

INTRODUCED: November 9, 2020

AN ORDINANCE No. 2020-242

To amend Ord. No. 99-324-304, adopted Oct. 11, 1999, which authorized the special use of the property known as 1601 Park Avenue for the purpose of a restaurant use, to authorize outdoor dining facilities and an increased interior seating capacity, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 14 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 99-324-304, adopted October 11, 1999, be and is hereby amended and reordained as follows:

§ 1. That the [~~real estate,~~] property known as 1601 Park Avenue, identified as Tax Parcel No. W000-0665/011 in the [~~1999~~] 2020 records of the City Assessor, containing 1582 square feet, more or less, located on the southwest side of Park Avenue and North Lombardy Street, being more completely described as follows: beginning at the point of intersection of the south right of way line of Park Avenue and the west right of way line of North Lombardy Street; thence extending in a southwesterly direction 18.16 feet to a point on the property line; thence extending 71.96 feet in a northwesterly direction along said property line to a point on the east right of way line of a 7.00 foot

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 14 2020 REJECTED: _____ STRICKEN: _____

north-south private alley; thence extending 48.25 feet in a northeasterly direction along said alley line to a point of the south right of way line of Park Avenue; thence extending 78.00 feet in a southeasterly direction along said right of way line to the point of beginning; is hereby permitted to be used as a restaurant with accessory retail and outdoor dining substantially as shown on the floor plan entitled “Kuba Kuba Restaurant” prepared by Isaac Moses Regleson, Architect, dated July 22, 1999; on the survey entitled “Plat Showing Improvements in No. 1601 Park Avenue In The City of Richmond, Virginia” prepared by McKnight & Associates, P.C., dated June 30, 1999, and on sign plans entitled “Door Sign” and “Sign To Be Affixed To 1601 Park Avenue”, prepared by Steven Goodwin, dated June 29, 1999, copies of which are attached to Ordinance No. 99-324-304, adopted October 11, 1999, as modified by the plans entitled “Kuba Kuba Patio, 1601 Park Avenue, Richmond, Virginia,” prepared by Johannas Design Group, and dated October 2, 2020, copies of which are attached hereto and made a part of this amendatory ordinance.

§ 2. That adoption of this ordinance shall constitute the granting of a special use permit for the real estate, which shall be transferable from the owner of the real estate 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. The Commissioner of Buildings is hereby authorized to issue to the owner of said real estate a building permit in accordance with the above-referenced plans for such purpose(s), subject to the following terms and conditions:

(a) That the owner of the property shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations adopted pursuant thereto, applicable to the land and building, except as otherwise provided in this ordinance;

(b) That application for a building permit shall be made within [~~twenty-four (24)~~] 24 months from the effective date of this ordinance, which building permit shall expire by limitation and become null and void if construction is not commenced within [~~one hundred eighty days (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 the work is commenced, as provided in applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit for any necessary construction not be made within [~~twenty-four (24)~~] 24 months from 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 time 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) That the use of the ground floor and basement of the premises shall be as a restaurant with an accessory retail space with a maximum seating capacity of [~~thirty-five (35)~~] 46 seats including any counter seats. The basement shall not be used as accessory space for the residential use of the building [~~There shall be no outdoor dining~~];

(d) There shall be no off-premises sales of cold alcoholic beverages;

(e) That the hours of operation for the interior restaurant and outdoor dining area shall be limited to between 9:00 a.m. and 11:00 p.m., daily, provided that, for the outdoor dining area, seating of patrons shall cease at 9:00 p.m.;

(f) That the consumption or sale of alcoholic beverages shall be permitted inside the restaurant during regular business hours, and the consumption or sale of alcoholic beverages shall be permitted within the outdoor dining area from the hours of 9:00 a.m. to 10:00 p.m.;

(g) That there shall be no live music, amplified music, or public address system outside of the fully enclosed building.

