



Legislation Details (With Text)

File #: ORD. 2020-242 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 9/17/2020 **In control:** City Council

On agenda: 12/7/2020 **Final action:** 12/14/2020

Title: 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.

Sponsors: Mayor Stoney (By Request)

Indexes:

Code sections:

Attachments: 1. Ord. No. 2020-242, 2. Staff Report, 3. Application Form & Applicant's Report, 4. Plans & Survey, 5. Map, 6. Letter of No Opposition_FDA

Date	Ver.	Action By	Action	Result
12/14/2020	1	City Council	adopted	Pass
12/7/2020	1	Planning Commission	recommended for approval	
11/9/2020	1	City Council	introduced and referred	

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.

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 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.

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 is 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

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

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