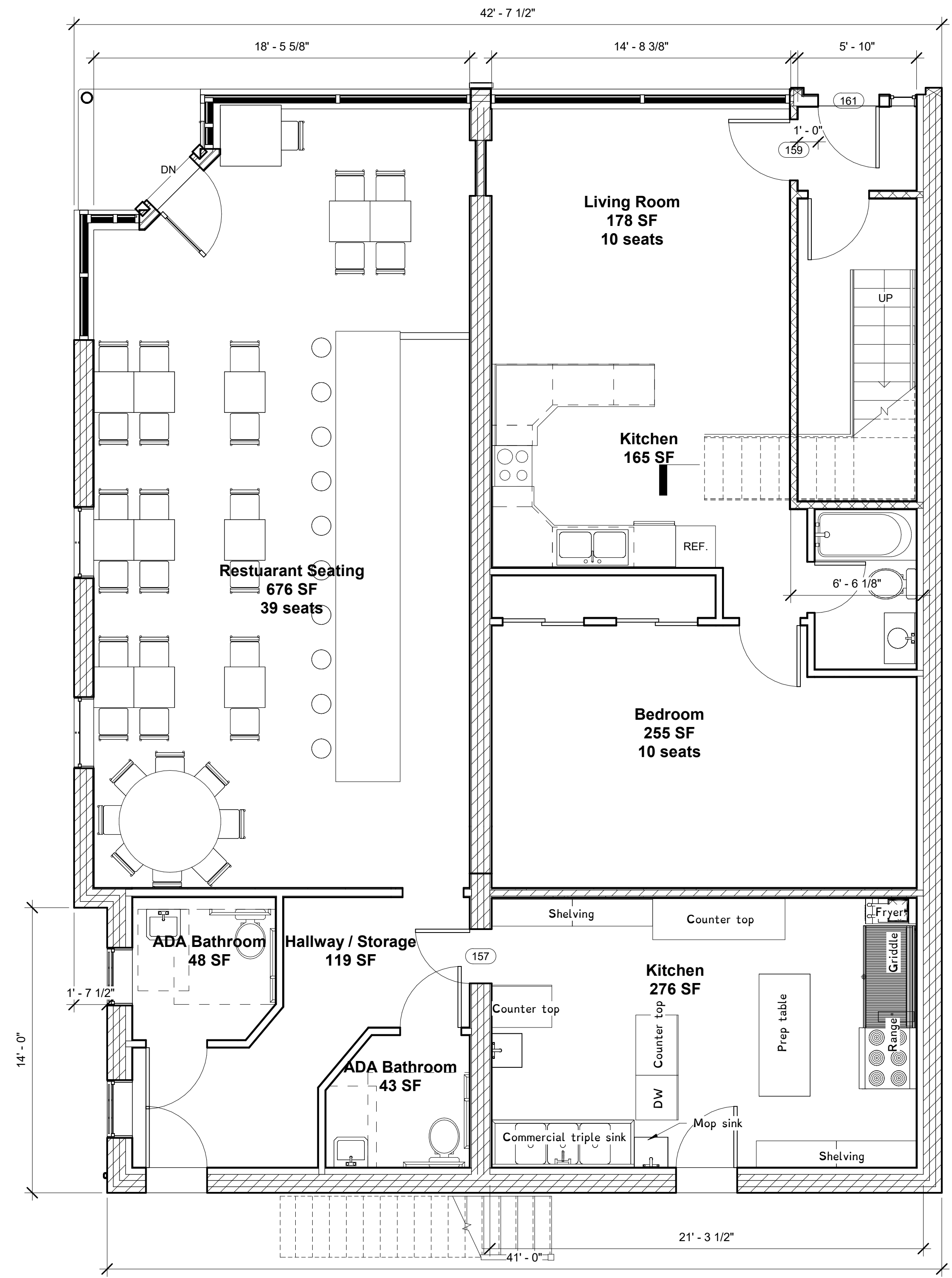
Thank you for your time and consideration of this request, please let me know if you have any questions.