(h) That the outdoor dining area shall be limited to a total of 8 patrons, substantially as shown on the plans entitled “Kuba Kuba Patio, 1601 Park Avenue, Richmond, Virginia,” prepared by Johannas Design Group, and dated October 2, 2020, copies of which are attached to and made a part of this amendatory ordinance;

~~[(f)]~~ (i) That identification of the premises shall be limited to a maximum of three signs which, if provided, shall only be sized and located as follows: One sign shall be painted on the door with a maximum sign area of two ~~[(2)]~~ square feet, the second sign shall be wall mounted on the exterior of the building with a maximum sign area of ~~[twenty-two (22)]~~ 22 square feet, and the third sign shall be the a neon sign located over the front door, with a maximum sign area of sixteen (16) square feet;

~~[(g)]~~ (j) That facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall either be located within the building, or if not in conflict with any rights accruing to others, in the area identified as “alley” on the ~~[attached]~~ plans attached to Ordinance No. 99-324-304, adopted October 11, 1999, provided the facilities are located or screened so as not to be visible from adjacent properties and public streets and provided further, there shall be no outside storage of grease, oils, or fats intended for rendering purposes.

~~[(h)]~~ (k) That storm or surface water shall not be allowed to accumulate on the land, and adequate facilities for the drainage of storm or surface water from the land and building shall be provided and maintained at all times by the owner at its cost and expense so as not to adversely affect or damage adjacent property or public streets and alleys and the use thereof.

(l) No off-street parking shall be required for the Special Use.

§ 4. That ~~[should the owner use the premises for any purpose which is not permitted by this ordinance, or fails, refuses or neglects to comply with all applicable terms and conditions, and does not terminate such use or comply with such terms and conditions within sixty (60) days after written notice to do so has been given by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void, unless an application for a special use amendment is filed with the Director of the Department of Community Development, which shall stay the sixty (60) day period. Failure to comply with the terms of this ordinance shall constitute a violation of §32-1080 of the Code of the City of Richmond, 1993, or other applicable provisions]~~ 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 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, if (a) the property owner does not abate the violation within 30 days of the issuance of the notice or (b) three notices of violation are issued to the property owner within any 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 30-1080 of the Code of the City of Richmond (2015), as amended, or any other applicable laws or regulations.

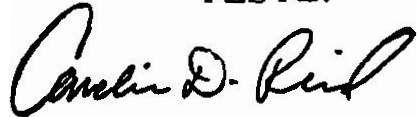
§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the premises is abandoned for a period of twenty-four (24) consecutive months, use of the [~~real-estate~~] property shall be governed thereafter by the zoning regulations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

A TRUE COPY:

TESTE:

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

City Clerk

City of Richmond

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

Item Request

File Number: PRE.2020.336

O & R Request

DATE: October 12, 2020

EDITION: 1

TO: The Honorable Members of City Council

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

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer 

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

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

RE: To authorize an amendment to the special use of the property known as 1601 Park Avenue, to authorize outdoor dining facilities and increased interior seating capacity, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize an amendment to the special use of the property known as 1601 Park Avenue, to authorize outdoor dining facilities and increased interior seating capacity, upon certain terms and conditions.

REASON: The applicant is requesting to amend an existing Special Use Permit which would authorize the use of an existing patio for outdoor dining purposes and increased seating capacity within the building. The property has an existing ordinance, No. 99-324-304, adopted on October 11, 1999 which legitimized the conversion of the existing building to a restaurant use.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its December 7, 2020, meeting.

BACKGROUND: The subject property consists of a 2,320 SF (.05 acre) parcel of land located in the Fan District neighborhood of the Near West planning district. The property is improved with a building currently adapted as a restaurant. The applicant proposes to construct an outdoor dining area for restaurant patrons.

The City of Richmond's current Master Plan designates a future land use category for the subject property as Single-Family Residential at Medium densities. Primary uses for this category "...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. Typical zoning classifications that may accommodate this land use category: R 5A, R 6 and R 7. (City of Richmond Master Plan, 133)

The current zoning for this property is R-6 (Single-Family Attached Residential). All adjacent properties are located within the same R-6 Residential District.

