### AN ORDINANCE No. 2021-190

To amend Ord. No. 2013-005-12, adopted Feb. 11, 2013, which authorized the special use of the property known as 3600 Forest Hill Avenue for the purposes of permitting live entertainment and an outdoor dining area, to authorize an expansion of the outdoor dining area, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

\_\_\_\_\_

Approved as to form and legality by the City Attorney

\_\_\_\_\_\_

PUBLIC HEARING: JUL 26 2021 AT 6 P.M.

### THE CITY OF RICHMOND HEREBY ORDAINS:

- I. That Ordinance No. 2013-005-12, adopted February 11, 2013, be and is hereby amended and reordained as follows:
- § 1. That the property known as 3600 Forest Hill Avenue and identified as Tax Parcel No. S000-2150/024 in the [2013] 2021 records of the City Assessor, being more particularly shown on the plat entitled "[ALTA/ACSM] ALTA/NSPS Land Title Survey of 0.254 [Acre] Acres of Land [Lying South of] Known As #3600 Forest Hill Avenue, Being Parcel: S000-2150/024, City of Richmond, Virginia," prepared by Balzer and Associates, Inc., and dated [February 10, 2012] November 14, 2017, a copy of which is attached to and made a part of this

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED: _	JUL 26 2021	REJECTED:		STRICKEN:	

ordinance, is hereby permitted to be used for the purposes of permitting live entertainment and an outdoor dining area, substantially as shown on sheet C01 of the plan entitled "Crossroads, SUP Conceptual Plan, City of Richmond, Virginia," prepared by Balzer and Associates, Inc., dated October 1, 2012, and revised November 6, 2012, a copy of which is attached to and made a part of [this ordinance.] Ordinance No. 2013-005-12, adopted February 11, 2013, as modified by the plan entitled "Crossroads Coffee & Ice Cream: Outdoor Seating Expansion," prepared by RVA Design Build, and undated, a copy of which is attached to and made a part of this amendatory ordinance, hereinafter referred to, collectively, as "the Plans."

- § 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 substantially in accordance with the [plans referred to above for the aforementioned purposes,] Plans 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) An application for a building permit for the plans referred to above shall be made within [twenty-four (24)] 24 months from the effective date of the most recent amendment to this ordinance. This building permit shall expire and shall 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 Uniform Statewide Building Code. Should application for the building permit not be made within [twenty four (24)] 24 months after the effective date of the most recent amendment 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] this ordinance shall become null and void.

- [(e)] (b) No permit implementing this [special use permit] ordinance 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)] (c) All required final grading and drainage plans, together with all easements made necessary by such plans, shall be approved by the Director of Public Utilities prior to the issuance of building permits.
- [(e)] (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 adjacent property or public streets and the use thereof.
- [(f)] (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.
- [(g)] (f) [An outdoor] Outdoor dining [area], accessory to the restaurant use of the property, shall be permitted. The outdoor dining [area] areas may be covered or uncovered and shall be

located [within the Fenced Seating Area depicted on the attached plan] substantially as shown on the Plans.

- [(h)] (g) Covered trash containers shall be provided in the outdoor dining area and fences, walls or vegetative screening shall be provided around the outdoor dining area, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. In no case shall chain link, chain link with slats or similar fencing be used.
  - [(i)] (h) The outdoor dining [area] areas shall be closed by 12:00 a.m. (midnight).
- [(j)] (i) No live entertainment shall be permitted in the outdoor dining [area] areas. No music shall be played and no public address system shall be operated in the outdoor dining [area] areas after 10:00 p.m.
- [(k)] (j) Live entertainment shall be permitted within the main restaurant building, provided the live entertainment ceases by 12:00 a.m. (midnight).
- [(1)] (k) No music, live or otherwise, shall be played nor public address system operated in such a manner that sound produced therefrom is audible beyond the boundaries of the [premises] property.
- [(m)] (1) Any outdoor lighting of the [premises] property shall be provided within the bounds of the property and directed or shielded so as not to shine directly on adjacent residential properties.
- [(n)] (m) Any encroachments existing, proposed on the [attached plans] 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 [(2004)] 2020, as amended.
  - (o) No fewer than 13 parking spaces shall be provided on the property.

