

The residents of the Cookie Factory abutting the River City Roll (RCR) parking lot have had issues with RCR and the noise generated by their live music events dating back to 2018. This is shown in attachment #1. I will note that while RCR is allowed to have live bands inside their building, they still leave their garage doors up. As noted in attachment #1, when RCR does this, residents can clearly hear this music within our apartments. From the letter dated 11/10/21(attachment #2) it appears that RCR is requesting a SUP to have outdoor events within the parking lot area on the weekends. Attachments #3 and #4 show that RCR is already doing this. After the RCR outdoor concert on 10/18/20 (attachment #3) in which a stage was set up less than ~30ft from Cookie Factory residences and ~75ft from my apartment , a group of residents got together and started contacting the city about RCR violating their Conditional Use Permit Ordinance. This resulted in a warning and then a NOV that was issued by the city to RCR (attachment #5).

The above clearly shows that RCR willfully violates their Conditional Use Permit Ordinance even after receiving a warning and a NOV from the city. I oppose this SUP as it will negatively impact the enjoyment of my apartment and force an undue burden on me as I will have to seek an alternative residence.

Thank you.

-Erik Duly

Attachment #1



Helmut Kehlenbeck

July 8, 2018 · 🌐

Since the River City Rolls turns into a disco at least twice a week (+ concerts, the last one on Thursday until 12:30) we are getting really upset. Watching tv, listening to our own music, reading or sleeping is hardly possible. We contacted Michelle who spoke to the owner of River City. He agreed to be more diligent about having the garage doors closed within quiet hours. This didn't make a difference. Now we are going to ask Michelle to set up a meeting with the owner.

Are we the only ones at the Cookie Factory Lofts who can't stand this noise?

Helmut and Angela



3

7 Comments



Like



Comment

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Mallory Perryman

I feel your pain. We are down by the McDonald's and the music from the Hof rooftop used to be overwhelming. Luckily, the manager was awesome and took care of it.

Mixed-use zones can be challenging in terms of balancing residential and business needs,... [See more](#)

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Helmut Kehlenbeck

Thank you for your helpful comments. We'll keep you updated.

Like · Reply · 3y



Helmut Kehlenbeck

We complained about the noise to Michelle and she contacted the owner who agreed to keep the big doors closed during quiet hours. Unfortunately that worked only for a few days. It seems like the River City Rolls is busy establishing a kind of discotheque on Fridays and Saturdays and the Managment thinks doors can be left open until 12. 'Open Air Disco' every week is intolerable, it is just crazy loud - we contacted Michelle again who will speak with the owner of Cookies Factory Lofts. Michelle would be happy to hear if/how other neighbors might be concerned about this noise issue too - so please just contact her (or me!) if you also feel disturbed by the way the River City Rolls operates its business.

Like · Reply · 3y



1



Write a comment...



Attachment #2



CITY OF RICHMOND

DEPARTMENT OF PLANNING & DEVELOPMENT REVIEW LAND USE ADMINISTRATION

November 10, 2021

Trevor Dickerson, President
Scott's Addition Boulevard Association

RE: Special Use (New)
939 Myers Street
N0001481044
SUP-094697-2021

Dear Mr. Dickerson,

We have received a Special Use (New) application for the above referenced property, which is located in a TOD-1 Transit-Oriented Nodal District. The applicant has requested a Special Use (New) permit which would authorize outdoor events on the weekends within the parking area for River City Roll. Please find enclosed a copy of the Applicant's Report for your review and also the development response form.

The petitioner is:

Rob Long
rob@rivercityroll.com
804-331-0416

An ordinance (attached) was introduced to City Council and is slated for the following public hearings as Ord. No. 2021-328:

Planning Commission: Monday, December 6, 2021, at 1:30 p.m.

City Council: Monday, December 13, 2021, at 6:00 p.m.

PLEASE NOTE: The Planning Commission meeting will be held through electronic communication means pursuant to and in compliance with Ordinance No. 2020-093, adopted April 9, 2020. This meeting will be open to participation through electronic communication means by the public and closed to in-person participation by the public. Meeting details can be found on the City's Legislative web-site: <https://richmondva.legistar.com/Calendar.aspx>

If you have any other questions about this proposal or about the Special Use (New) permit process, please do not hesitate to contact me at 804-646-5648 or Richard.Saunders@rva.gov.

