

INTRODUCED: February 24, 2020

AN ORDINANCE No. 2020-047

To amend and reordain Ord. No. 2003-375-337, adopted Dec. 8, 2003, which authorized the special use of the property known as 1100-1102 West Cary Street and 20-22 South Harrison Street for the purpose of certain enumerated uses in accordance with such ordinance, to allow an outdoor pergola, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 23 2020 AT 6 P.M.

I. That Ordinance No. 2003-375-337, adopted December 8, 2003, is hereby amended and reordained as follows:

§ 1. That the property known as 1100-1102 West Cary Street and 20-22 South Harrison Street and identified as Tax Parcel No. W000-0399/024 in the [2003] 2020 records of the City Assessor, being more particularly shown on a survey entitled “Survey Plat for Thanh Trung & Vanloan Nguyen Showing Existing Improvements to #1100-#1102 W. Cary Street City of Richmond, Virginia”, prepared by Jordan Consulting Engineers, P.C., dated March 5, 1999, and revised March 15, 1999, a copy of which is attached to and made a part of [~~this ordinance~~] Ordinance No. 2003-375-337, adopted December 8, 2003 is hereby permitted to be used only as

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 11 2020 REJECTED: _____ STRICKEN: _____

set forth in section 3(f) and in accordance with the conditions set forth in this ordinance, substantially as shown on sheets A-1 and A-2 of the plans entitled “1100 West Cary Street, Bruegger’s Bagels”, prepared by Perretz and Young Architects, dated March 22, 1995, and revised June 11, 1995, copies of which are attached to and made a part of ~~[this ordinance]~~ Ordinance No. 2003-375-337, adopted December 8, 2003, and on sheets 1 through 7 of the plans entitled “Crazy Thai Restaurant,” prepared by Abigail Bishop, and dated September 26, 2019, copies of which are attached to and made a part of this amendatory ordinance.

§ 2. That the adoption of this ordinance shall constitute the granting of a special use permit for the property, which shall be transferable from the owner of the property to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and which shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of the property a building permit or certificate of occupancy substantially in accordance with the plans referred to above for the aforementioned purpose, subject to the following terms and conditions:

(a) The owner of the property shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the property, except as otherwise provided in this ordinance.

(b) Application for a building permit or certificate of occupancy shall be made within ~~[twenty-four (24)]~~ 24 months from the effective date of this ordinance. This building permit shall expire and become null and void if any necessary construction has not commenced within ~~[one hundred eighty (180)]~~ 180 days from the date of the building permit or if construction is suspended or abandoned for a period of ~~[one hundred eighty (180)]~~ 180 days at any time after such

construction has commenced, as provided in any applicable provisions of the Virginia Statewide Building Code. Should application for the building permit for any necessary construction not be made within [~~twenty-four (24)~~] 24 months after the effective date of this ordinance or should the building permit expire and become null and void after the expiration of the [~~twenty-four (24)~~] 24 month period for making application for the building permit, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

(c) 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 subject property have been paid.

(d) 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.

(e) 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.

(f) The use of the ground floor shall be limited to a restaurant and one [~~(4)~~] dwelling unit, substantially as depicted on the [~~attached~~] plans attached to Ordinance No. 2003-375-337, adopted December 8, 2003. The restaurant may have an accessory outdoor dining area, including a permanent pergola structure, substantially as depicted on the [~~attached~~] plans attached to Ordinance No. 2003-375-337, adopted December 8, 2003, and on sheets 1 through 7 of the plans entitled "Crazy Thai Restaurant," prepared by Abigail Bishop, and dated September 26, 2019, copies of which are attached to and made a part of this amendatory ordinance. Alternatively, the

restaurant space of the ground floor may be used as a delicatessen, retail bakery, catering business or non-medical office. Neither more than two ~~[(2)]~~ delivery vehicles nor any vehicle exceeding an empty weight of ~~[six thousand five hundred (6,500)]~~ 6,500 pounds shall be used for the distribution of products off the premises. The commercial use of the ground floor shall be limited to no more than eight ~~[(8)]~~ persons employed on the premises at any one time. The use of the basement shall be limited to storage only. The second floor shall be limited to a maximum of three ~~[(3)]~~ dwelling units, substantially as shown on the attached plans.

(g) Hours of operation for the ground floor commercial use shall be limited to ~~[6:00 a.m. to 9:30 p.m., Sunday through Thursday, and 6:00 a.m. to 10:30 p.m. on Friday and Saturday]~~ 11:00 a.m. to 3:00 p.m. and 5:00 p.m. to 9:30 p.m., Monday through Thursday and Saturday; 11:00 a.m. to 3:00 pm. and 5:00 p.m. to 10:30 p.m., on Fridays; and 12:00 p.m. to 3:00 p.m. and 5:00 p.m. to 9:30 p.m., on Sundays. The hours of use of the outdoor dining area shall be limited to 9:00 a.m. to 8:00 p.m.

(h) The consumption or sale of alcoholic beverages shall ~~[not be permitted outside of the fully enclosed building]~~ be permitted inside the restaurant during regular business hours and within the outdoor dining area from the hours of 9:00 a.m. to 8:00 p.m.

(i) There shall be no live music or entertainment on the premises at any time, and there shall be no amplified music outside of the fully enclosed building.

(j) No off-street parking shall be required for the uses of the property set forth in subsection (f) above.

(k) Signage shall be in accordance with the applicable underlying zoning regulations.