- [(o)] (p) In all other respects, the use of the property shall be in accordance with the applicable underlying zoning regulations.
- § 4. [That the] 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 [114-1050.7] 30-1050.7 through [114-1050.11] 30-1050.11 of the Code of the City of Richmond [(2004)] (2020), as amended, [if (a) the property owner does not abate the violation within [thirty (30)] 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) month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner and all future amendments to such laws. Failure to comply with the terms and conditions of this amendatory ordinance shall constitute a violation of section [114-1080] 30-1080 of the Code of the City of Richmond [(2004)] 2020, 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] property is abandoned for a period of [twenty-four (24)] 24 consecutive months, 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. 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: Camelia D. Riil

City Clerk

2021-348

# **City of Richmond**

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

## **Item Request**

File Number: PRE.2021.651

### O & R Request

**DATE:** May 27, 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

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

Planning

FROM: Kevin Vonck, Acting Director, Department of Planning and Development Review King June

**RE:** To amend Ord. No. 2013-5-12, adopted February 11, 2013, which authorized the special use

of the property known as 3600 Forest Hill Avenue for the purposes of permitting live entertainment and an outdoor dining area, to authorize an expansion of the outdoor dining

area, upon certain terms and conditions.

ORD. OR RES. No.

**PURPOSE:** To amend Ord. No. 2013-5-12, adopted February 11, 2013, which authorized the special use of the property known as 3600 Forest Hill Avenue for the purposes of permitting live entertainment and an outdoor dining area, to authorize an expansion of the outdoor dining area, upon certain terms and conditions.

**REASON:** The subject property is located in the B-1 Neighborhood Business zoning district. Section 30-434.1(16) of the zoning ordinance states that restaurants are permitted uses in this zoning district. However, outdoor dining is not specifically permitted. On February 11, 2013 City Council approved Ord. No. 2013-5-12 which permitted live entertainment and an outdoor dining area. The proposed amendment will authorize an expansion of the outdoor dining area. Therefore a special use permit amendment is 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 July 19, 2021 meeting.

File Number: PRE.2021.651

**BACKGROUND:** The subject property consists of a .249 acre parcel fronting Forest Hill Avenue and spanning the width of the block between Bland Street and Carson Street. The property is improved with a 1,187 square foot single-story building containing a restaurant and off-street parking. An outdoor dining area is located in the front of the building along Forest Hill Avenue.

The Richmond 300 Master Plan designates the subject property as Community Mixed-Use. Such areas are described as clusters of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions.

Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space. Secondary Uses: Single-family houses, institutional, and government.

**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:** June 28, 2021

CITY COUNCIL PUBLIC HEARING DATE: July 26, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission

