INTRODUCED: April 23, 2018

AN ORDINANCE No. 2018-138

To authorize the special use of the property known as 800 West Marshall Street for the purpose of a mixed-use building containing a restaurant and up to two dwelling units, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: MAY 29 2018 AT 6 P.M.

WHEREAS, the owner of the property known as 800 West Marshall Street, which is situated in a R-7 Single- and Two-Family Urban Residential District, desires to use such property for the purpose of a mixed-use building containing a restaurant and up to two dwelling units, which use, among other things, does not meet the requirements of section 30-413.2 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), 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

AYES:	7	NOES:	0	ABSTAIN:	
ADOPTED:	MAY 29 2018	REJECTED:		STRICKEN:	
-					

congestion in streets, roads, alleys and other public ways and places in the area involved, will not 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 (2015), 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.

- Subject to the terms and conditions set forth in this ordinance, the property known (a) as 800 West Marshall Street and identified as Tax Parcel No. N000-0351/017 in the 2018 records of the City Assessor, being more particularly described in a survey entitled "Plat Showing Improvements on #800 West Marshall Street, City of Richmond, Virginia," prepared by Goodfellow, Talbert, Beard and Associates, Inc., and dated September 25, 2017, a copy of which is provided as an inset on sheet A1.1 of the plans entitled "Tenant Improvements to: 800 West Marshal Street, Richmond, Virginia," prepared by Michael Pellis Architecture, and dated November 2, 2017, and 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 mixed-use building containing a restaurant and up to two dwelling units, hereinafter referred to as "the Special Use," substantially as shown on sheets A1.1, CS, and D1.1 of the plans entitled "Tenant Improvements to: 800 West Marshal Street, Richmond, Virginia," prepared by Michael Pellis Architecture, and dated November 2, 2017, and as shown on sheet SK1 of the plans entitled "800 W Marshall, Stair Opening Plan, 800 West Marshal Street, City of Richmond, Virginia," prepared by Balzer and Associates, Inc., and dated June 8, 2017, hereinafter referred to collectively 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 a mixed-use building containing a restaurant and up to two dwelling units, substantially as shown on the Plans. Office uses and permitted principal uses on corner lots in the R-63 Multifamily Urban Residential District pursuant to section 30-419.3(a) of the Code of the City of Richmond (2015), as amended, may be located within the areas identified as "bar," "dining," and "kitchen" on the Plans.
- (b) All mechanical equipment serving the Property shall be located or screened so as to not be visible from any public right-of-way.
- (c) No fewer than one on-site parking space shall be provided on the Property for the Special Use.
- (d) Signage pertaining to the Special Use shall comply with the requirements for signage in the R-63 Multifamily Urban Residential District set forth in section 30-507.1 of the Code of the City of Richmond (2015), as amended.
- (e) The hours of operation for any non-residential space on the Property shall be limited to the hours between 8:00 a.m. and 12:00 a.m. daily.
- § 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 (2015), 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 (2015), 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 (2015), 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 (2015), 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 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 shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the 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

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

Item Request

File Number: PRE.2018.096

DEFINE 2-

O & R REQUEST

UFFICE OF CITY ATTORNEY

O & R Request

4-7603 Office of the

Office of the Chief Administrative Officer

DATE:

March 14, 2018

EDITION:1

TO:

The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer

HROUGH: Peter L. Downey Dobly Chief Administrative Officer for Economic Development and

Planning

FROM:

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

RE:

To authorize the special use of the property known as 800 West Marshall Street for the purpose of a mixed-use building containing a restaurant and no more than 2 dwelling units,

upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 800 West Marshall Street for the purpose of a mixed-use building containing a restaurant and no more than 2 dwelling units, upon certain terms and conditions.

REASON: The applicant is proposing to redevelop an existing two-story mixed-use building containing 2 dwelling units with and commercial space on the ground floor, to include a restaurant use within the commercial space. The property is currently located in the R-7 Single- and Two-Family Urban Residential District. The proposed restaurant use is not permitted within the R-7 District. A special use permit has therefore been requested by the applicant.

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 May 7, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 2,500 SF or .06 acre parcel of land improved with an existing two (2) story, 3,318 SF mixed-use building constructed, according to tax assessment records, in 1930. The building is located in the City's Near West Planning District in the Carver neighborhood.

The City of Richmond's Pulse Corridor Plan designates a land use category for the subject property as Neighborhood Mixed Use. "Neighborhood Mixed use areas are cohesive districts that provide a mix of uses, but with a larger amount of residential uses than other mixed use districts. They are an urban, walkable environment with limited neighborhood-oriented uses incorporated along key commercial corridors and at corner sites." (City of Richmond, Pulse Corridor Plan, p. 29)

The property is currently zoned R-7 Single- and Two-Family Urban Residential District. Properties to the north are located in the R-7 District. Properties to the east are located in the R-7 District and R-53 Multi-Family Residential District. Properties to the south are located in the B-4 Central Business District and M-1 Light Industrial District. Properties to the west are located in the R-7 District.

A mix of commercial, residential, mixed-use, industrial, and institutional land uses are present in the area.

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 application fee.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: April 9, 2018

CITY COUNCIL PUBLIC HEARING DATE: May 14, 2018

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, May 7, 2018

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 ORD. OR RES.: None.

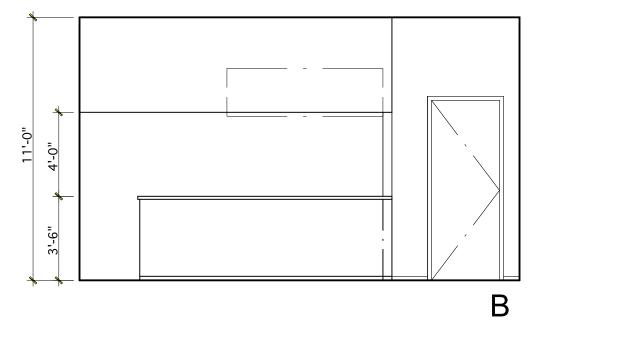
REQUIRED CHANGES TO WORK PROGRAM(S): None.