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

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

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$1,200 Application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 9, 2020

CITY COUNCIL PUBLIC HEARING DATE: December 14, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
December 7, 2020

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

RELATIONSHIP TO EXISTING ORD. OR RES.: Amend Ordinance No. 2003-375-337

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 546-6304
<http://www.richmondva.com/>

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 1601 Park Ave Date 4.20.20
 Tax Map # W0000665011 Fee \$1200
 Total area of affected site in acres .053 acres

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

Zoning

Current Zoning R6

Existing Use Mixed use restaurant and apartments

Proposed Use

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

Applicant seeks to increase restaurant occupancy and add a patio outside. No interior construction.
 Existing Use No change of use

Is this property subject to any previous land use cases?

Yes

No

If Yes please list the Ordinance Number 99-324-304

Applicant/Contact Person: David Johannas

Company Johannas Design Group

Mailing Address 1901 West Cary St

City Richmond State VA Zip Code 23220

Telephone (804) 358-4993 Fax ()

Email dave@johannasdesign.com

Property Owner: Diradour LLC

If Business Entity, name and title of authorized signer _____

(The person or persons executing or attesting the execution of this Application on behalf of the Company, certifies that it or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address 2206 Monument Ave

City Richmond State VA Zip Code 23220

Telephone (804) 239-8186 Fax ()

Email CHARLIE@LIONSPANDEVELOPMENT.COM

Property Owner Signature: [Signature]

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

NOTE: Please attach the required plans, checks, and fee schedule or fee setting Procedures for special use permits.



October 02, 2020

RE: 1601 Park Avenue Proposed Outdoor Use

Existing Property

The property at 1601 Park Avenue and 310 North Lombardy Street, at the southwest corner of the intersection with North Lombardy Street, is in the Fan Area Historic District. The approximately 2320 square foot (sf) lot contains a 4206sf three-story building plus a partial basement. Constructed in 1900, there is an apartment at the Lombardy address and a restaurant at 1601 Park. The restaurant portion of the building consists of approximately 1700sf of building on the first floor. There is a 400sf basement with a restroom, mechanical equipment, and storage, which is shared with the entire building.

The building was constructed prior to the City's first Zoning Ordinance and has been subject to multiple variances. An approved zoning appeal on September 1, 1954, No. 77-54, allowed a 34'11" x 10' addition to expand the non-conforming business use, "conforming to the general practice throughout the immediate vicinity and in the entire West End section of the City...(to) alleviate a hardship and...improve conditions at this corner." Another approved zoning appeal, on April 3, 1996, No. 26-96, allowed conversion of the drug-store business to a restaurant, conditioned with 11 counter and 10 table seats, hours from 8AM to 8PM daily, no off-premises sale of cold alcoholic beverages and no wait service for seated customers. There were additional signage limitations. On April 2, 1997, per Case No. 31-97, a variance extended the hours of operation from 7AM to 8PM.

A special use ordinance No. 99-324-304 was adopted on October 11, 1999, allowing the restaurant with accessory retail at the ground-floor business location. The special use permitted 35 seats inside the restaurant. The hours of operation were daily between 9AM and 11PM. Additionally, limitations maintained no off-premises sale of cold alcoholic beverages, and stipulated signage, refuse storage and collection requirements. The restaurant has been operating with 46 seats inside for more than a decade.

The property is owned by Diradour LLC, successor of the prior owner.

Proposed Alterations to Existing Use

The applicant would like to create an exterior patio for dining, increase the occupancy, and limit the use of the basement for restaurant use only. These changes will enhance the local appeal of the well-regarded neighborhood restaurant, while increasing the ability of the tenant to maintain the space.