July 19, 2021

**AFFECTED AGENCIES:** Office of Chief Administration Officer

Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Amend Ord. No. 2013-5-12

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

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

**STAFF:** David Watson, Senior Planner, Land Use Administration, 804-646-1036



### 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) 646-6304
http://www.richmondgov.com/

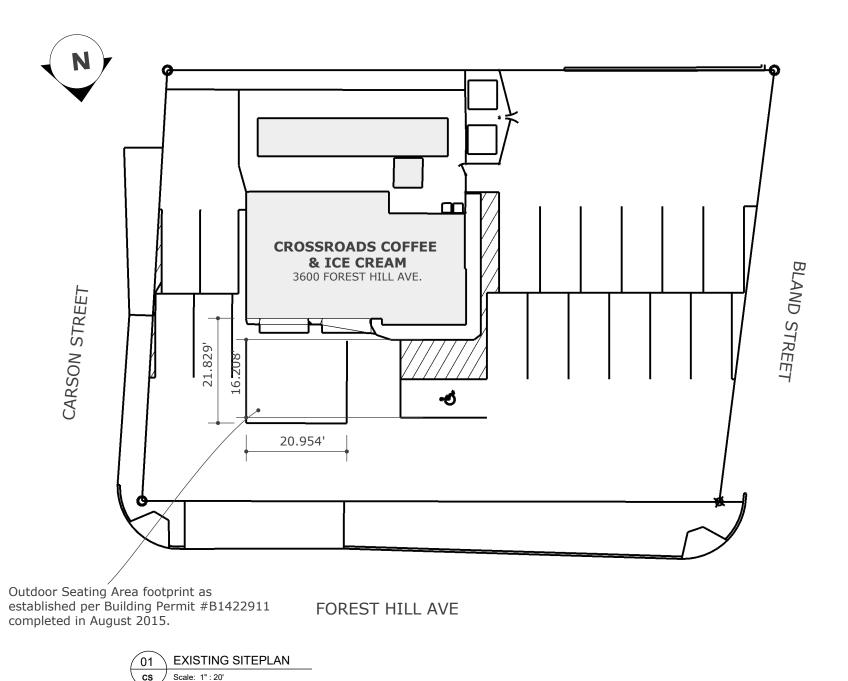
□ special use permit, new special use permit, plan			
☐ special use permit, text			
<b>Project Name/Location</b>			
Property Address: 3600 Forest			Date: March 18, 2021
Tax Map #: S0002150024	Fee: \$200.00		_
Total area of a ected site in	acres: 0.254		_
(See <b>page 6</b> for fee schedule, plea	se make check payable to the " <b>Ci</b>	ty of Richmond")	
Zoning			
Current Zoning: B-1			
Existing Use: Restaurant with out	door dining area		
Proposed Use			
		uired applicant's report) ng restaurant use as shown on Exhib	oit 2. All other conditions and uses of SUP 2013-5-12
Existing Use: Restaurant with out	door dining area		
Is this property subject to a Yes No If Yes, please	ny previous land use cases? list the Ordinance Number		
Applicant/Contact Person:		plicant; Contact is	
Company: William H. Shewmake,			
Mailing Address: 901 East Byrd	Street, Suite 1550		
City: Richmond	205/ ) (004)044 0450/ )	State: VA	Zip Code: <b>23219</b>
Telephone: _(804) 343-5 Email: wshewmake@woodsrogers.	035(o) or (804)241-0453(c)	Fax: _( <u>804</u>	
Dramantar Ourseau Coldon Bod	1.0		
Property Owner: Golden Rod, If Business Entity, name and		William H. Shewmake, Es	q., POA
(The person or persons executing			_
she has or have been duly authorize	ed and empowered to so execute	or attest.)	the Company certifies that he or
Mailing Address: 3600 Forest H	ill Avenue		
City: Richmond	101	State: VA	_ Zip Code: <del>23219</del>
Telephone: _(804 )314-9		Fax: _(	
Email: crossroadswill@hotmail.o	om		
Property Owner Signature:	the Ash		

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**

The Applicant is the operator of Crossroads Coffee and Ice Cream, LLC, located at 3600 Forest Hill Avenue, Richmond, Virginia 23225 (the "Property"). Opening in 2002, Crossroads has become an integral part of the community over the last 19 years. In 2013, a Special Use Permit was approved to allow outdoor seating in the front of the store as shown on Exhibit 1 attached hereto. This outdoor seating has proven popular with patrons, and invaluable to Crossroad's continued operations through the Covid-19 pandemic. Recognizing the growing trend for outdoor dining experiences as evidenced in recent operations, the Applicant proposes to expand the outdoor seating area by approximately 800 square feet as shown on Exhibit 2. While this expanded seating would replace 4 existing parking spaces, the number of remaining parking spaces would continue to meet Ordinance requirements for both the indoor and expanded outdoor dining areas. Further, this seating expansion is located to the east of the building neighboring other commercial property and is located no closer to adjacent homes behind the Property than the existing restaurant building. Approval of this Special Use Permit amendment will allow Crossroads to continue to serve the community as a neighborhood amenity along Forest Hill Avenue while having no negative impact on the surrounding area.