Sincerely,

Richard Saunders
Senior Planner

Attached: Applicant's Report
Development Proposal Response Form

cc: Rob Long
Sven Philipsen, 2nd District City Council Liaison to The Honorable Katherine Jordan

30

Erik Duly

Re: River City Roll: Stage

To: Emily Ward,

Cc: Pieber, Craig K. - City Council Office, Davidson, William C. - PDR, Gray, Kimberly B. - City Council, Gresham, Rashad L. - PDR

Attachment #3

October 18, 2020 at 3:10 PM

Hide

All,

Please tell me how it is acceptable to have a concert at 8PM on a Sunday in the middle of a pandemic? Needless to say I won't be getting much sleep tonight.



Attachment #4



Erik Duly

Outdoor Music at River City Roll- 939 Myers Street

To: Sven J. - City Council Philipson, Katherine - City Council Jordan Cc: & 1 more

November 6, 2021 at 2:00 PM

[Details](#)

Good afternoon Katherine and Sven,

A year ago the residents at 900 Terminal place complained to the former city counselor and Richmond zoning about River City Roll (939 Myers St) having outdoor concerts in their parking lot which is against zoning ordinance 2018-184 Section 3 and River City Roll's city approved Management Plan. I have included the final correspondence with city officials within this email.

It would appear that River City Roll has forgotten about this issue, or figured that the people who complained have since moved. I'm assuming RCR has not obtained a Conditional Use Permit to have these concerts. I have attached a picture taken today (11/6/21). There are numerous residences that border River City's Parking lot, Cookie Factory Lofts and The Scout.

Thank you for your attention on this matter

-Erik Duly



----- Forwarded message -----

Attachment
#5

From: **Davidson, William C. - PDR**

<Chuck.Davidson@richmondgov.com>

Date: Wed, Nov 4, 2020 at 11:33 AM

Subject: RE: Outdoor Music at River City Roll

To: Emily Ward <emilygillward@gmail.com>

A recent Notice of Violation (NOV) had been delivered to the operator and specifically prohibits outdoor music based on the uses permitted in the Zoning Ordinance. Any land owner or tenant has the ability to request special approval from City Council to authorize things that the Zoning Ordinance does not permit; this is the avenue they appear to be pursuing. We cannot prohibit them from asking, but you and others should follow-up with your Council member to voice your concerns if they decide to pursue this approval. The discussion about no outdoor concerts in the Conditional Use Permit Ordinance, that was previously adopted, has nothing to do with using the parking area for a concert venue. That approval, only deals with the use of the bowling alley as a music venue after 12 midnight. The conditions and Management Plan are only for music inside the building after 12 midnight. The use of the parking area, at all, for a music venue is not permitted unless City Council approves it for such use. We have formally cited the facility for this issue and any future events will result in legal action. The Office tries to resolve issues up front prior to a formal NOV, but this was not successful. We thought we had clearly identified this problem and the issue was resolved, but the recent event(s) have now resulted in a different method of

control.

Michael A. Way Jr.
900 Terminal Place, Apt 273
Richmond, VA 23220
11/29/21

Susan Merritt
Property Manager
Cookie Factory Lofts
900 Terminal Place - Leasing Office
Richmond, VA 23220

To Susan Merritt:

Thank you for allowing Cookie Factory Residents an opportunity in which to voice concerns regarding proposed use changes to the neighboring property at River City Roll.

As a working design professional with a master's degree in architecture and a certificate in urban design, I feel especially qualified to walk through basic concerns; of which there are a few.

While the commercial and arguable community appeal of a concert venue and farmer's market in Scott's addition is self-evident on its face, the matter of responsible permissibility for me comes down to a matter of standard zoning practices and a question of what constitutes a good faith application of common-sense commercial conduct towards residents and neighbors within a mixed-use community.

As a general matter, it is highly irregular to zone or otherwise allow the establishment of a concert venue directly adjacent to residential property, at least not without the express consent of reasonably affected residents.

If we think about the implicit social code inherent in most residential areas as evidenced by the presence of arguably heavy-handed homeowners' associations for instance, a reasonable person can infer that residential communities have an assortment of de facto rights. Many of our understood right may or may not be officially codified. Many resident rights may or may not even need to be codified because we exist in a world with some minimal threshold of common sense.

One such common sense right is the right to have some say about uses allowed in the community. Another arguable right is the right to establish a baseline set of aesthetic standards

Susan Merritt

11/29/21

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to keep a community beautiful and a means of vetting the enforcement of said standards.