Restaurants throughout the area currently offer outdoor dining. Indeed, for urban locations, the city has instituted a permit process to encourage and accommodate more sidewalk dining. Given the odd-shaped lot, the restaurant can easily oblige a few tables and chairs on the northeast edge of the property with the adjacent residential stairway serving as a pleasant backdrop. The applicant intends to have a metalsmith design and install decorative planters and railings, while providing a new tree well and landscape features. ***This SUP requests exterior table seating for eight (8) diners.***

Exterior and interior seating are currently served by two restrooms, a predominantly accessible one on the main level, and another in the basement. With no alterations, the interior layout accommodates counter service and table seating for 46 diners. The restaurant requires 7 staff people. ***This SUP requests increasing the occupancy inside the restaurant to 53 diners and staff, plus the eight (8) diners outside on the patio.***

Currently, the tenant shares a small partial basement with residential tenants in the building. With control of the basement, the unrenovated space can be updated with an appropriate level of finish. Additionally, the basement restroom can then be renovated as well. ***This SUP requests restaurant use for the entirety of the small basement.***

The applicant has had two meetings with the neighbors, shared several emails and met with the FDA. Per those discussions the applicant agreed to the following conditions.

SUP Conditions for Kuba-Kuba

- The restaurant will stop seating patrons outside at 9 PM.
- There will be no amplified sound outside.
- There will be no live music outside.
- There will be no alcoholic beverages served on the patio after 10 PM.
- Hours of operation will remain consistent with the existing SUP - 9 AM to 11PM.

City Charter Conditions for SUP

- A. The proposed special use will not be detrimental to the safety, health, morals, and general welfare of the community involved.
- B. The proposed special use will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.
- C. The proposed special use will not create hazards from fire, panic or other dangers.
- D. The proposed special use will not tend to cause overcrowding of land and an undue concentration of population.
- E. The proposed special use 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.
- F. The proposed special use will not interfere with adequate light or air.

KUBA KUBA PATIO

1601 PARK AVENUE
RICHMOND, VIRGINIA

SCOPE OF WORK
New front patio with seating for eqm people

PROJECT INFORMATION
Owner: DRACOUR LLC

Zoning District: R5

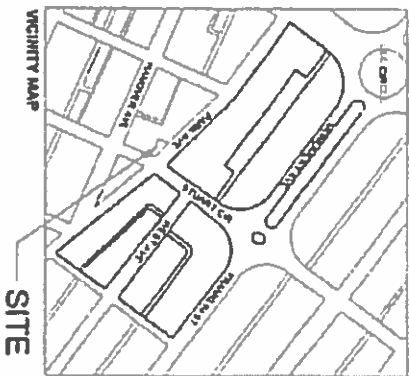
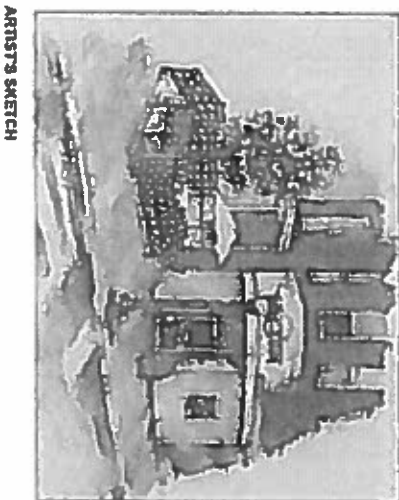
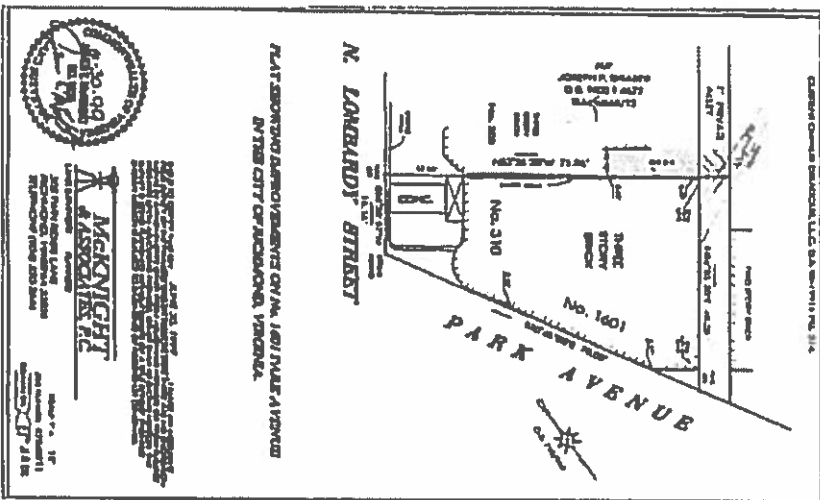
Existing Use: RESTAURANT