(l) The outdoor dining area shall be limited to a maximum of 32 patrons, provided that such maximum does not exceed the maximum capacity allowed by the Virginia Statewide Building Code.

§ 4. That the privileges granted by this ordinance may under certain circumstances be revoked. Upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit pursuant to the provisions of sections [~~32-1050.7~~] 30-1050.7 through [~~32-1050.11~~] 30-1050.11 of the Code of the City of Richmond [~~(1993)~~] (2015), as amended, if (a) the property owner does not abate the violation within thirty (30) days of the issuance of the notice or (b) three [~~(3)~~] notices of violation are issued to the property owner within any [~~twelve (12)~~] 12 month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any remedy at law or in equity against the property owner. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section [~~32-1080~~] 30-1080 of the Code of the City of Richmond [~~(1993)~~] (2015), as amended, or any other applicable laws or regulations.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, or when the use of the premises is abandoned for a period of [~~twenty four (24)~~] 24 consecutive months, use of the property shall be governed thereafter by the zoning regulations prescribed for the district in which the property is then situated.

§ 6. This ordinance shall be in force and effect upon adoption.

II. This amendatory 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

RECEIVED

Item Request

File Number: PRE.2019.596

FEB 20 2020

O & R REQUEST

2020-009

JAN 29 2020

OFFICE OF THE CITY ATTORNEY

O & R Request

Office of the
Chief Administrative Officer

DATE: January 23, 2020

EDITION: 1

TO: The Honorable Members of City Council

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

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer *lgr*

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

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

RE: To amend and authorize the special use of the property known as 1100-1102 West Cary Street and 20-22 South Harrison Street for the purpose of certain enumerated uses, to include an outdoor pergola in accordance with this ordinance, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To amend and authorize the special use of the property known as 1100-1102 West Cary Street and 20-22 South Harrison Street for the purpose of certain enumerated uses, to include an outdoor pergola, in accordance with this ordinance, upon certain terms and conditions.

REASON: The applicant is requesting a special use permit to authorize the amendment to an existing Special Use Permit which authorized certain enumerated uses, to authorize the use of an existing outdoor pergola. The pergola was constructed after the existing Special Use Permit was granted. An amendment to the special use permit is therefore required.

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 March 16, 2020, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject properties consist of a parcel totaling 4,598 SF or .10 acres of land improved with a mixed-use building, constructed, per tax assessment records, in 1900 and is located in the Near West Planning District. An ordinance adopted in 2003 allowed for a mix of uses on the property including residential and a restaurant with outdoor dining. A permanent outdoor pergola was constructed for the outdoor dining area after the adoption of the 2003 ordinance. The property is located within the Fan neighborhood.

The City of Richmond's Master Plan designates the subject property for Single Family Medium Density land use. "Primary uses are single family and two family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses."

The zoning of the subject property is R-63 Multi-Family Urban Residential, which permits residential uses.

Nearby properties are located in the same R-63 district, with Urban Business and R-53 Multifamily to the West and East respectively. A mix of single-, two-, and multi-family residential, institutional, commercial and office land uses are present in the vicinity.

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: \$200 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: February 24, 2020

CITY COUNCIL PUBLIC HEARING DATE: March 23, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
March 16, 2020

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) 646-5734

PDR File No. 2019-59



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: 1100 W. Cary Street

Date: 9/26/19

Tax Map #: W00003999024 Fee: 200.00

Total area of affected site in acres: 0.106

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

Zoning

Current Zoning: R-63

Existing Use: Restaurant

Proposed Use

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

Restaurant with an outdoor dining area and pergola

Existing Use: Restaurant with outdoor dining

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number:

Applicant/Contact Person: Abigail Bishop and Darunee Chitsantiworkarak

Company: Crazy Thai Restaurant

Mailing Address: 1100 W. Cary Street

City: Richmond

State: Va

Zip Code: 23220

Telephone: (804) 252-3918

Fax: ()

Email: crazythairva@gmail.com

Property Owner: VTN, LLC, Holden Realty, LLC

If Business Entity, name and title of authorized signer: see attached

(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: 4814 Grove Ave.

City: Richmond

State: Va

Zip Code: 23226

Telephone: (804) 221-9560

Fax: ()

Email: bishopsroft@katherynrobertson.com

Property Owner Signature: RICHARD L. HILDER

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)

SPECIAL USE PERMIT, PLAN AMENDMENT: APPLICANT'S REPORT

Crazy Thai Restaurant

1100 W. Cary Street,

Richmond, Va. 23220

Petitioner: Abigail Bishop

Date: 9/26/2019

The proposed use of this space is a restaurant with indoor and patio seating, serving alcohol indoor and on the patio.

A pergola was installed on the patio and it is an addition to the patio. The Certificate of Occupancy has been denied, as a result of the pergola. It is this petitioner's understanding a Special Use Permit is necessary to allow for the new structure on the patio, outdoor dining and to serve alcohol on the patio. The restaurant's hours of operation will be as follows: Monday – Thursday 11:00 a.m. to 3:00 p.m., 5:00 p.m. to 9:30 p.m., Friday 11:00 a.m. to 3:00 p.m. to 5:00 p.m. to 10:30 p.m., Saturday 11:00 a.m. to 3:00 p.m., 5:00 p.m. to 9:30 p.m., Friday 11:00 a.m. to 3:00 p.m. to 5:00 p.m. to 10:30 p.m., Sunday 12:00 a.m. to 3:00 p.m., 5:00 p.m. to 9:30 p.m. The anticipated number of employees is eight (8). The estimated addition of vehicular traffic is perhaps one third of one percent. The restaurant is within walking distance from several neighborhoods.

