INTRODUCED: May 24, 2021

#### AN ORDINANCE No. 2021-147

To authorize the special use of the property known as 2910 Q Street for the purpose of a mixed-use building with outdoor dining, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

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PUBLIC HEARING: JUN 28 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 2910 Q Street, which is situated in a B-2 Community Business District, desires to use such property for the purpose of a mixed-use building with outdoor dining, which use, among other things, is not currently allowed by sections 30-436.1(33), concerning requirements for outdoor dining, and 30-710.1, concerning the number of off-street parking spaces required for particular uses, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), 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

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	JUN 28 2021	REIECTED:		STRICKEN:	

safety, health, morals and general welfare of the community involved, will not tend to create 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 (2020), 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.

- (a) Subject to the terms and conditions set forth in this ordinance, the property known as 2910 Q Street and identified as Tax Parcel No. E000-0568/014 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled "Plat of Consolidation for The Properties Known as #1100 N. 30<sup>th</sup> Street & #2910 'Q' Street in the City of Richmond, VA," prepared by Edwards, Kretz, Lohr & Associates, PLLC, and dated May 9, 2018, 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 mixed-use building with outdoor dining, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "1100 N 30<sup>th</sup> St, Richmond, VA 23223," prepared by ADO/Architecture Design Office, dated January 22, 2019, hereinafter referred to 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 with outdoor dining. For the avoidance of doubt, the building on the Property may also contain uses permitted

by the zoning regulations prescribed for the district in which the Property is situated and as authorized by the special exception granted by the Board of Zoning Appeals pursuant to Case No. 36-18 at its meeting held on October 3, 2018.

- (b) The location of any outside dining shall be limited to the location labelled as "Paved Patio" on sheet A101 of the Plans.
  - (c) The operations of the outdoor dining use shall cease by 11:00 p.m., nightly.
- (d) No fewer than five off-street parking spaces shall be provided for the Property, but no parking shall be required for the outdoor dining use of the Property.
- (d) 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 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 (2020), 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 (2020), 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 (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 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.

A TRUE COPY:

TESTE:

andi D. Ril

City Clerk

### City of Richmond

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

### Item Request

File Number: PRE.2021.590

#### O & R Request

DATE:

April 23, 2021

**EDITION: 1** 

TO:

The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)

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

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

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

Planning

FROM:

Kevin J. Vonck, Acting Director, Dept. of Planning and Development Review

RE:

To authorize the special use of the property known as 2910 O Street for the purpose of a

mixed-use building with outdoor dining, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 2910 Q Street for the purpose of a mixed-use building with outdoor dining, upon certain terms and conditions.

**REASON:** The applicant is requesting a special use permit to reduce the parking requirement in order to allow for flexibility in commercial tenants in addition to allowing for a future restaurant tenant to have outdoor dining without being subject to the distance requirement from R-zoned property, as established in Sec. 30.436.1(33) of the zoning ordinance. There is sufficient parking on-site and on-street to meet the zoning ordinance requirements for an office, personal service, or retail use; there is not sufficient parking, however, to meet the zoning ordinance requirements for a restaurant or convenience store 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 June 21, 2021, meeting.

**BACKGROUND:** The subject property contains a lot area of approximately 9,600 square feet and is

improved with a three-story mixed-use building containing thirteen (13) dwelling units and 1,179 SF of commercial space that was completed in 2020. To allow for more flexibility, the application proposes to waive parking requirements associated within potential commercial uses and to also waive the distance requirement from R-zoned property related to outdoor dining for a restaurant use. The property is located

The Richmond 300 Master Plan recommends a future land use of "Neighborhood Mixed-Use" for the property. The primary uses recommended for Neighborhood Mixed-Use are single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units) and open space. Secondary uses include large multi-family buildings (10+ units), retail/office/personal service, institutional, cultural and government. The intensity recommended for Neighborhood mixed-use is typically two to four stories, which more height permissible along major streets. The development style should be compatible with the existing context. Setbacks, plazas and parks can help create a sense of place and community gathering areas. New developments on larger parcels should continue or introduce a gridded street pattern. In historic neighborhoods, small-scale commercial buildings should be introduced. Ground floors should engage the street with features such as street-oriented facades. Appropriate setbacks, open space, front porches, elevated ground floors and other features that provide a sense of privacy should be provided for residential uses. Pedestrian, bicycle, and transit access must be accommodated, and bike parking must be provided.