**GENERAL NOTES** 

1. Site Adress: 3600 Forest Hill Ave

Richmond, VA

2. Developer: Will Herring

3600 Forest Hill Ave

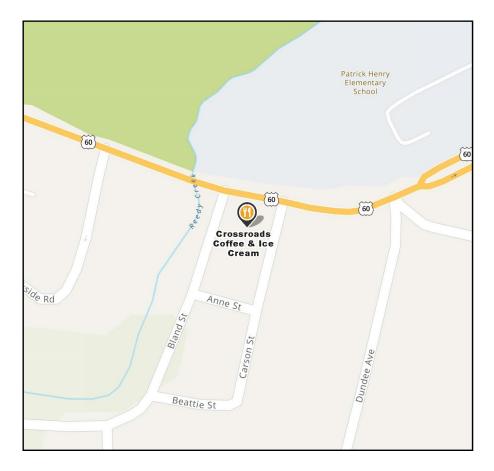
Phone

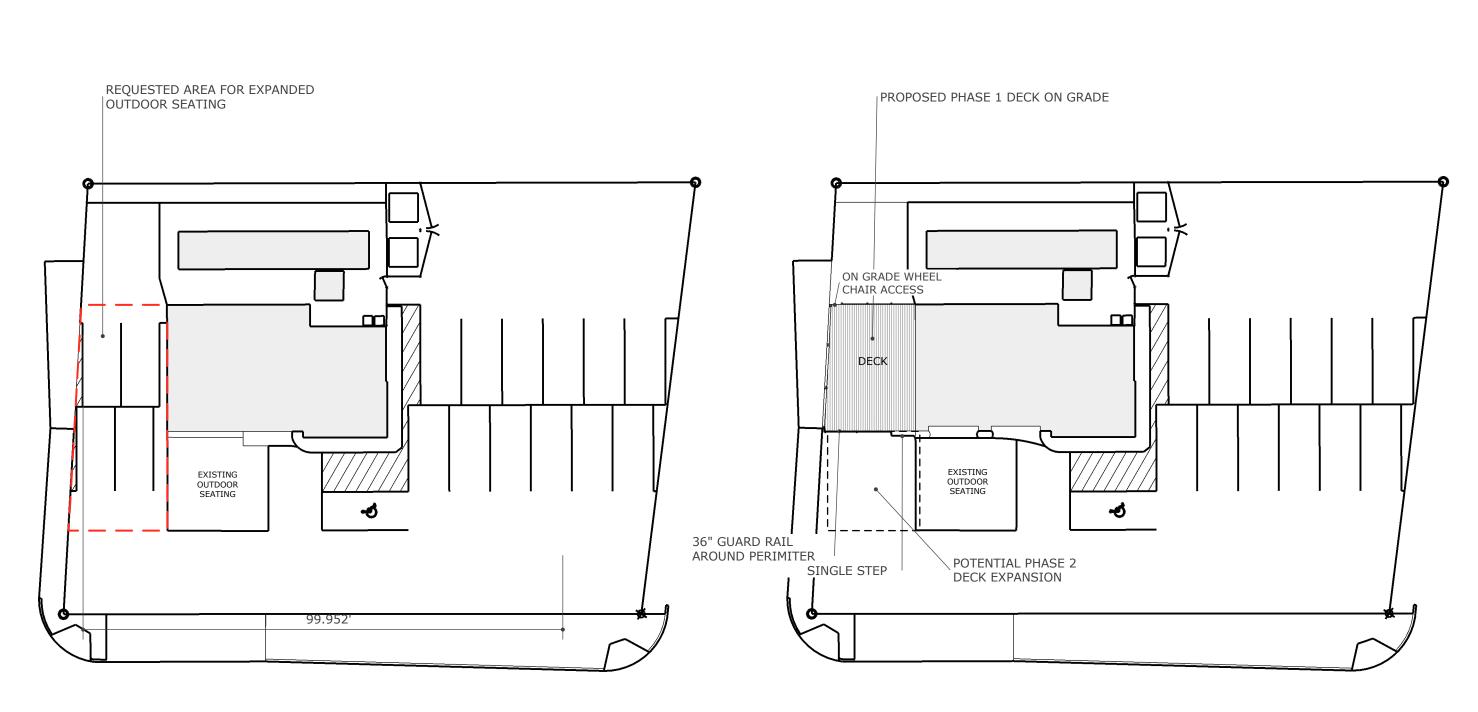
3. Use: Existing Restaraunt

4. Zoning: B-1 Neighborhood Business

5. Tax Parcel NO: S0002150024
6. Site Arera: 0.254 AC
7. Water: City
8. Sewer: City

9. Building Area 1,154 Sq. Ft. / One Story





01 PROPOSED SEATING AREAS
A01 Scale: 1": 20'

02 PROPOSED PHASED IMPROVEMENTS

A01 Scale: 1": 20'