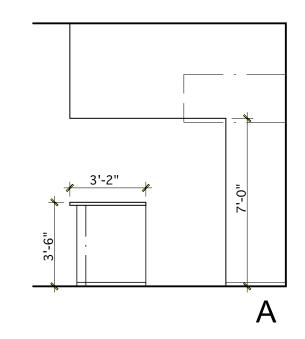
ATTACHMENTS: Application Form, Applicant's Report, Draft Ordinance, Plans & Survey, Map

STAFF: Jonathan Brown, Senior Planner

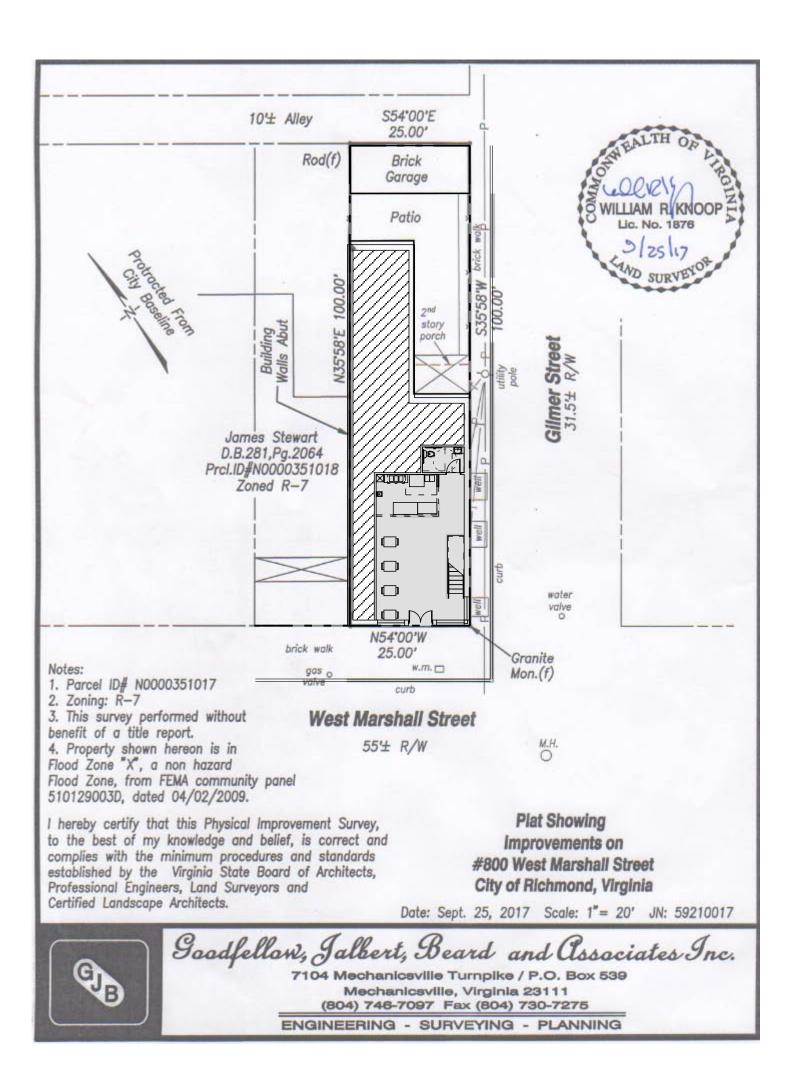
Land Use Administration (Room 511) 6465734

