



## Legislation Text

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**File #:** ORD. 2024-089, **Version:** 1

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To authorize the special use of the property known as 3001 West Leigh Street for the purpose of a mixed-use building with outdoor dining, upon certain terms and conditions. (2<sup>nd</sup> District)

WHEREAS, the owner of the property known as 3001 West Leigh Street, which is situated in a B-7 Mixed-Use 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 section 30-446.2, concerning permitted principal and accessory 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 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 3000 West Leigh Street and identified as Tax Parcel No. N000-1593/011 in the 2024 records of the City Assessor, being more particularly described in Exhibit A of a deed recorded in the Office of the Clerk for the Circuit Court of the City of Richmond as Instrument #20000005B, and dated January 2, 2020, 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 “Lillian (Salt House) Restaurant TI,” prepared by Fultz & Singh, and dated January 10, 2024, 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, substantially as shown on the Plans.

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

(c) The Property shall not be used for outdoor dining before 11:00 a.m. or after 11:00 p.m. Occupancy of the outdoor dining area shall not exceed 20 persons or the maximum capacity allowed by the Virginia Uniform Statewide Building Code, whichever is less.

(d) No live music shall be permitted in the outdoor dining area.

(e) All materials and site improvements shall be substantially as shown on the Plans.

§ 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 Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, 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.

## City of Richmond

### Intracity Correspondence

**O&R Transmittal**

**DATE:** February 14, 2024

**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:** J.E. Lincoln Saunders, Chief Administrative Officer

**FROM:** Kevin J. Vonck, Director of Planning & Development Review

**RE:** To authorize the special use of the property known as 3001 W. Leigh St. for the purpose of a mixed-use building with outdoor dining, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** The applicant is requesting a Special Use Permit to authorize a mixed-use building with outdoor dining, which use, among other things, is not currently allowed by section 30-446.2, concerning permitted principal and accessory uses, of the Code of the City of Richmond (2020), as amended. A Special Use Permit is therefore required.

**BACKGROUND:** The property is in the Scott's Addition neighborhood situated on a block bounded by Altamont Avenue, Summit Avenue, W Clay Street, and W Leigh Street. The property is currently a 21,693 sq. ft. (0.498) parcel of land that contains an existing 5-story mixed-use structure.

The current zoning for the property is B-7 Mixed-Use Business District which does not allow outdoor dining areas situated within 100 feet of any property located in a residential zoning district. The proposal provides outdoor dining space that is approximately 82 feet away from the R-7 Single-and Two-Family Urban Residential District to the north therefore the applicant has requested a Special Use Permit.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Industrial Mixed-Use, which is defined as "formerly traditional industrial areas that are transitioning to mixed-use because of their proximity to growing neighborhoods and changes in market conditions. These areas may still retain some light industrial uses."

"Intensity: Medium- to high-density, three to eight stories. Primary Uses: Retail/office/ personal service, multi-family residential, cultural, and open space. Secondary Uses: Institutional and government." The property is situated around the Greater Scott's Addition priority growth node, which "is home to a series of neighborhoods that provide new employment and housing developments connected by a series of open spaces and a transportation network that support families and aging-in-place. (p. 62)"

**COMMUNITY ENGAGEMENT:** The Greater Scott's Addition Association was notified of the application; additional community notification will take place after introduction.

**STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL:** Richmond 300 Master Plan;

**FISCAL IMPACT:** \$300 application fee.

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** March 11, 2024

**CITY COUNCIL PUBLIC HEARING DATE:** April 8, 2024

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** Planning Commission April 2, 2024

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

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

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

**STAFF:** Matthew J. Ebinger, Planning Supervisor - Land Use Administration 804-646-6308

James Dealaman, Planner Associate - Land Use Administration 804-646-0455