The property is located within the B-2 Community Business District. Properties to the south and west are also located within the B-2 Community Business District. Properties to the north and east are located within the R-6 Single-Family Attached Residential District. The property to the north contains a single-family dwelling. Properties to the east and south contain vacant commercial buildings. An office building is located directly to the west and the Robinson Theater is located to the southwest.

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:** May 24, 2021

CITY COUNCIL PUBLIC HEARING DATE: June 28, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE: None** 

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission

June 21, 2021

File Number: PRE.2021.590

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** 

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646 4856



#### Application for SPECIAL USE PERMIT

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room Sil
Richmond, Virginia 23219
(804) 646-6304
<a href="http://www.richmondgo.com/">http://www.richmondgo.com/</a>

Application is hereby submitted for: (check one)		
☐ special use permit, plan amendment ☐ special use permit, text only amendment		
- special use permit, text only amendment		
Project Name/Location		
Property Address: 2910 Q Street / 1100 N 30t hStreet		Date: 1/29/2021
Tax Map #: E000-0568/014 Fee: \$ 1,800		
Total area of affected site in acres, 0.221		
(See page 6 for fee schedule, please make check payable to the "City (	of Richmond")	
Zoning		
Current Zoning: B-2 Community Business		
Existing Use: Mixed-Use		
Proposed Use (Please include a detailed description of the proposed use in the require Mixed-use building requiring relief from feature requirements as outlined in App		
Existing Use; Mixed-U se	<del></del>	
Is this property subject to any previous land use cases?  Yes No  If Yes, please list the Ordinance Number: 8:	ZA-35-18 P.OD-04 453-2	018
Applicant/Contact Person: Mark Baker		
Company; Baker Development Resources		<del></del>
Mailing Address: 1519 Summit Ave., Suite 102		
City: Richmond	State VA	Zip Code: 23230
Telephone: _(804 ) 872-6275	_ Fax: _(	)
Email: markbaker@bakerdevelopmentresources.com		
Branashi Ouman F. J. 1844		
Property Owner: Evolve Hid LLc  If Business Entity, name and title of authorized signee: Da	eil Meyere	
in business Entity, name and title of authorized signee: Da	niit Neyman	
(The person or persons executing or attesting the execution of this App she has or have been duly authorized and empowered to so execute or		e Company certifies that he or
Mailing Address: 3420 PumpRd, #169		
City: Richmond	State: VA	Zip Code 23233
Telephone. (804 ) 99 14111	Fax: _(	)
Email: dvk5f@yahoo.com		
Property Owner Signature:	Mrs	

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)

# **APPLICANT'S REPORT**

February 3, 2021

Special Use Permit 2910 Q Street, Richmond, Virginia (Alternate address: 1100 N 30<sup>th</sup> Street) Map Reference Number: E000-0568/014

Submitted to:

City of Richmond

Department of Planning and Development Review

Land Use Administration 900 East Broad Street, Suite 511 Richmond, Virginia 23219

Prepared by:

**Baker Development Resources** 

1519 Summit Avenue, Suite 102 Richmond, Virginia 23230

### Introduction

The property owner, Evolve Hld LLC, requests a special use permit (the "SUP") for 2910 Q Street (the "Property"). The current development of the Property with a mixed-use building has already been authorized by a Plan of Development approval ("the POD"). In order to permit flexibility in the occupancy of the corner commercial space within the building, the SUP would authorize relief from several B-2 feature requirements, including: (1) a partial parking waiver and (2) a partial waiver of the radius requirement associated with outdoor dining.