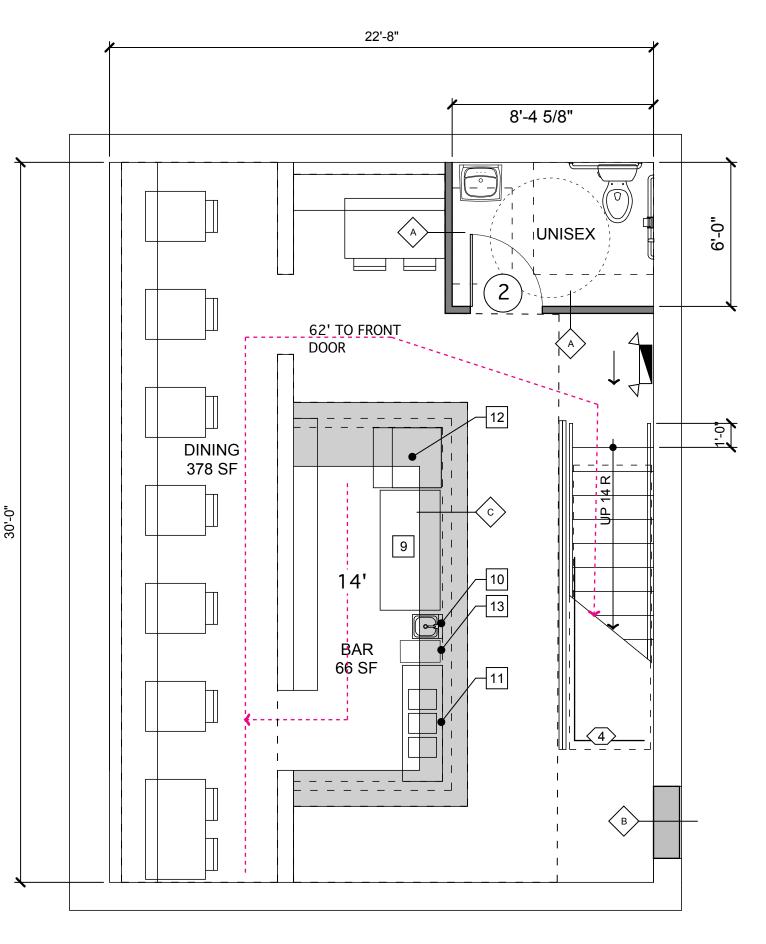
PDR O&R No. 18-16

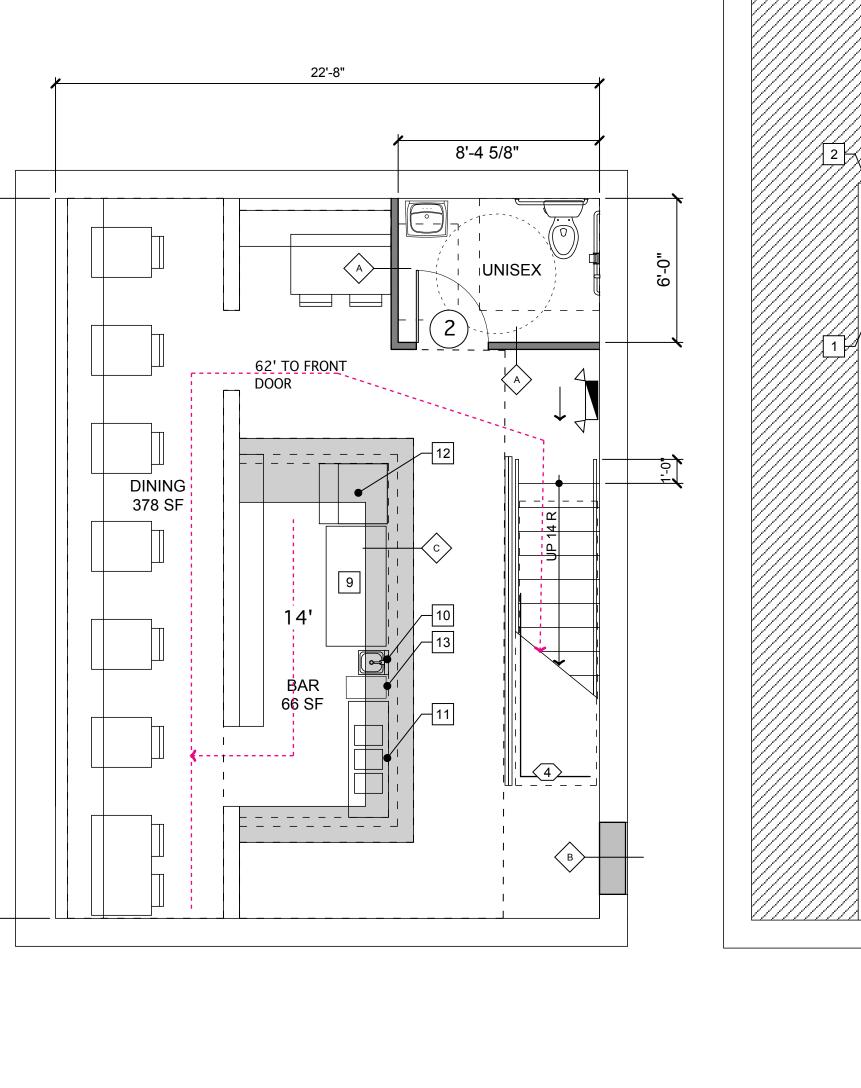


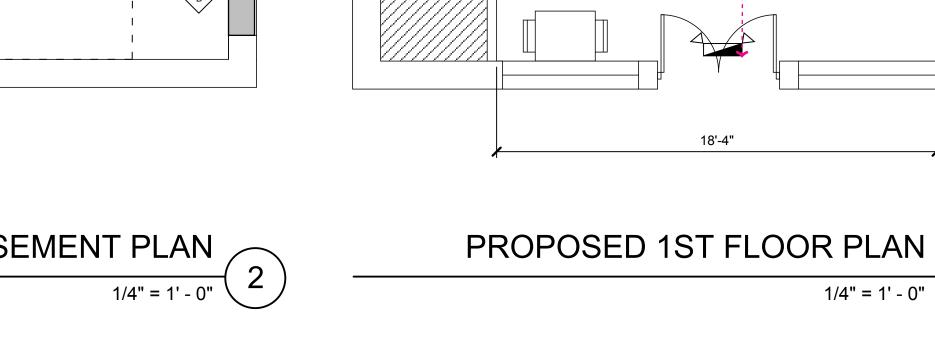


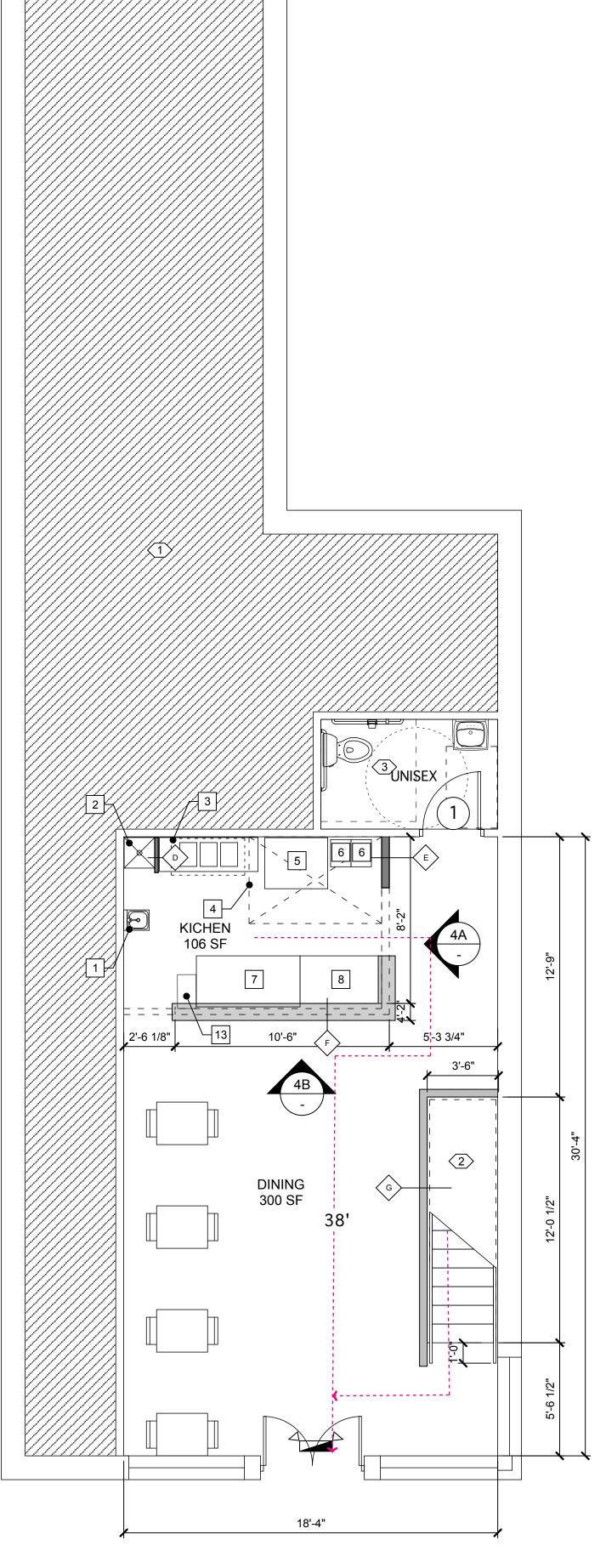












PROPOSED PLAN KEY NOTES

(1) EXISTING REAR UNIT TO REMAIN AS IS

CUT HOLE IN EXISTING FLOOR AND INSTALL NEW STAIRS PER STRUCTURAL DRAWINGS SK-1

EXISTING RESTROOM TO REMAIN - REPLACE FIXTURES

WITH ADA COMPLIANT FIXTURES AND GRAB BARS

PROVIDE MIN. PROTECTION FOR REDUCED VERTICAL CLEARANCE BENEATH STAIR PER FIGURE 307.4 ON SHEET CS

EQUIPMENT & FIXTURES LIST

1 HAND SINK

2 EXISTING MOP SINK TO REMAIN

EXISTING 3 COMP SINK TO REMAIN W/ GREASE INTERCEPTOR BELOW

4 EXISTING 4' X 8' SS HOOD TO REMAIN

5 30 X 37 CONVECTION OVEN

6 12 X 16 GLASS TOP INDUCTION BURNER

7 UNDERCOUNTER SOLID FRONT BEVERAGE COOLER

8 PREP UNIT

9 UNDERCOUNTER GLASS FRONT BEVERAGE COOLER

10 BAR SINK

11 SS 3 COMPARTMENT DUMP SINK

ICE MACHINE

23 GAL. SLIM JIM TRASH CAN

PARTITION TYPE KEY NOTES

INFILL WALL - WOOD STUD FRAMING @ 16" O.C. WITH 1/2 GYP. BOARD

BOTH SIDES FLOOR TO ROOF DECK - SOUND BATTS

FILL IN EXISTING OPENING IN EXTERIOR WALL - MATCH EXISTING -PROVIDE PROPER WATERPROOFING TO MAKE WEATHERTIGHT