The specific features of this special use space are as follows: the new tenants have drastically cleaned up both the building exterior/interior and patio area, it is a welcome space for lunch and dinner on the VCU campus. It has been a restaurant or café for years prior to the new tenants signing a lease, so it is in a location known for being a restaurant. It has plenty of public street parking in the area.

The proposed special use space will:

- (a) not be detrimental to the safety, health, morals and general welfare of the community involved as this restaurant is being run by a family partnership dedicated to being an upscale setting where friends and families may gather
- (b) not tend to create congestion in streets roads, alleys and other public ways and places in the area involved because in order to gain access one must park on the street or a parking deck and therefore the traffic is foot traffic. There is a traffic light at the corner of Cary St. and N. Harrison St. that will prevent congestion. The restaurant is also providing a delivery service.
- (c) not create hazards from fire, panic or other dangers because of the following: there is a fire hydrant directly outside of the building, The indoor dining area is equipped with two (2) fire extinguishers, the patio dining area is equipped with two (2) fire extinguishers, the kitchen will be the only source of created flame on the range is fully equipped with proper exhaust ventilation and sprinkler system. All above items are to CODE
- (d) not tend to cause overcrowding of land and an undue concentration of population. The dining patrons will be within the restaurant or patio dining areas. There is no reason for overcrowding, as there are no placed to sit outside of the building's perimeter.

Crazy Thai Restaurant

Page 2 of

- (e) not adversely affect or interfere with the public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements. The only school in close proximity is VCU, as the building resides on the campus. There are no parks or playgrounds in the area. The water and sewer are in proper working order.
- (f) not interfere with adequate light and air. The exterior of the building has many lights along the only walls facing the street, providing plenty of side walk illumination. The kitchen exhaust hood has many filters on it, including a charcoal filter. They are maintained and will be changed with frequency.



KATHERYN ROBERTSON, Ltd.

Kitchens • Baths • Interiors

4614 Grove Avenue

Richmond, Va. 23226

(804) 353-6721

September 26, 2019

Dear Neighbor
Of 1100 West Cary Street,
Richmond, Va. 23220

RE: Crazy Thai Restaurant Special Use Permit

Dear Neighbor:

We are thrilled to be opening our new restaurant: Crazy Thai in your neighborhood. In an effort to better serve our customers, we have redesigned the interior with Katheryn Robertson, Ltd and have redesigned the patio.

That said, we have provided a more pleasurable dining experience on the patio with a new pergola and are requesting a Special Use Permit from the City of Richmond to allow both the pergola and alcoholic beverages serve the patio dining experience.

Please let us know if you have any questions or concerns. We have attached our Menu.

Best,

Abbey Bishop, CKD, CBD, CID
Design Principal Katheryn Robertson, Ltd.

ON BEHALF OF CRAZY THAI RESTAURANT



Abbey Bishop <bishopscroft@katherynrobertson.com>

1100 W Cary

1 message

Tricia Bryant <tricia@conciergehomesolutions.com>

Wed, Oct 9, 2019 at 2:31 PM

To: bishopscroft@katherynrobertson.com

Abbey

FABA has no objection to your pergola— ABC regulations may be what is preventing you from getting a CO if you are having drinks on the patio. But we have no objection to the restaurant or the Pergola or the patio seating as a business organization