# **Existing Conditions**

#### SITE DESCRIPTION AND EXISTING LAND USE

The Property occupies the northwest corner of the intersection of Q and N 30<sup>th</sup> Streets and is referenced by the City Assessor as tax map number E000-0568/014. The Property consists of 0.221 acres of land area.



The immediate vicinity is characterized by a variety of commercial, institutional, and residential uses of varying intensities and scales. Properties along Q Street between N 30<sup>th</sup> and N 29<sup>th</sup> Streets are primarily commercial in nature. Surrounding this commercial node is primarily one- and two-family dwellings interspersed with commercial and institutional uses.

#### **EXISTING ZONING**

The Property is zoned B-2 Community Business which permits small, neighborhood serving businesses in conjunction with multi-family dwellings. The use of the building for mixed-use is permitted by-right in the B-2 district. A reduction in the amount of ground floor commercial area required in conjunction with multi-family dwellings was granted by the Board of Zoning Appeals (BZA-36-18) and a Plan of Development was approved for the physical characteristics of the overall development as is now proposed.

The Property lies within a small B-2 commercial district or node, including properties to the south and west which are bound by N 29th Street, Q Street, N 30th Street, and P Street. Further to the south are properties zoned R-48 Multifamily Residential. Properties to the east and north are zoned R-6 Single-Family Attached Residential. Further to the north along N 29th and R Streets, properties are zoned R-63 Multifamily Urban Residential.

#### MASTER PLAN DESIGNATION

The Richmond 300 plan establishes a "Neighborhood Mixed-Use" land use designation for the Property. This land use is described 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 use." The development style for the Neighborhood Mixed-Use designation includes "new developments on larger parcels continue or introduce a gridded street pattern to increase connectivity within the neighborhood and to adjacent neighborhoods. In historic neighborhoods, small-scale commercial uses exist today or should be allowed to reestablish. In new neighborhoods, small scale commercial buildings should be introduced."

# **Proposal**

#### **PURPOSE OF REQUEST**

The construction of the proposed mixed-use building has been authorized for the Property pursuant to the POD which was approved on March 11, 2019. This request would permit some flexibility in the occupancy of the corner commercial space that was approved in conjunction with the POD. Specifically, the SUP would authorize: (1) a partial parking waiver and (2) a partial waiver of the radius requirement associated with outdoor dining.

#### **PROJECT SUMMARY**

The proposed building would include approximately 8,349 square feet of residential floor area and 1,214 square feet of first-floor commercial area. The building's first floor contains the commercial space at the corner of Q and N 30<sup>th</sup> Streets as well as three residential dwelling units. Ten dwelling units are located on the upper two floors.

#### Parking

The POD authorized the construction of the mixed-use building with the provision of a permitted principal use(s) (commercial uses) at the corner of Q and N 30<sup>th</sup> Streets. That approval relied on the use of 13 parking spaces (5 off-street and 8 on-street) in order to satisfy the parking

Applicant's Report Page 3 of 6

2910 O Street

requirements for the Property, including the commercial space. Zoning permits the 8 parking spaces that can be provided in portions of the right-of-way abutting the Property's frontages on N 30<sup>th</sup> and Q Streets to be credited toward required parking as though they were off street spaces located on the premises.

The 13 available parking spaces were sufficient to permit the construction of the building but the available parking limits the occupancy of the commercial space to a less intense use such as office. This request would vary the parking requirement in order to allow the for flexibility in the permitted uses which could occupy the commercial space. The requested relief would encourage the development of the commercial space with neighborhood-serving uses that are more likely to generate the desired pedestrian traffic and activity within this corridor. It is requested that the overall parking requirement is fixed at 13 parking spaces with any resulting deficiency based on final occupancy being varied by the special use permit.