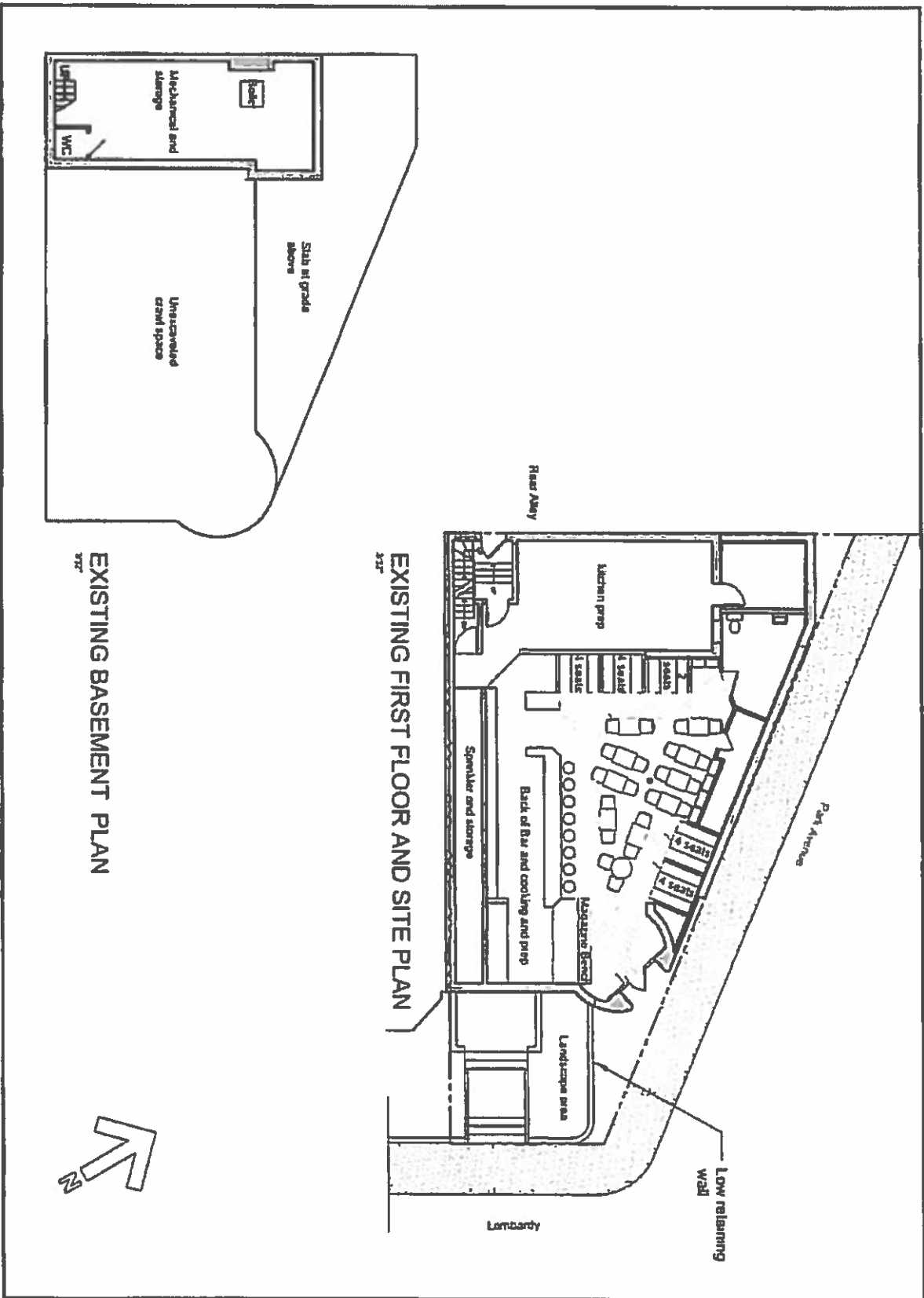
Proposed Use: RESTAURANT

Proposed Occupancy: 46 SEATS INSIDE PLUS 8 SEATS ON THE PATIO

CONTENT LIST

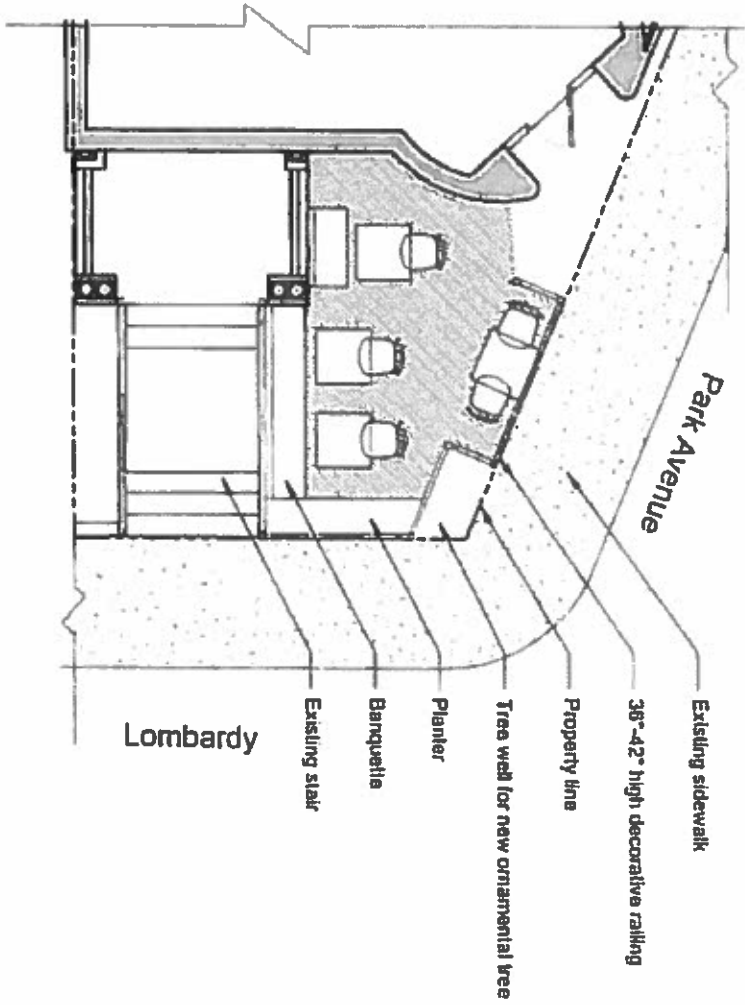
- SUP 0 COVER SHEET
- SUP 1 EXISTING FIRST FLOOR PLAN TO REMAIN, EXISTING BASEMENT PLAN (TO REMAIN)
- SUP 2 PROPOSED NEW PATIO
- SUP 3 ARTIST RENDERING