Good luck

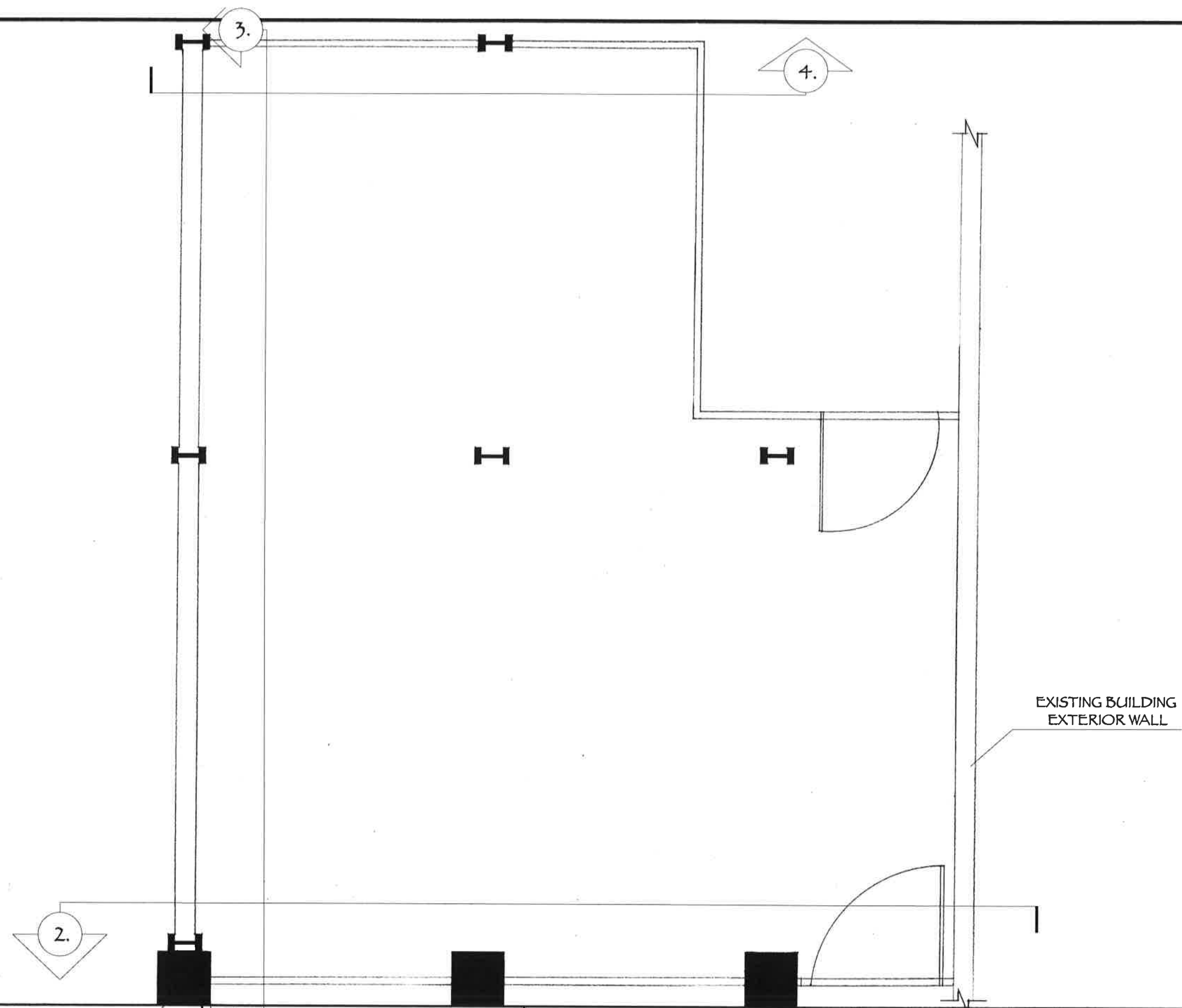
Tricia Bryant

Sent from my iPhone

EXTERIOR PATIO PLAN
SHEET #1

DRAWN BY: ABIGAIL BISHOP,
CKD, CBD, CID

DATE: 09/26/2019



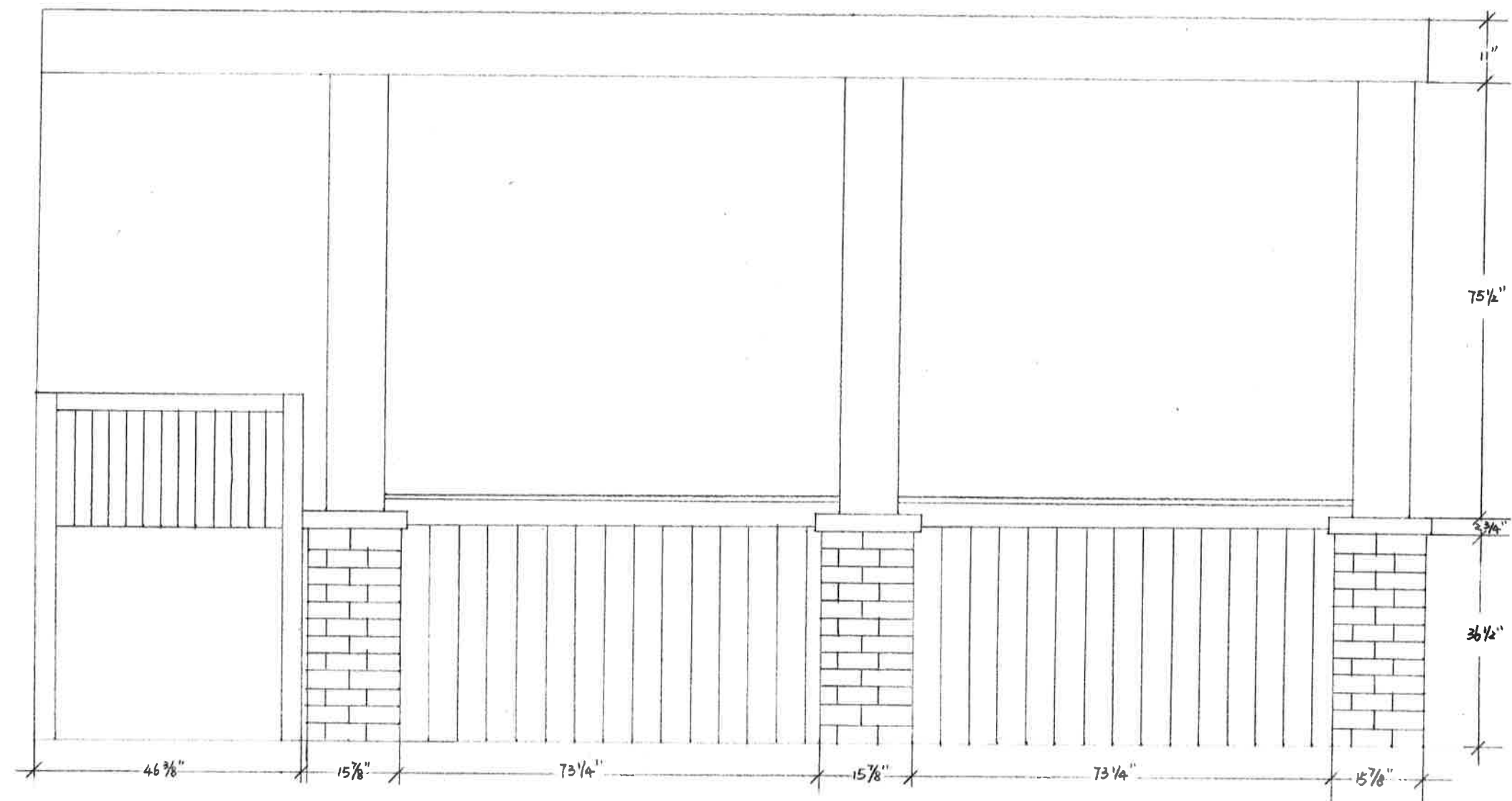
EXISTING BUILDING
EXTERIOR WALL

ALL DIMENSIONS AND SIZE DESIGNATIONS GIVEN ARE SUBJECT TO VERIFICATION ON JOB SITE AND ADJUSTMENT TO FIT JOB CONDITIONS.	 National Kitchen & Bath Association	DESIGN PLANS ARE PROVIDED FOR THE FAIR USE BY THE CLIENT OR HIS AGENT IN COMPLETING THE PROJECT AS LISTED WITHIN THIS CONTRACT. DESIGN PLANS REMAIN THE PROPERTY OF THIS FIRM AND CANNOT BE USED OR REUSED WITHOUT PERMISSION.	DESIGNED FOR: CRAZY THAI RESTAURANT	BY: ABIGAIL BISHOP, CKD, CBD, CID	DATE	BY	SCALE: 3/8" = 1'-0"	DWG NO. 1.