There is precedent for the requested parking relief in recent policy and through the implementation of R-63 zoning in the vicinity. The R-63 district supports the establishment of commercial uses that serve many of the day-to-day convenience needs of neighborhood residents and the provision of opportunities for residents to live and work within the same neighborhood by permitting small scale corner commercial uses without the provision of parking. In the same way, this project is envisioned as a walking destination providing neighborhood-focused services. It is also envisioned as a "live-near-work" development with commercial tenants or employees seeking residences within the project or in nearby residential neighborhoods. In both instances, the focus is on walkability rather than the auto. A reduced parking requirement would allow the development to better address the goals of the Master Plan while remaining consistent with the intent of the B-2 District. It would provide for an active first floor use, a better pedestrian experience, and enhanced pedestrian connections within the district and to nearby neighborhoods.

#### Radius Requirement for Outdoor Dinning

In the B-2 District, where restaurants are concerned, Section 30-433.11(22)(a.) requires that "no deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district". A patio is proposed at the corner of N 30<sup>th</sup> and Q Streets, which could be utilized for the purpose of outdoor dining. Based on measurements scaled from the City's GIS system, this area is located approximately 50 feet from the closest Property located within an R district. The requested waiver of approximately 50 feet would allow for the development to better engage the prominent corner of the site with an active use, visible to both the North 30<sup>th</sup> and O Street corridors.

# **Findings of Fact**

The following are factors indicted in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

• Be detrimental to the safety, health, morals and general welfare of the community involved.

Applicant's Report

2910 Q Street

The proposed special use permit will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed development would offer needed services to the community and a safe, convenient and economically viable pedestrian environment, thereby providing positive impacts in terms of safety, welfare, etc.

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• Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The proposal is designed be consistent with the Property's master-plan recommendation for pedestrian-oriented development which is designed for walkability. The existing street grid will tend to minimize any traffic impacts. Further, the Property owner has contacted the City of Richmond regarding out of use parking regulation signs in the neighborhood which, after being removed by the City of Richmond, has created additional parking for the neighborhood.

Create hazards from fire, panic or other dangers.

The Property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

• Tend to overcrowding of land and cause an undue concentration of population.

The proposed special use permit will not tend to over crowd the land or create an undue concentration of population. The proposed density and urban form is appropriate to the Property's location and consistent with the recommendations of the Master Plan and ongoing planning guidance.

 Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

The special use permit would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development. This benefit can be attributed to the significant investment in the property, taxes related to the commercial use of the first floor and the anticipated absence of school-age children residing within the complex, who require substantial City spending in schools and playground facilities.

• Interfere with adequate light and air.

The light and air available to adjacent properties will not be affected.

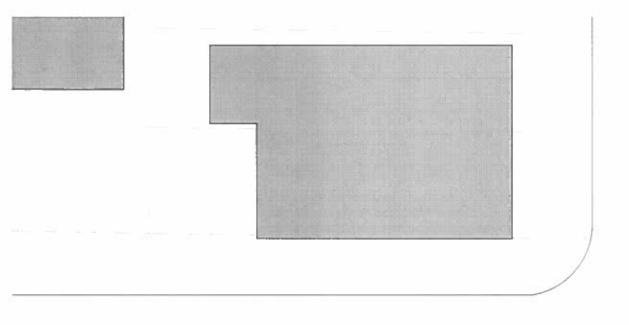
### Summary

The physical development of the site is permitted by virtue of an approved Plan of Development. The applicant is only seeking relief from parking requirements and radius requirements relating to outdoor dining in order to allow flexibility in the occupancy of the corner commercial use within the building. The development is an ideal, small-scale urban infill development at this location.