Sincerely,

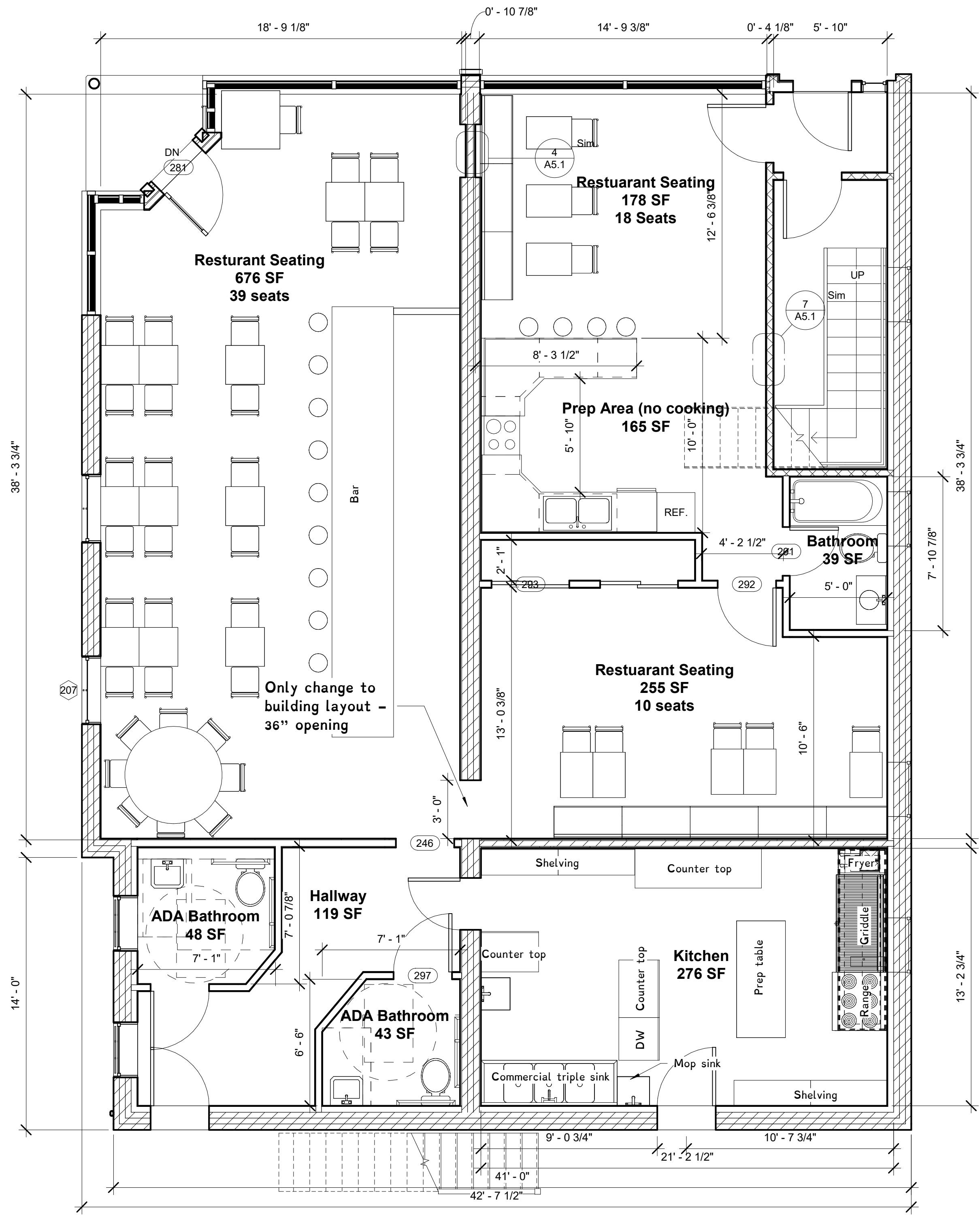


Will Gillette, *AICP*

{Enclosures}

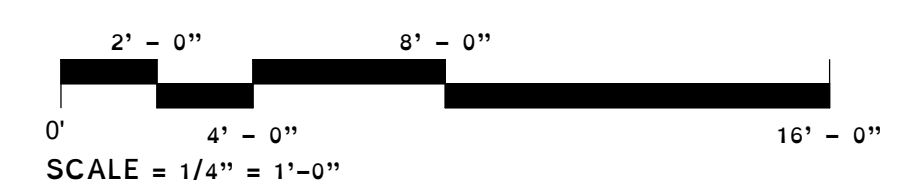


1
A5.1



2
Proposed - First Floor
1/4" = 1'-0"

1
Existing - First Floor
1/4" = 1'-0"



| Rev. | Date | Description |
|------|------|-------------|
| | | |
| | | |
| | | |

First Floor Layout
 801 North 23rd Renovation
 Virginia Premier Investments, LLC
 City of Richmond, VA



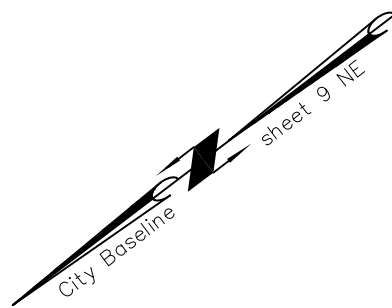
Obsidian
 A Professional Engineering Practice
 417 North 22nd Street
 Richmond, VA 23223
 804.647.1589

Address: 801 & 803 N. 23rd St.
 Current Owner: 801 N. 23rd, LLC
 Map Ref.: E0000378017
 I.D. 2013 21892

Address: 807 N. 23rd St.
 Current Owner: Daniil V. Kleyman
 Map Ref.: E0000378023
 I.D. 2014 3275

Note: Bearings protracted from City
 Baseline sheet 9 NE.

Address: 805 & 805¹/₂ N. 23rd St.
 Current Owners: Daniil V. Kleyman & Vera Genina
 Map Ref.: E0000378021
 I.D. 2012 5267



N/F Richmond Virginia Seminary
 Map Ref.: E0000378012
 D.B. 179, Pg. 1734

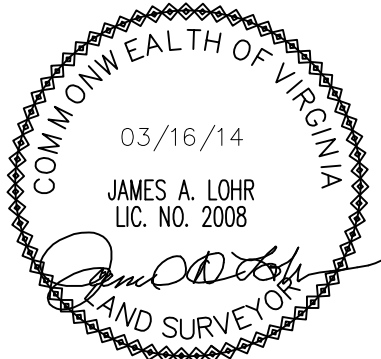


#811 N. 23rd Street
 N/F Cedar Street Baptist Church of God
 Map Ref.: E0000378024
 I.D. 2009 27690

N/F Daniil V. Kelyman
 & Vera Genina