					DWN	09/26/19		
					REV			

ELEVATION SHEET #2

DRAWN BY: ABIGAIL BISHOP,
CKD, CBD, CID

DATE: 09/26/2019



ALL DIMENSIONS AND
SIZE DESIGNATIONS
GIVEN ARE SUBJECT
TO VERIFICATION
ON JOB SITE AND
ADJUSTMENT TO FIT
JOB CONDITIONS.



DESIGN PLANS ARE PROVIDED FOR THE
FAIR USE BY THE CLIENT OR HIS AGENT
IN COMPLETING THE PROJECT AS LISTED
WITHIN THIS CONTRACT. DESIGN PLANS
REMAIN THE PROPERTY OF THIS FIRM AND
CANNOT BE USED OR REUSED WITHOUT
PERMISSION.

DESIGNED FOR:
**CRAZY THAI
RESTAURANT**

BY:
**ABIGAIL BISHOP,
CKD, CBD, CID**

	DATE	BY
DWN	09/26/19	
REV		

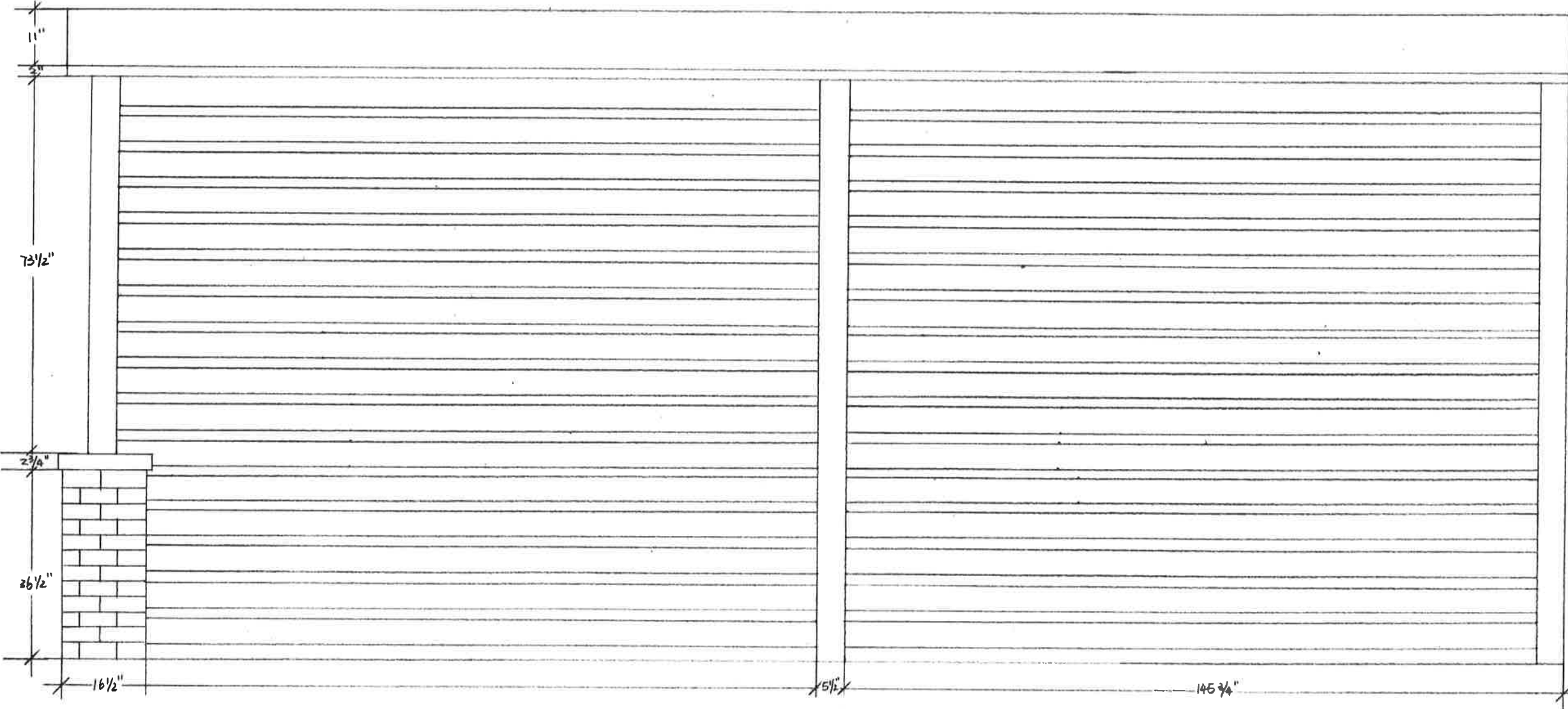
SCALE:
3/8" = 1'-0"