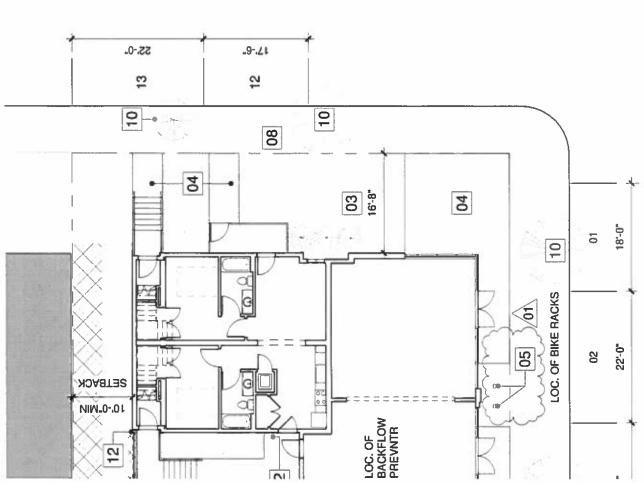
Applicant's Report
2910 Q Street

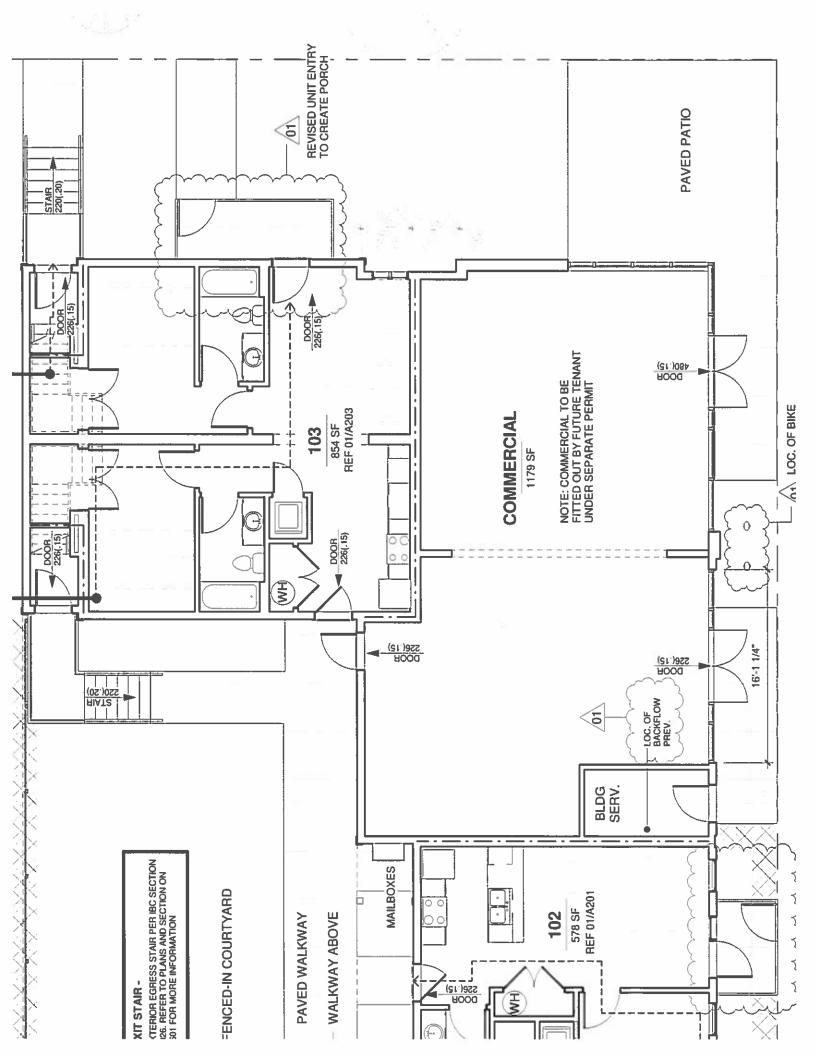
Page 5 of 6

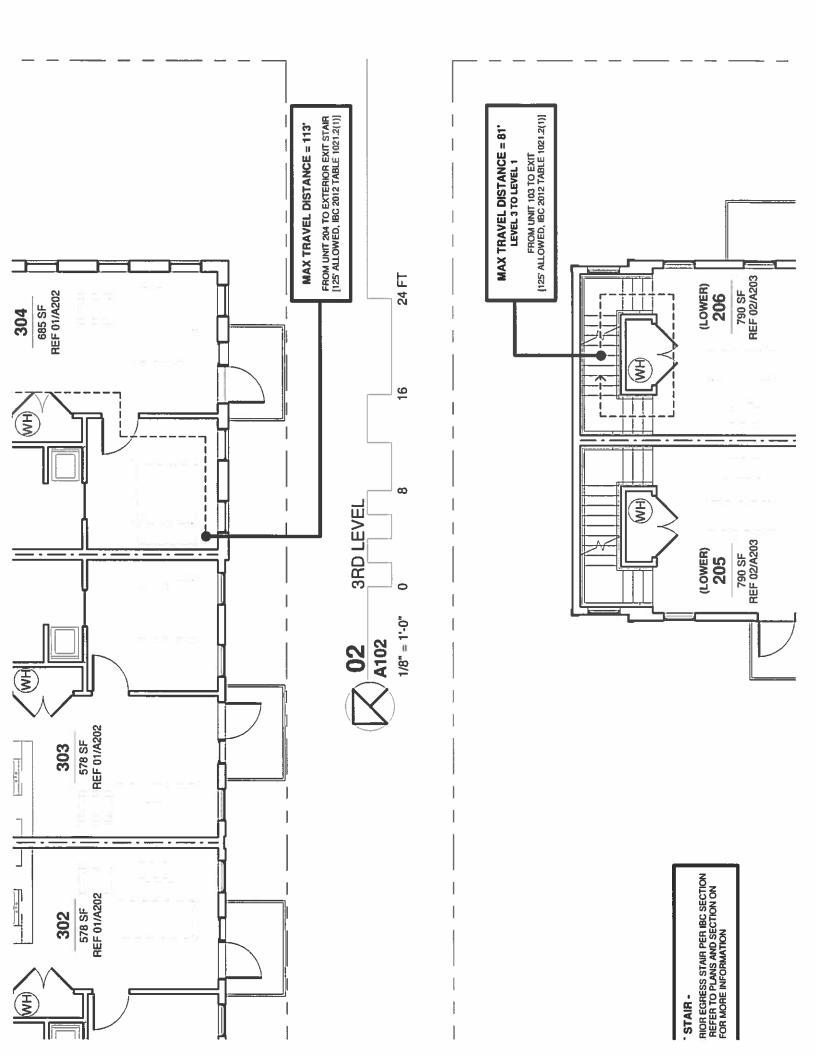
The SUP would permit the occupancy of the commercial space with an active first floor use that would be neighborhood serving while providing a better pedestrian experience and enhancing pedestrian connections within the district and to nearby neighborhoods. This would better address the goals of the Master Plan while remaining consistent with the intent of the B-2 District.