42" HT. BAR TOP W/ WOOD STUD FRAMING @ 16" O.C.

BAR SIDE: 1/2" GYP BD W/ FRP DINING SIDE: 1/2" PLYWOOD W/ FINISH TBD

DIVIDER - 1 X STEEL TUBING LINED WITH STAINLESS STEEL FINISH ALL

WALLS & OVERHEAD SOFFIT- WOOD STUD FRAMING @ 16" O.C. KITCHEN SIDE: 1/2" GYP. W/ STAINLESS STEEL FINISH DINING SIDE 1/2" GYP. - FINISH TBD

42" HT. COUNTER TOP W/ WOOD STUD FRAMING @ 16" O.C. KITCHEN SIDE: 1/2" GYP BD W/ STAINLESS STEEL OUTSIDE: 1/2" PLYWOOD W/ FINISH TBD

42" HT. GUARDRAIL W/ WOOD STUD FRAMING @ 16" O.C. W/ 1/2" GYP. BD. BOTH SIDES

DOOR TYPE KEY NOTES

EXISTING DOOR & FRAME TO REMAIN AND RETROFIT W/ CYLINDRICAL, LEVER HARDWARE - PRIVACY LOCKSET

36" X 84" SOLID CORE WOOD DOOR IN METAL FRAME. - FLUSH, NO LITE - PRIVACY LOCKSET

INTERIOR DOORS:

- SOLID CORE WOOD DOORS & KNOCK DOWN METAL FRAMES. - STAIN GRADE FLUSH WOOD DOORS,

- CYLINDRICAL, LEVER HARDWARE, HINGES AND WALL STOPS. - ALL HARDWARE TO HAVE SATIN NICKEL FINISH.

- DOORS WITHOUT SYMBOLS ARE EXISTING TO REMAIN

EGRESS KEY NOTES



LLUMINATED EXIT SIGN WITH DIRECTIONAL ARROWS (WHERE APPLIES) W/ INTEGRATED EMERGENCY EGRESS LIGHTING WITH BATTERY BACK-UP



ILLUMINATED EXIT SIGN WITH DIRECTIONAL ARROWS (WHERE APPLIES)