DWG
NO.
2.

ELEVATION SHEET #3

DRAWN BY: ABIGAIL BISHOP,
CKD, CBD, CID

DATE: 09/26/2019



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SIZE DESIGNATIONS
GIVEN ARE SUBJECT
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ON JOB SITE AND
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JOB CONDITIONS.



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FAIR USE BY THE CLIENT OR HIS AGENT
IN COMPLETING THE PROJECT AS LISTED
WITHIN THIS CONTRACT. DESIGN PLANS
REMAIN THE PROPERTY OF THIS FIRM AND
CANNOT BE USED OR REUSED WITHOUT
PERMISSION.

DESIGNED FOR:
CRAZY THAI
RESTAURANT

BY:
ABIGAIL BISHOP,
CKD, CBD, CID

	DATE	BY
DWN	09/26/19	
REV		

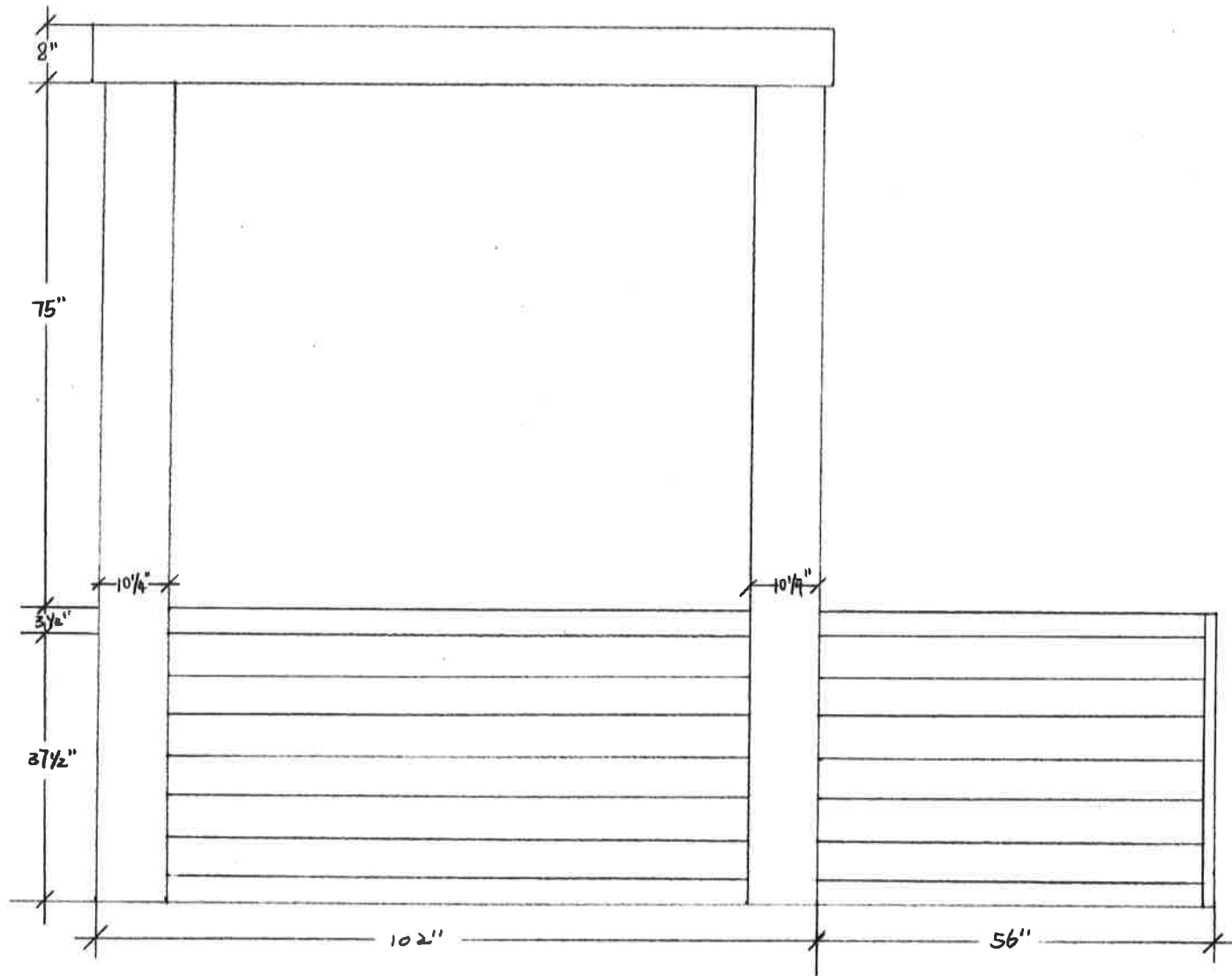
SCALE:
3/8" = 1'-0"

DWG
NO.
3.