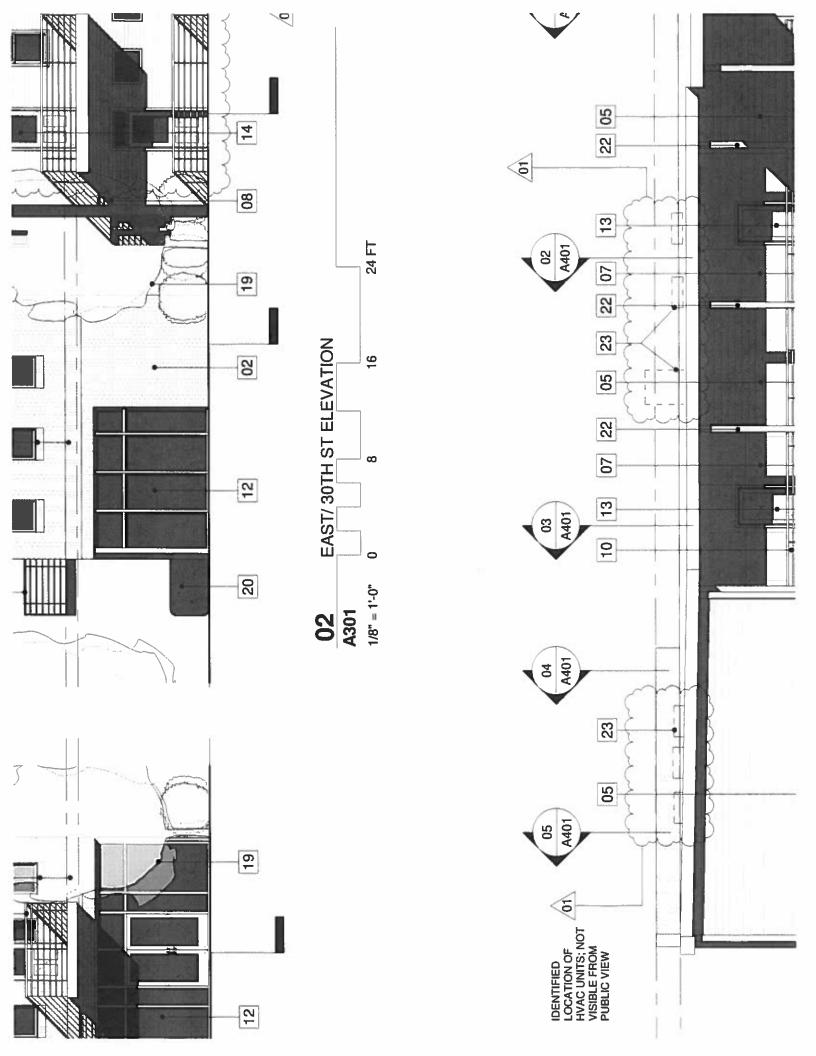


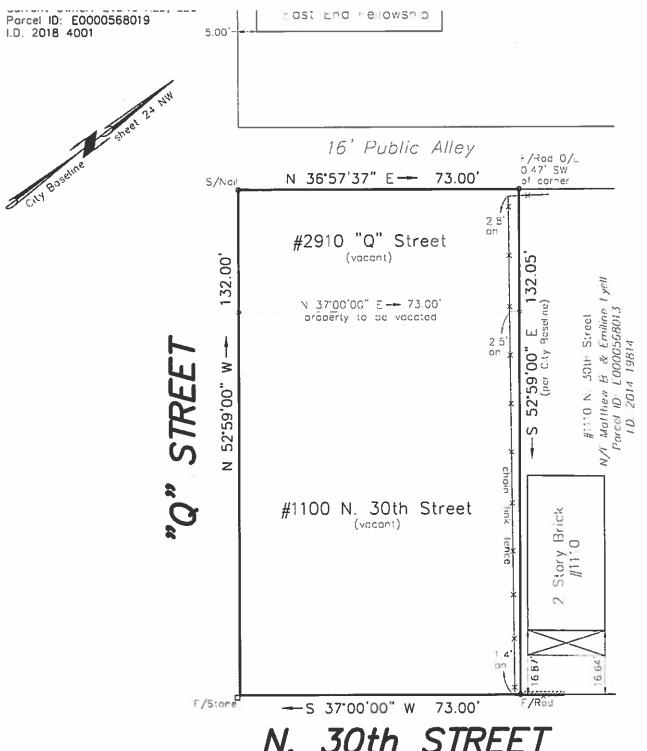












# N. 30th STREET

JAMES A. LOHR LIC. NO. 2008

Plat of Consolidation for

The Properties Known as #1100 N. 30th Street & #2910 "Q" Street in the City of Richmond,

This is to certify that on 05/07/18 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 encroochments 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 OF DEPORT