Y----XX'----- PATH OF TRAVEL WITH LINEAR FOOT DISTANCE

NOTE: SEE ELECTRICAL DRAWINGS FOR EGRESS

REVISIONS

N/A

N/A

N/A

N/A

N/A

ICHAEL PELLIS SCTURE

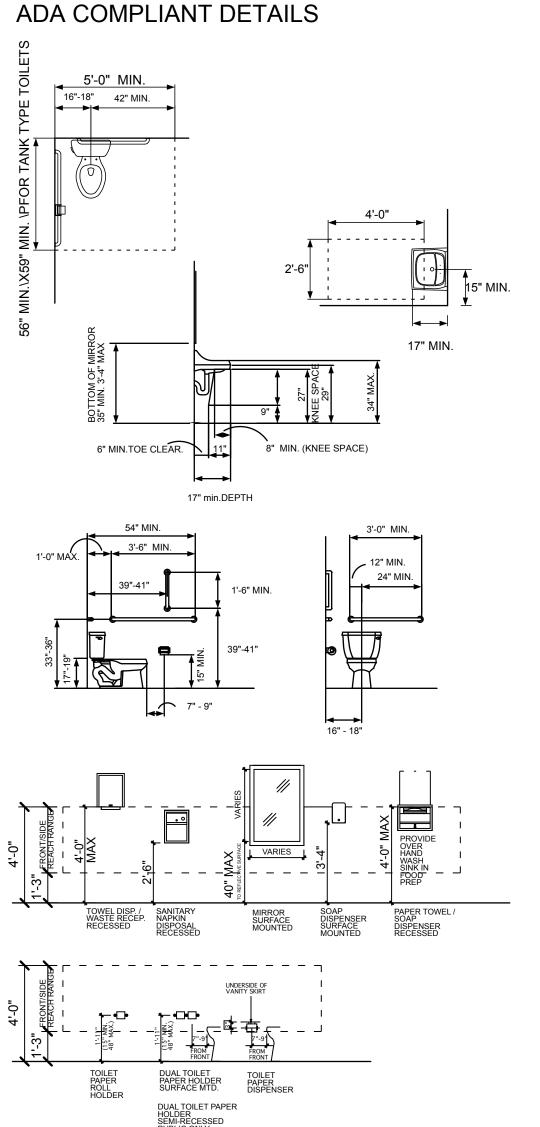
NOVEMBER 2, 2017

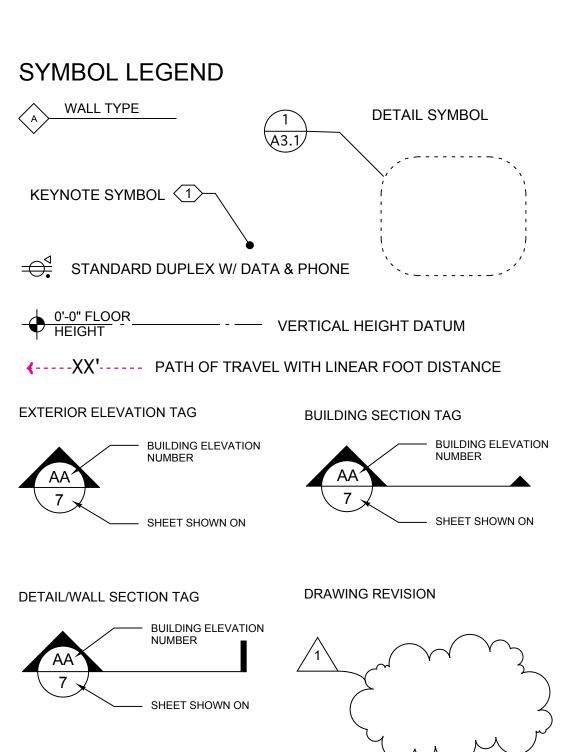
PROPOSED SITE PLAN AS NOTED

PROPOSED BASEMENT PLAN

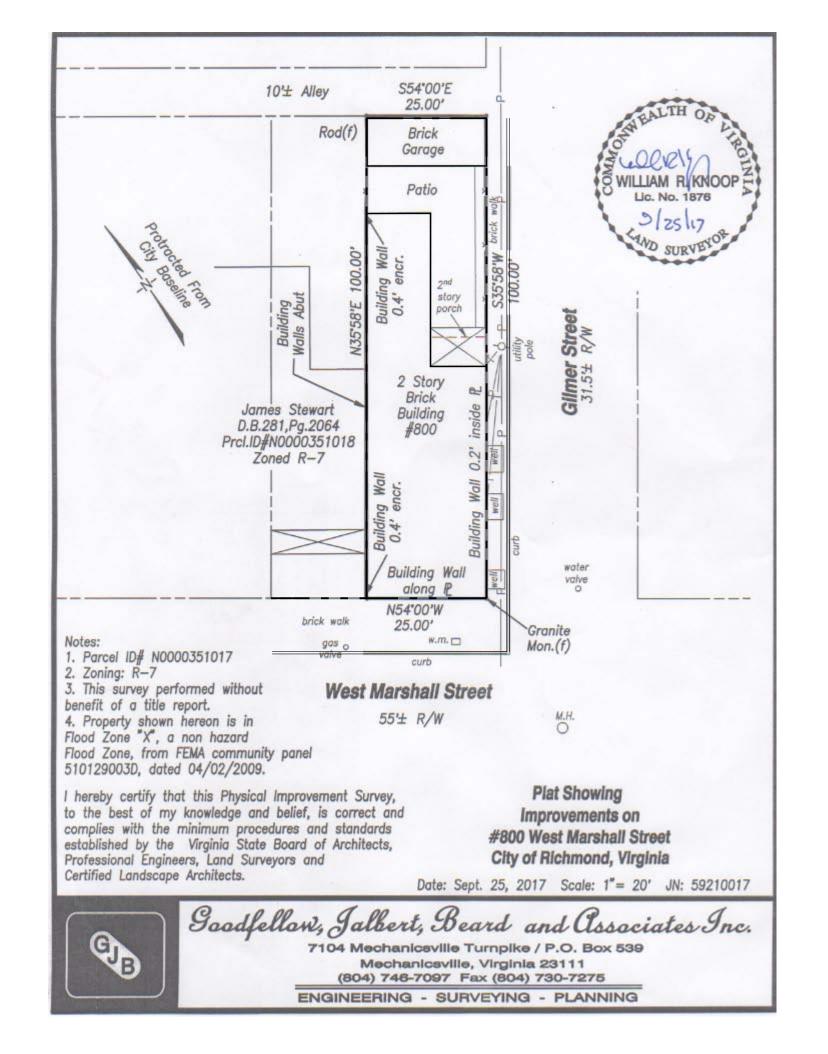
1/4" = 1' - 0"