ELEVATION SHEET #4

DRAWN BY: ABIGAIL BISHOP,
CKD, CBD, CID

DATE: 09/26/2019



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SIZE DESIGNATIONS
GIVEN ARE SUBJECT
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ADJUSTMENT TO FIT
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DESIGN PLANS ARE PROVIDED FOR THE
FAIR USE BY THE CLIENT OR HIS AGENT
IN COMPLETING THE PROJECT AS LISTED
WITHIN THIS CONTRACT. DESIGN PLANS
REMAIN THE PROPERTY OF THIS FIRM AND
CANNOT BE USED OR REUSED WITHOUT
PERMISSION.

DESIGNED FOR:
CRAZY THAI
RESTAURANT

BY:
ABIGAIL BISHOP,
CKD, CBD, CID

	DATE	BY
DWN	09/26/19	
REV		

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

DWG
NO.
4.

SHEET #5

CRAZY THAI RESTAURANT 1100 WEST
CARY STREET, RICHMOND, VA, 23220

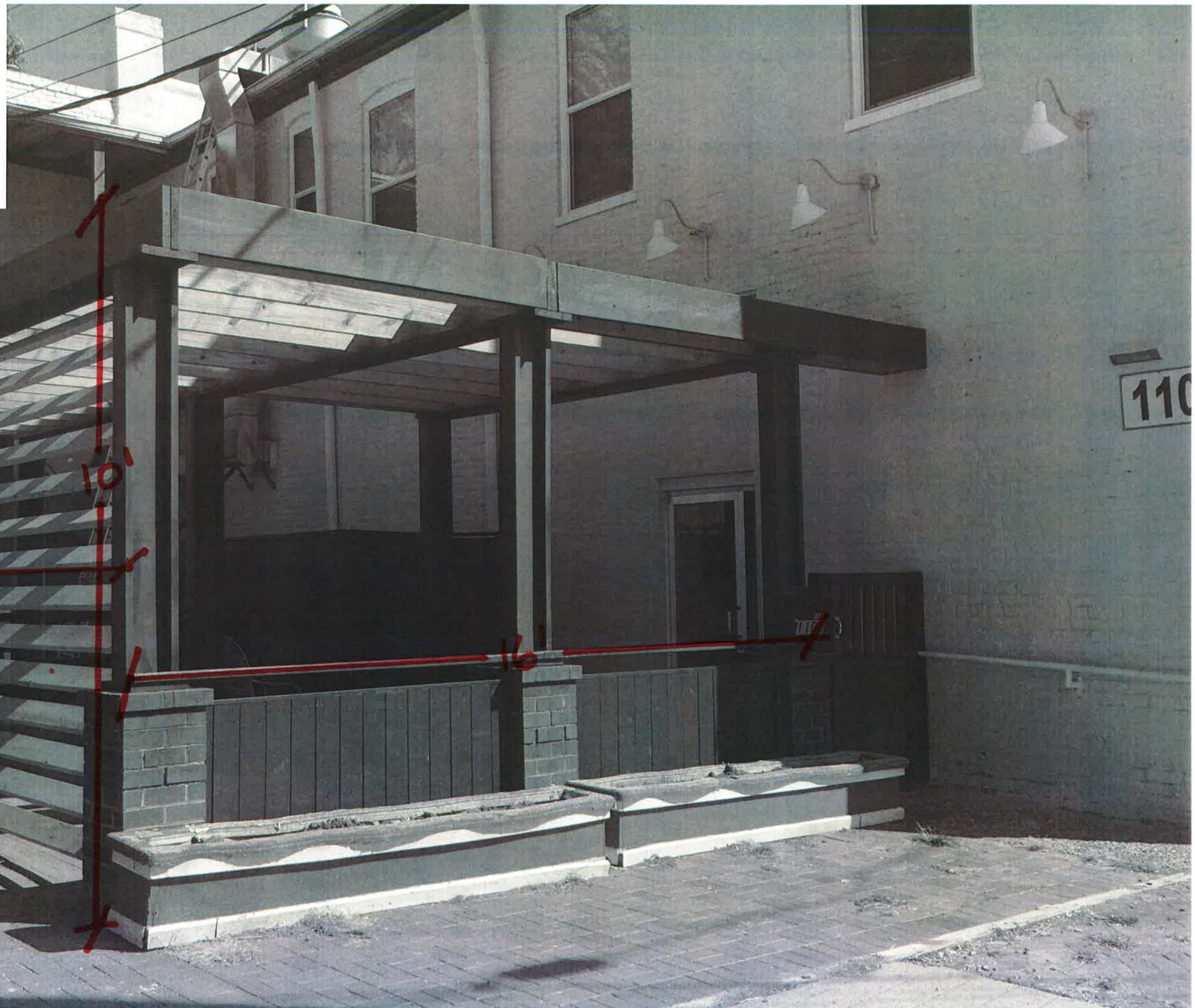
DATE: 09/26/2019

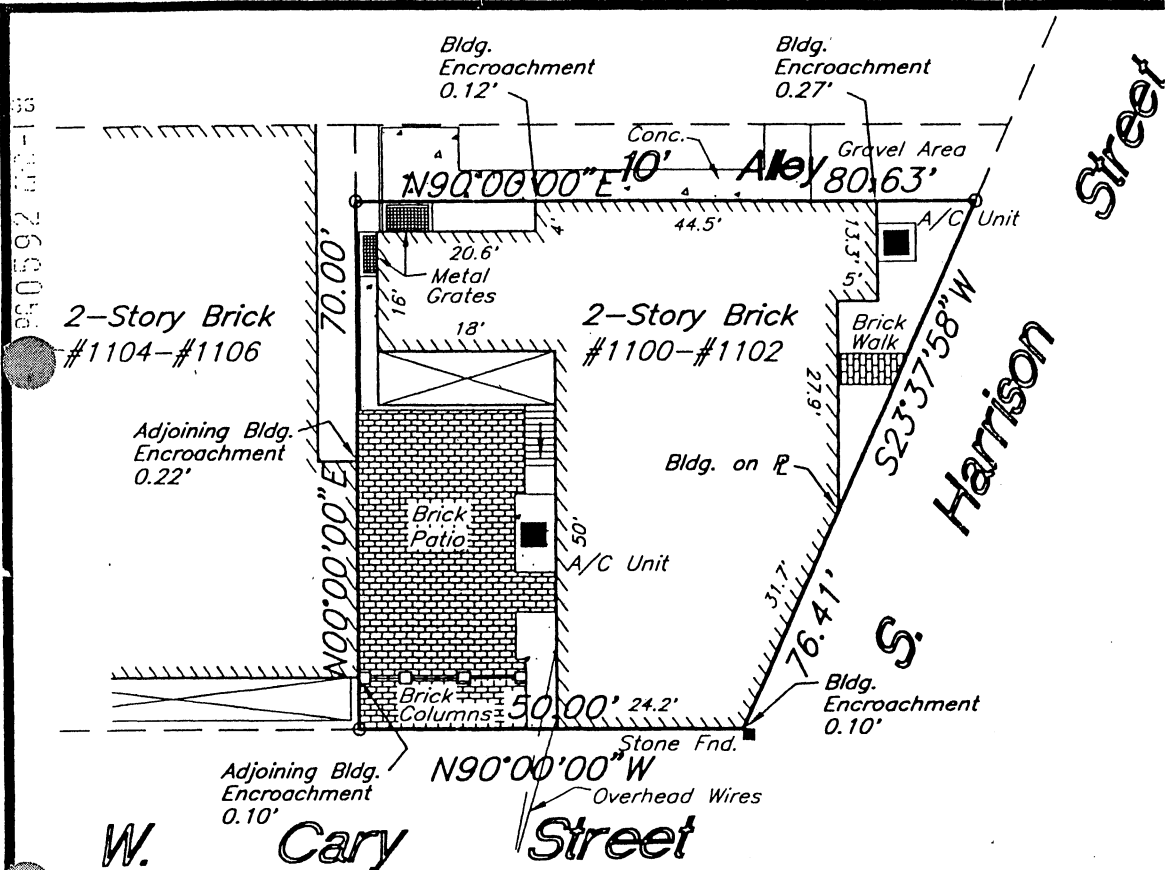


SHEET #6

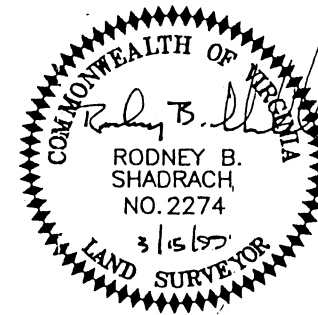
CRAZY THAI RESTAURANT 1100 WEST
CARY STREET, RICHMOND, VA, 23220

DATE: 09/26/2019



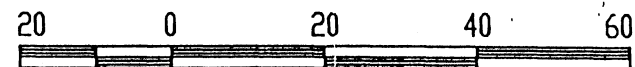