 Map Ref.: E0000378017
 I.D. 2012 5267

CEDAR STREET
 (formerly "N" Street)

N. 23rd STREET



Proposed Ingress & Egress Easement Across
The Properties Known as
#801, #803, #805, #805¹/₂ & #807
North 23rd Street in the
City of Richmond, VA

This is to certify that on 03/06/14 I made an accurate field survey of the premises shown hereon that all improvements and easements known or visible are shown hereon, that there are no encroachments by improvements either from adjoining premises or from subject premises upon adjoining premises other than shown hereon. THIS PLAT WAS MADE WITHOUT THE BENEFIT OF A TITLE SURVEY OR REPORT.

FLOOD INSURANCE NOTE: By graphics plotting only, this property is in ZONE X of the Flood Insurance Rate Map, Community Panel No. 5101290041D effective date of 04/02/09. Exact designations can only be determined by an Elevation Certificate. Based on the above information, this property IS NOT in a Special Flood Hazard Area.

Edwards, Kretz, Lohr & Associates, PLLC
 Land Surveyors-Planners
 Virginia-North Carolina
 1900 Byrd Avenue, Suite 203
 Richmond, Virginia, 23230
 Phone (804) 673-9666
 Fax (804) 673-9990

Scale: 1"=20'
 Drawn: TCJ
 Job: 1095-12
 Date: 03/12/14
 Checked: JAL