TENANT IMPROVEMENTS TO: 800 W. MARSHALL RICHMOND, VIRGINIA





NEW WALLS





LOCATION MAP

SITE PLAN

SCOPE OF PROJECT

THE SCOPE OF WORK UNDER THIS PERMIT IS:

PERFORM TENANT IMPROVEMENTS IN ORDER TO OCCUPY THE BASEMENT & 1ST FLOOR UNDER THE CURRENT CODE AS A RESTAURANT

EXISTING EXIT TO REMAIN UNALTERED.

EXISTING RESIDENTIAL UNIT TO THE REAR AND ON THE 2ND FLOOR TO REMAIN UNALTERED AND NOT INCLUDED IN THE SCOPE OF THIS PERMIT

ADD A NEW STAIR TO CONNECT THE BASEMENT & 1ST FLOOR INTERNALLY.

M, E, P, KITCHEN EQUIPMENT ENGINEERING WILL BE PERFORMED DESIGN-BUILD BY THE RESPECTIVE SUBCONTRACTORS AND SUBMITTED

ADJUSTMENTS TO THE EXISTING BASEMENT SPRINKLER SYSTEM WILL BE PERFORMED DESIGN-BUILD BY THE RESPECTIVE SUBCONTRACTORS AND SUBMITTED SEPARATELY.

BUILDING CODE DATA

JURISDICTION:

APPLICABLE CODES: 2012 VIRGINIA UNIFORM STATEWIDE EXISTING BUILDING CODE (VUSBC) 2012 INTERNATIONAL BUILDING CODE (IBC)

2012 INTERNATIONAL EXISTING BUILDING CODE (IEBC) 2009 ANSI A117.1 ACCESSIBLE AND USEABLE BLDGS & FACILITIES 2012 INTERNATIONAL MECHANICAL CODE (IMC)

2012 INTERNATIONAL PLUMBING CODE (IPC) 2011 NATIONAL ELECTRICAL CODE (NEC) 2012 INTERNATIONAL FIRE CODE (IFC)

EXISTING: M - RETAIL PROPOSED: A-2 - RESTAURANT CONSTRUCTION TYPE:

EXISTING: VB

FIRE PROTECTION: 1ST FLOOR - NON-SPRINKLERED BASEMENT - SPRINKLERED

ALLOWABLE HEIGHT: 1 STORY

PROPOSED: 1 STORY OVER BASEMENT

SQUARE FOOTAGE: ALLOWABLE/FLOOR: 6,000 SF PROPOSED: BASEMENT: 680 SF 1ST FLOOR: 606 SF

OCCUPANCY: 47 TOTAL OCCUPANTS (BOTH FLOORS) BASEMENT TOTAL = 26 DINING: 378 SF / 15 = 25 OCCUPANTS BAR: 66 SF / 200 = 1 OCCUPANT

> 1ST FLOOR TOTAL = 21 DINING: 300 SF / 15 = 20 OCCUPANTS KITCHEN: 106 SF / 200 = 1 OCCUPANT

MIN. EGRESS WIDTH: (IBC PER SECTION 1005) 47 OCC. X .20" =9.4" (REQUIRED) 72" (PROVIDED)

MIN. NUMBER OF EXITS: (IBC SECTION 1015) 1 (REQUIRED) 1 (PROVIDED)

EGRESS TRAVEL LENGTH: (IBC TABLE 1016.2)

USE GROUP A-2 W/O SPRINKLER SYSTEM - MAX. 200' FIXTURES: (IBC TABLE 2902.1.A-2)
M= 23.5, W= 23.5 FOR TOTAL OF 48 OCCUPANTS REQUIRED: WC: M =1/75 W = 1/75, LAV= 1/200 WC: 1 M =150/75, 1 W = 150/75, 1 LAV M/F= 48/200

WC: 2M/F, 2 LAV M/F

INDEX OF DRAWINGS

DESCRIPTION

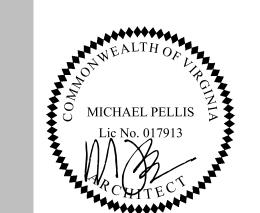
COVER SHEET DEMOLITION FLOOR PLANS PROPOSED FLOOR PLANS & EGRESS PLAN

CONTACT INFORMATION

TENANT: KHRUNGTEP, LLC CONTACT: BRANDON PEARSON

CONTRACTOR:

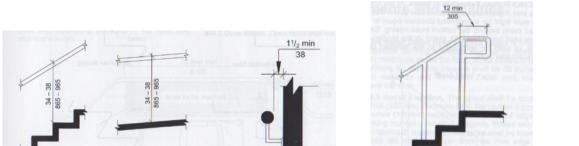
ARCHITECT: MICHAEL PELLIS ARCHITECURE, PLC CONTACT: MICHAEL PELLIS michael@michaelpellis.com 804.212.9024

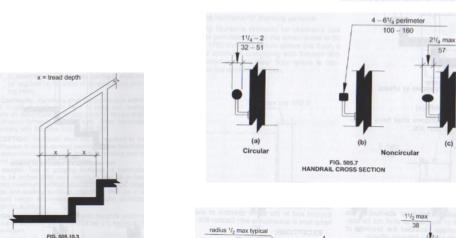


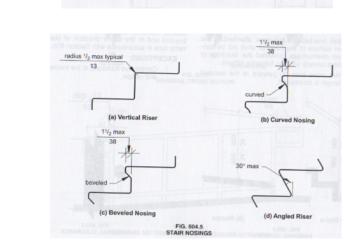
REVISIONS

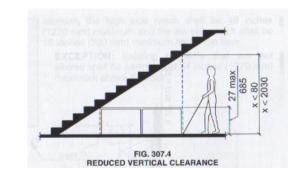
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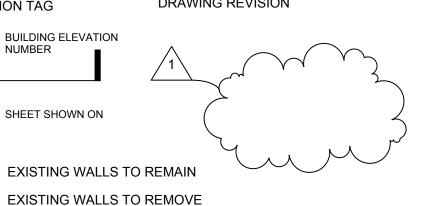
NOVEMBER 2, 2017