#### LEGAL DESCRIPTION (PER TITLE COMMITMENT)

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, LYING AND BEING IN THE CITY OF RICHMOND. VIRGINIA, ON THE SOUTHERN LINE OF FOREST HILL AVENUE BETWEEN BLAND AND CARSON STREETS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION ON THE SOUTH LINE OF FOREST HILL AVENUE AND THE EAST LINE OF BLAND STREET, THENCE EXTENDING EASTWARDLY ALONG THE SAID SOUTH LINE OF FOREST HILL AVENUE ONE HUNDRED TWENTY (120) FEET, MORE OR LESS, TO ITS INTERSECTION WITH THE WEST LINE OF CARSON STREET (ERRONEOUSLY RECITED AS GREEN STREET IN PRIOR DEEDS); THENCE EXTENDING SOUTHWARDLY ALONG THE SAID WEST LINE OF CARSON STREET NINETY (90) FEET: THENCE RUNNING WESTWARDLY ALONG A LINE PARALLEL WITH THE SAID SOUTH LINE OF FOREST HILL AVENUE ONE HUNDRED TWENTY-THREE (123) FEET NINE (9) INCHES, MORE OR LESS, TO THE SAID EAST LINE OF BLAND STREET; THENCE RUNNING NORTHWARDLY ALONG THE SAID EAST LINE OF BLAND STREET NINETY (90) FEET TO THE SOUTH LINE OF FOREST HILL AVENUE, THE POINT OF BEGINNING; AND KNOWN AS NO. 3600 FOREST HILL

REING THE SAME REAL ESTATE CONVEYED TO BUILDEANT REALTY LLC. A VIRGINIA LIMITED LIABILITY COMPANY BY DEED FROM BULIFANT CONSTRUCTION CORPORATION, A VIRGINIA CORPORATION, DATED NOVEMBER 17, 2011, RECORDED NOVEMBER 22, 2011 IN THE CLERK'S OFFICE, CIRCUIT COURT, CITY OF RICHMOND, VIRGINIA AS INSTRUMENT NO. 110019929.

PURPORTED ADDRESS: 3600 FOREST HILL AVENUE, RICHMOND, VA 23225

SYMBOL LEGEND

# COMMITMENT EXCEPTION No.

DOWNSPOUT

& HANDICAP PARKING

FREEZER

GAS VALVE

Q LIGHT POLE

- SIGN POST

O UTILITY POLE

PM POWER METER

SECURITY CAMERA

**■** WALL/GROUND LIGHT

(SQ.FT.) SQUARE FEET

(R/W) RIGHT OF WAY

TEXT LEGEND

₩ HVAC

-GUY WIRE

FILE NUMBER: 01262-7536

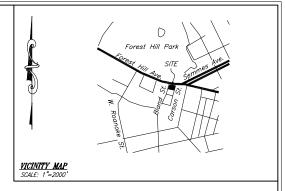
BOLLARD

THE PARCEL SHOWN HEREON IS THE SAME AS DESCRIBED IN THE TITLE COMMITMENT.

NOTES CORRESPONDING TO "SCHEDULE B - SECTION II"

#### SURVEY DESCRIPTION

BEGINNING AT A NAIL FOUND AT THE INTERSECTION OF THE SOUTH LINE OF FOREST HILL AVENUE AND THE EAST LINE OF BLAND STREET, SAID NAIL BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SOUTH LINE OF FOREST HILL AVENUE 578 55 20 E, 120.24 FEET TO A LEAD HUB AND TACK FOUND AT THE INTERSECTION OF THE SOUTH LINE OF FOREST HILL AVENUE AND THE WEST LINE OF CARSON STREET: THENCE DEPARTING THE SOUTH LINE OF FOREST HILL AVENUE AND CONTINUING ALONG THE WEST LINE OF CARSON STREET S14'20'37"W, 89.79 FEET TO A PIPE FOUND; THENCE DEPARTING THE WEST LINE OF CARSON STREET N79'01'12"W, 126.45 FEET TO A PIPE FOUND ON THE EAST LINE OF BLAND STREET; THENCE CONTINUING ALONG THE EAST LINE OF BLAND STREET N18'15'47'E, 90.57 FEET TO THE POINT OF BEGINNING.
CONTINUING 11.070 SQUARE FEET OR 0.254 ACRES OF LAND MORE OR LESS.