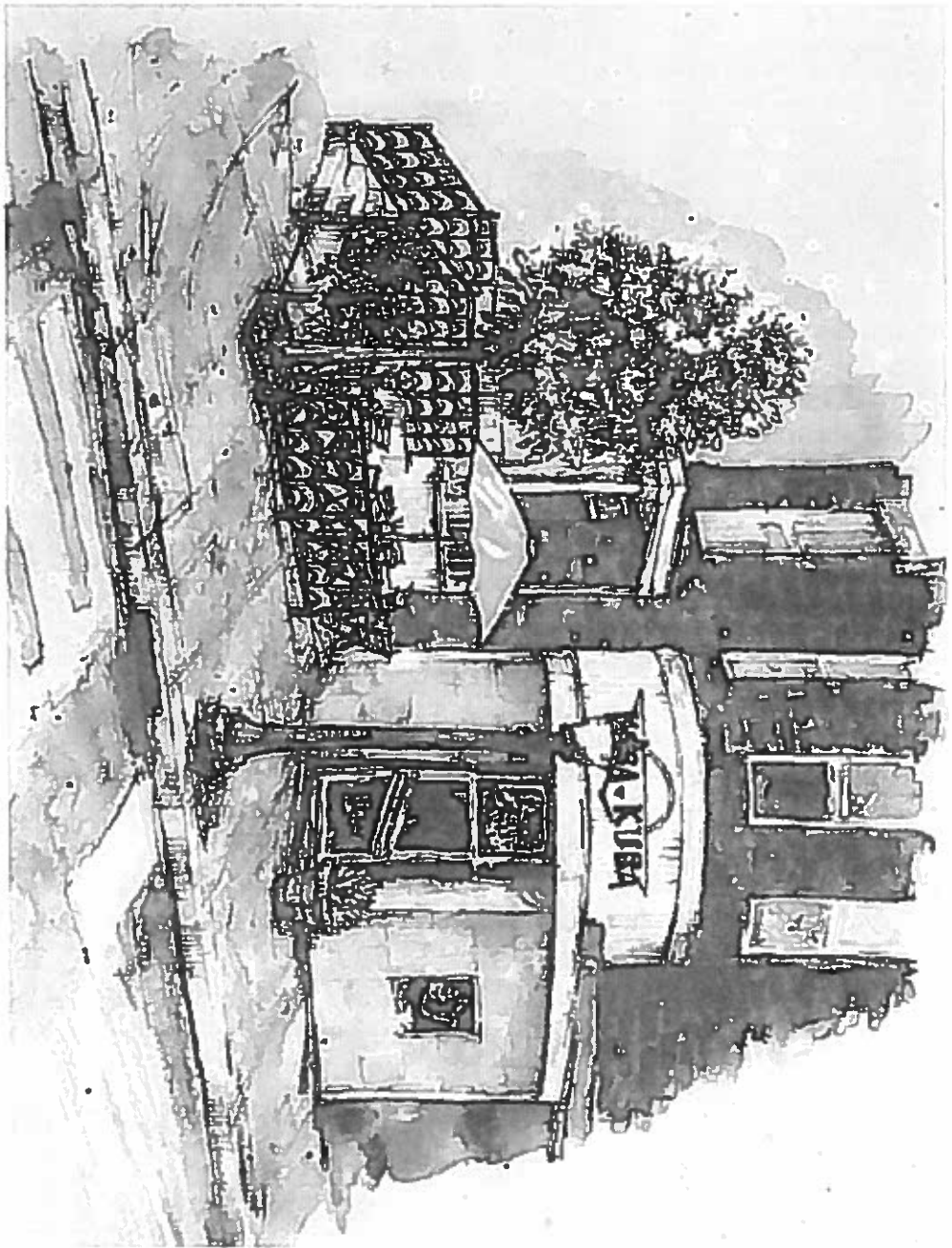
JOHANNAS DESIGN GROUP 1001 WEST CARY STREET RICHMOND VA 23220 804 350 0000

SUP 1	10.02.2020 1894	EXISTING PLANS	KUBA KUBA AT 1601 PARK AVE
	JOHANNAS DESIGN GROUP		



PROPOSED PATIO PLAN

JOHANNAS DESIGN GROUP 1361 WEST CART STREET RICHMOND VA 23220	
10.02.2020 1944	PATIO PLAN KUBA KUBA AT 1601 PARK AVE
SUP 2	2020



ARTIST'S RENDERING

JOHANNAS DESIGN GROUP 1101 WEST CANY STREET • LEMMON, WA 99224

KUBA KUBA AT 1601 PARK AVE

ARTIST'S
RENDERING

10.02.2020

1994

SUP

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