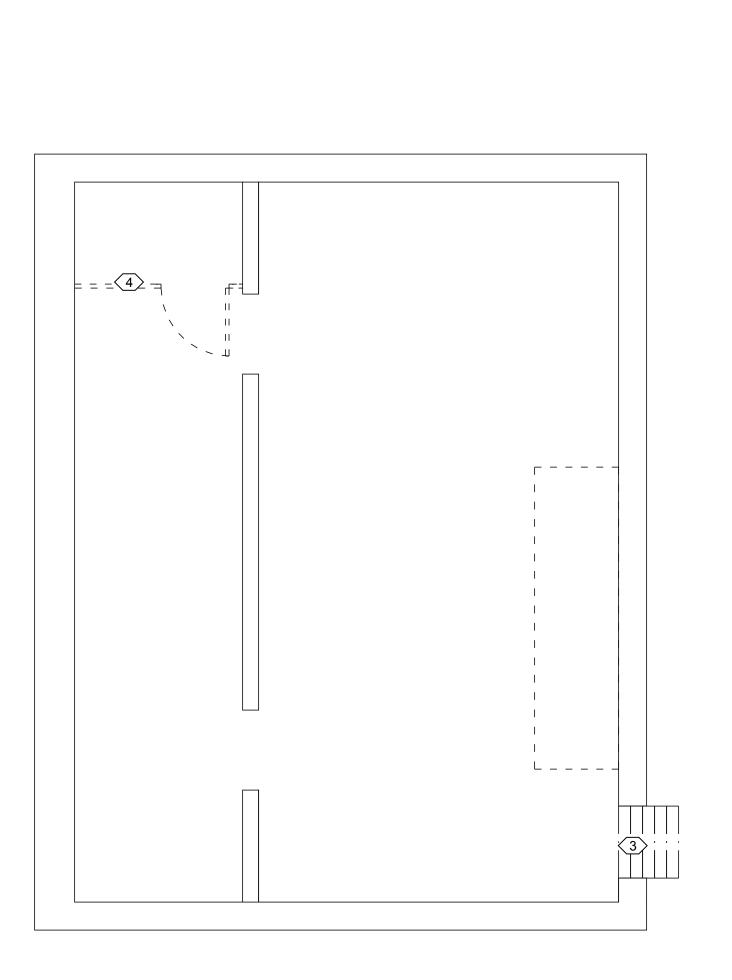


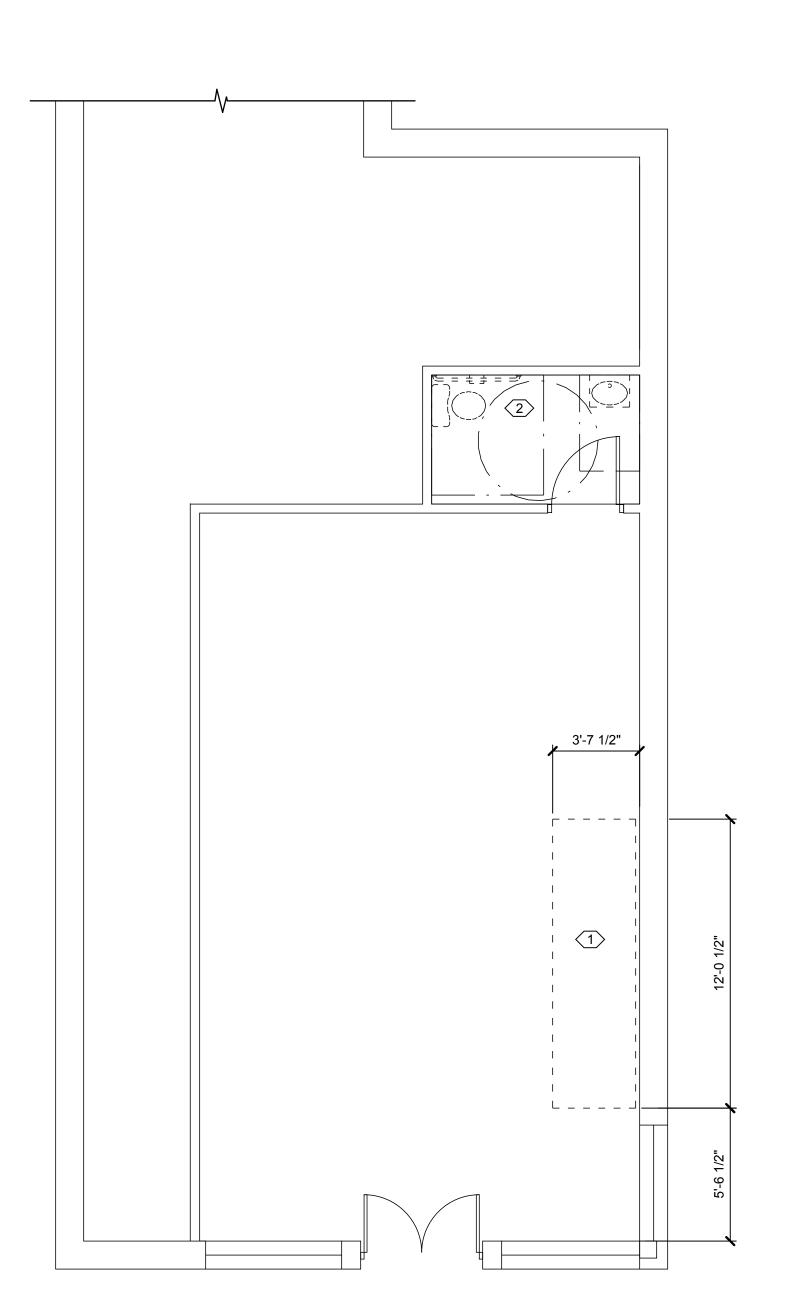














- CREATE OPENING FOR STAIR PROVIDE PROPER SHORING IN ORDER TO ADEQUATELY SUPPORT THE EXISTING STURCTURE DURING DEMO AND RETROFIT. SEE STRUCTURAL DRAWING SK-1
- REPLACE EXISTING FIXTURES WITH ADA COMPLIANT FIXTURES & GRAB BARS
- REMOVE EXISTING STAIRS AND DOOR & FRAME & PREP FOR CLOSING OPENING AND ABANDONING LIGHT WELL
- REMOVE EXISTING STORAGE ROOM WALLS, DOOR & FRAME . PATCH EXISTING FINISH TO MATCH ADJACENT FINISHES