#### GENERAL NOTES

BULIFANT REALTY LLC - CURRENT OWNER:

PARCEL ID: S000-2150/024

#3600 FOREST HILL AVENUE INSTR. 1100-19929

- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE REPORT PROVIDED BY STEWART TITLE GUARANTY COMPANY, FILE No. 01262-7536, EFFECTIVE OCTOBER 25, 2017.

- CIRCLED NUMBERS CORRESPOND TO EXCEPTIONS AS LISTED IN SCHEDULE B - SECTION II THEREIN.

- THE SUBJECT PARCEL IS WITHIN F.E.M.A. DEFINED FLOOD ZONE "X" PER COMMUNITY PANEL No. 5101290038D, DATED APRIL 2, 2009.

TABULATION OF STRIPED PARKING SPACES ON THE SUBJECT PROPERTY: 16 REGULAR SPACES 1 HANDICAP SPACES 17 TOTAL SPACES

THE SITE HAS DIRECT ACCESS TO CARSON STREET, FOREST HILL AVENUE, AND BLAND STREET, ALL PUBLIC RIGHTS-OF-WAY.

- THE SUBJECT PARCEL IS ZONED "B-1" (NEIGHBORHOOD BUSINESS DISTRICT) PER CITY OF RICHMOND ONLINE ASSESSOR INFORMATION - NO ZONING REPORT PROVIDED BY INSURER.

#### SURVEYOR'S CERTIFICATION

TO: GOLDEN ROD, LLC AND STEWART TITLE GUARANTY COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(a), 8, 9, 13, AND 14 OF TABLE "A" THEREOF.

THE FIELD WORK WAS COMPLETED ON NOVEMBER 2, 2017.

LIC. No.: 3375 CFINLEY@BALZER.CC

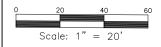
Christopher M. Finley Lic. No. 3375

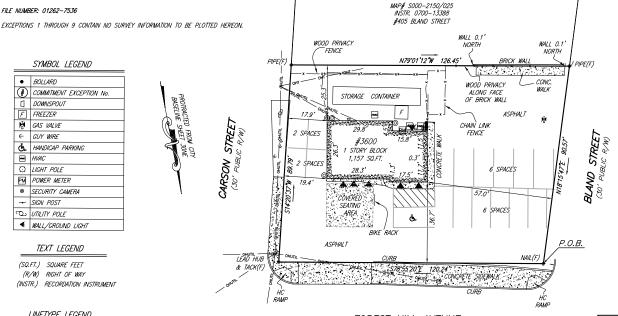
#### LINETYPE LEGEND

(INSTR.) RECORDATION INSTRUMENT

— OVERHEAD LITHLITIES – онт — OVERHEAD TELEPHONE — × — × — FENCE

DATE: 11/14/2017 JOB: 55170357.MS DRAWN BY: WRL CHECKED BY: CMF SHEET 1 OF 1





BULIFANT PROPERTIES INC.

FOREST HILL AVENUE (ROUTE, 60 VAR, WIDTH PUBLIC R/W)

> CURRENT OWNER BULIFANT REALTY LLC MAP# S000-2150/024 INSTR. 1100-19929 #3600 FOREST HILL AVENUE 11,070 SQ.FT.

0.254 ACRES

ALTA/NSPS LAND TITLE SURVEY OF 0.254 ACRES OF LAND KNOWN AS #3600 FOREST HILL AVENUE

BEING PARCEL: S000-2150/024 CITY OF RICHMOND, VIRGINIA

PLANNERS • ARCHITECTS • ENGINEERS • SURVEYORS 15871 City View Drive • Suite 200 • Midlothian, Virginia 23113 • Phone (804) 794-0571 • cfinley@balzer.cc