A right that seems almost too essential to normally need description but unfortunately seems to need description at this time is the right to evade nuisance within one's home.

When River City Roll was initially established, the initial understanding was that it was to be a bowling alley and restaurant first and that the concert venue area was to be an occasional use item, moderated in substantial deference to the nuisance concerns of adjacent residents. Time has not born out any initial understanding. Over the last several years, bowling has seemed to take a secondary level of priority to concerts, which now occur weekly at minimum and are impossible nuisances to evade for residents.

It already seems odd that River City Roll restaurant guests cannot hear themselves or any friends talk during concerts at River City Roll. More disappointing is that the concerts also make it difficult for residents inside Cookie Factory and neighboring apartments to hear their televisions or go to sleep easily before a concert concludes.

Additionally, beyond noise nuisance, it should also be noted that parking availability for Cookie Factory residents has been dwindling rapidly over the last few months. With the ongoing parking lot construction at the Children's Museum, street parking has become more important than ever as a runoff option for residents who cannot reliably find parking through no fault of their own. One cannot help but be concerned about how much street parking will be consumed by vendors setting up their farmer's market stations and patrons looking to support the proposed market.

I personally must confess to no small measure of defeatism as I write to you today, as the Cookie Factory residents may be the victims of a possible conflict of interest; as the ownership of River City Roll is either also an owner of the apartment or has a commercial stake in its parent company Pondok Management. With the possibility of conflicted interest at play, the needs of Cookie Factory's residents and rights including the right to evade nuisance are compromised as secondary or even tertiary concerns to ownership's more tantalized interest in building a concert and farmer's market venue in Scott's Addition.

In a very foreseeable cynically predicted reality, the residents of Cookie Factory Lofts are likely about to get steamrolled with perpetual nuisances for which none of us signed up when leasing our apartments. Although I have every confidence the building will find a way to persevere with new residents, there is little doubt that the accumulation of persistent nuisances will contribute to resident turnover. In a normal situation, common sense would shut down the proposed concert and farmer's market permission pursuit as a residential nonstarter.

Susan Merritt

11/29/21

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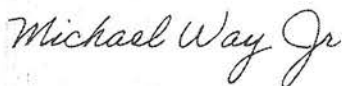
In my own professional work, if a potential client approached me with a proposal to build a concert venue next to an apartment, I would advise said potential client to consider choosing another site, as the cost of wrangling with homeowners and zoning regulators could very well turn out to be prohibitive. The dual ownership of River City Roll and Cookie Factory opportunistically neutralizes what would have otherwise been a prohibitive and likely decisive body of resistance.

Perhaps Time and governing policymakers will prove me wrong. Perhaps policymakers and members of the public will remember they too are residents and would not like to spend their own Friday and Saturday nights with the unwanted sounds of loud musical acts overshadowing everything they try to do and enjoy within their own homes.

Perhaps I myself am overlooking a key consideration that supersedes my own personal interests as a directly affected resident and neighbor to other residents in a community where lower resident turnover levels are desirable. In my view, the point of communal discussion is to bring varying concerns to light, weigh them against as many constraints and considerations as seem appropriate, and try our best to find our way to the most equitable good-faith decisions. It is an honor to be any part or have any voice in our community process.

Whether decision-making members of the public and public service community decide for or against the proposed use change, I would to thank my property Manager, Susan Merritt, and all concerned for at least affording the opportunity to share, to make a good faith case for my position as a resident and design professional, and to document what I hope registers as legitimate and reasonable fairness concerns for the record. Thank you for hearing me.

Sincerely,

A handwritten signature in cursive script that reads "Michael A. Way Jr.".

Michael A. Way Jr.

November 29, 2021

900 Terminal Place
#501
Richmond, VA 23220

Re: River City Roll Request for Events

TO WHOM IT MAY CONCERN:

We are residents of the east side of the building in the Cookie Factory Lofts. We strongly object to the approval of any outdoor events hosted by River City Roll.

Noise carries significantly on that stretch and intersection of Broad and Boulevard. The windows at the Lofts are original and not insulated for noise. Any concert, amplified music or party can be heard in any number of the apartments in the building.

Like many residents, we work from home and need quiet in order to do so, often times extending into evening hours. We expect the quiet enjoyment of our home and appreciate all efforts to protect that right on behalf of local residents.

All the best,
Maureen Madion and Tim Tompkins