ROJECT: **TENAN**

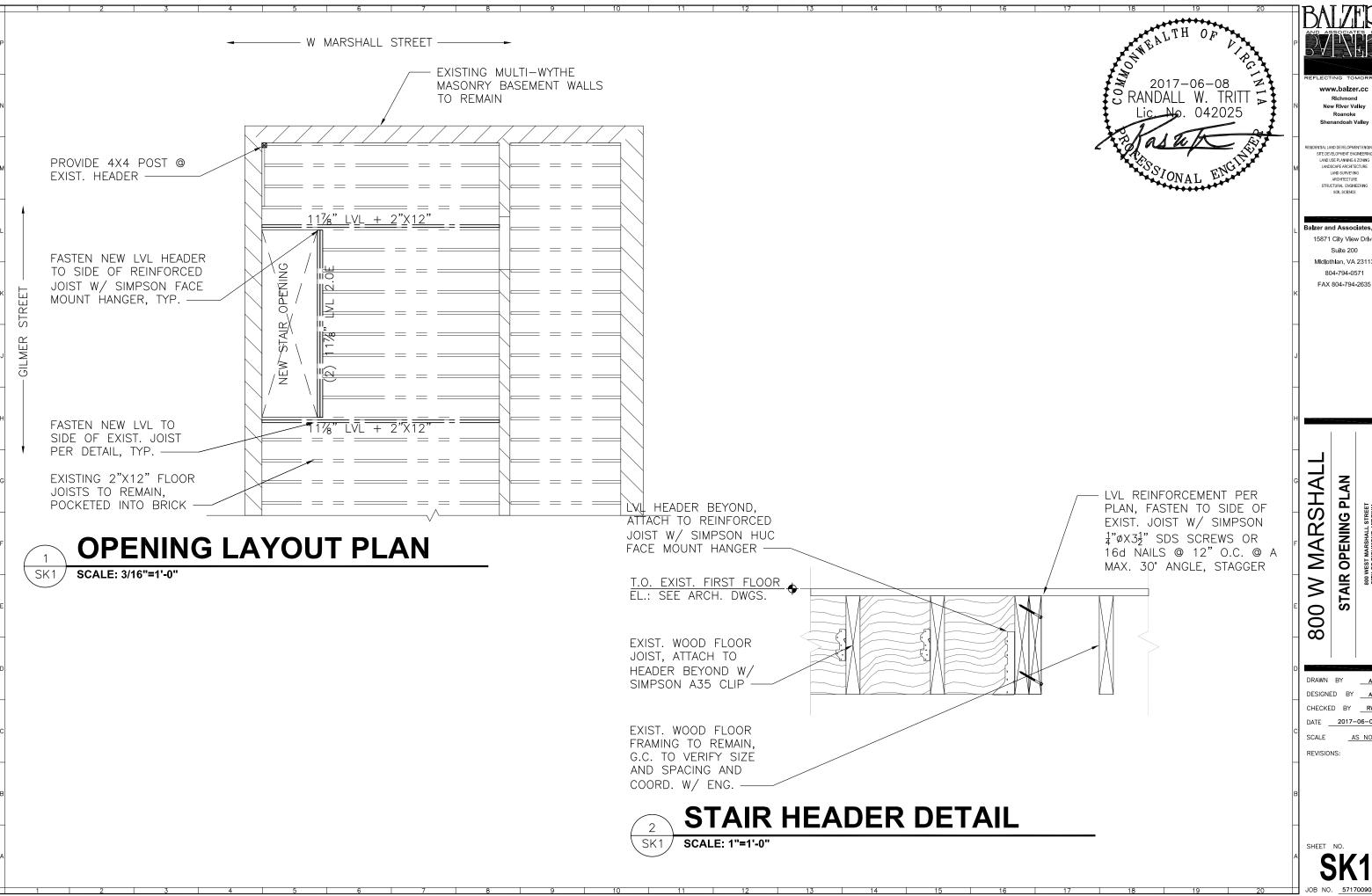
MICHAEL www.michaelp PELLIS 804.212.9024 RCH TECTURE 201 W. 7th St.

REVISIONS N/A

D1.1

NOVEMBER 2, 2017

EXISTING 1ST FLOOR PLAN



DENTIAL LAND DEVELOPMENT ENGIN SITE DEVELOPMENT ENGINEERING LAND USE PLANNING & ZONING LANDSCAPE ARCHITECTURE LAND SURVEYING ARCHITECTURE STRUCTURAL ENGINEERING SOIL SCIENCE

15871 City View Drive Suite 200 Midjothlan, VA 23113 804-794-0571

STAIR OPENING PLAN

DESIGNED BY AW CHECKED BY RWT

SHEET NO.