I hereby certify that this boundary survey, to the best of my professional knowledge and belief, is correct and complies with the minimum procedures and standards established by the Virginia State Board of Architects, Professional Engineers, Land Surveyors, and Certified Landscape Architects.



SURVEY PLAT FOR
Thanh Trung & Vanloan Nguyen
 SHOWING EXISTING IMPROVEMENTS TO
 #1100-#1102 W. CARY STREET
 CITY OF RICHMOND, VIRGINIA

DATE: MARCH 5, 1999
 REVISED: MARCH 15, 1999



Scale: 1" = 20'

JORDAN CONSULTING ENGINEERS, P.C.
 2540 PROFESSIONAL ROAD
 RICHMOND, VIRGINIA 23235
 (804)-272-7009

- Notes:
1. The subject property appears not to be located within the limits of the 100 Year Flood Plain Boundary as defined by The Federal Insurance Administration Community-Panel #510129-0010-B, effective date: June 15, 1979 (Zone C).
 2. This survey plat represents a current and accurate field transit survey of the premises shown hereon.
 Date of last physical survey: March 1, 1999
 3. This survey was made with the benefit of a Title Report dated February 23, 1999 (CT-99-5546T).
 4. 5/8" Iron Rods found at all corners unless otherwise noted hereon.

Legal Reference:

Ball IV, L.C.
 Deed Book 436, Page 303
 Tax Parcel No. W000-0399-024

3/9