



# City of Richmond

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

## Legislation Text

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**File #:** ORD. 2014-221-2015-146, **Version:** 1

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To authorize the special use of the property known as 1600 Monument Avenue for the purpose of authorizing outdoor dining for an existing restaurant, upon certain terms and conditions. (As Amended)

### O & R Request

**DATE:** September 19, 2014

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** Dwight C. Jones, Mayor (Patron: Mayor, by Request)  
**(This in no way reflects a recommendation on behalf of the Mayor.)**

**THROUGH:** Christopher L. Beschler, Interim Chief Administrative Officer

**THROUGH:** Peter H. Chapman, Deputy Chief Administrative Officer for Economic Development and Planning

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

**SUBJECT:** Special use permit for 1600 Monument Avenue to allow outdoor dining

**ORD. OR RES. No.** \_\_\_\_\_

**PURPOSE:** To authorize the special use of the property known as 1600 Monument Avenue for the purpose of authorizing outdoor dining for an existing restaurant, upon certain terms and conditions.

**REASON:** The existing restaurant is considered a nonconforming use and any expansion of that use, including the proposed outdoor dining, requires a special use permit.

**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 November 3, 2014 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The property is located in the R-6 Single-Family Attached Residential zoning district. It is also located within the Monument Avenue Old & Historic District. The property is currently improved by a multi-family apartment building containing sixty-three (63) dwelling units and a commercial (restaurant) space in a portion of the basement. Neither the multi-family dwelling use nor restaurant uses are permitted principal uses in the R-6 district. However, because the building was constructed in 1924 before the enactment of the existing Zoning Ordinance, and because the property was zoned F Multifamily District in 1947 which permitted

apartment buildings that included “public dining rooms” (according to the City Attorney’s interpretation of the Zoning Ordinance in 1949), the building is deemed to be nonconforming (grandfathered) in respect to the provision of multi-family dwelling units and a restaurant.

The Richmond Master Plan designates this property as Single-Family (Medium Density). Primary uses for the Single-Family designation 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” (p. 133). In addition, the Master Plan specifically addresses commercial uses in the Fan neighborhood stating, “Although no corner commercial uses are identified on the Land Use Plan Map, if the establishment legally existed upon adoption of this Master Plan then it is appropriate” (p. 236).

According to the Applicant’s Report, the proposed outdoor dining area would be approximately 395 square feet in area and be open from 10:00 AM 10:00 PM, Monday through Sunday. The occupancy would be limited to 21 persons.

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

**COST TO CITY:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

**REVENUE TO CITY:** \$1,800 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** October 13, 2014

**CITY COUNCIL PUBLIC HEARING DATE:** November 10, 2014

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission, November 3, 2014

**AFFECTED AGENCIES:** Office of Chief Administrative Officer; Law Department (for review of draft ordinance); City Assessor (for preparation of mailing labels for public notice)

**RELATIONSHIP TO EXISTING ORDINANCES:** None.

**ATTACHMENTS:** Application Form, Applicant’s Letter, Draft Ordinance, Plans

**STAFF:** Willy Thompson, Senior Planner; Land Use Administration (Room 511) 646-5734

*DCD O&R No.14-36*