



## Legislation Details (With Text)

**File #:** ORD. 2014-194      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Rejected

**File created:** 9/8/2014      **In control:** City Council

**On agenda:** 3/9/2015      **Final action:** 3/9/2015

**Title:** To authorize the special use of the property known as 2216 Keswick Avenue for the purposes of a single-family detached dwelling unit and a take-out restaurant, upon certain terms and conditions.

**Sponsors:** Mayor Jones (By Request)

**Indexes:** Special Use Permit

**Code sections:**

**Attachments:** 1. Ord. No. 2014-194 - Rejected 20150309, 2. Staff Report, 3. Location Map, 4. Images, 5. Letters & Petitions of Opposition, 6. Petition of Support

Date	Ver.	Action By	Action	Result
3/9/2015	1	City Council	rejected	
3/2/2015	1	Planning Commission	recommendation for denial	Pass
2/9/2015	1	City Council	continued and referred back	
2/2/2015	1	Planning Commission	recommended for continuance	Pass
12/8/2014	1	City Council	continued and referred back	
12/1/2014	1	Planning Commission	recommended for continuance	
11/10/2014	1	City Council	continued and referred back	
11/3/2014	1	Planning Commission	recommended for continuance	Pass
10/13/2014	1	City Council	continued and referred back	
10/6/2014	1	Planning Commission	recommended for continuance	
9/8/2014	1	City Council	introduced and referred	

To authorize the special use of the property known as 2216 Keswick Avenue for the purposes of a single-family detached dwelling unit and a take-out restaurant, upon certain terms and conditions.

### O & R Request

**DATE:** June 10, 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:** Byron C. Marshall, Chief Administrative Officer

**THROUGH:** Peter H. Chapman, Deputy Chief Administrative Officer

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

**SUBJECT:** To authorize the special use of the property known as 2216 Keswick Ave for the purposes of a single-family residence and a take-out restaurant, upon certain terms and conditions.

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

**PURPOSE:** To authorize the special use of the property known as 2216 Keswick Ave for the purposes of a single-family residence and a take-out restaurant, upon certain terms and conditions.

**REASON:** The subject property is zoned R-5 (Single Family Residential) and was the subject of a 1973 Board of Zoning Appeals case (no. 61-73) pertaining to commercial use of the property. A certificate of zoning compliance was issued in December of 2012 and a building permit was issued in January of 2013 regarding a convenience store use of the structure. It was determined that the BZA case is no longer valid and the Director of the Department of Planning & Development Review issued a letter in April of 2013 stating the approvals for the certificate of zoning compliance and building permit were rescinded, operation of the convenience store must cease, and a special use permit would be required to bring such commercial use into conformance. The applicant has submitted a special use permit request for a take-out restaurant.

**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 September 2, 2014 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property consists of a 0.136 acre, triangular parcel of property containing a one-story, 1,068 sq ft residential structure on the eastern portion of the property and a one-story 1,306 sq ft former commercial structure on the western portion of the property (referred to in this document as "the structure"). The property is located at the corner of Keswick Avenue and Harwood Street in the Oak Grove neighborhood of the Old South planning district.

The subject property is zoned R-5 (Single Family Residential) and was the subject of a 1973 Board of Zoning Appeals case (no. 61-73) pertaining to commercial use of the property. A certificate of zoning compliance was issued in December of 2012 and a building permit was issued in January of 2013 regarding a convenience store use of the structure. It was determined that the BZA case is no longer valid and the Director of the Department of Planning & Development Review issued a letter in April of 2013 stating the approvals for the certificate of zoning compliance and building permit were rescinded, operation of the convenience store must cease, and a special use permit would be required to bring the use into conformance.

Under the proposed special use permit, the hours of operation for the take-out restaurant use would be 8:00 a.m. to 10:00 p.m., Monday through Sunday. No off-street parking spaces would be provided on the subject property. All exterior mechanical equipment shall be screened from public view. Signage pertaining to the take-out restaurant use of the subject property shall be limited to wall, awning, and canopy signs not exceeding an aggregate of 16 square feet in area. Such signs shall not be illuminated. The sale of alcohol would be prohibited on the subject property.

The Land Use Plan of the City of Richmond's Master Plan designates the subject property for Single Family (Low Density) land use. Primary uses in this category are single-family detached dwellings at densities up to seven units per acre. More specifically for the Old South planning district, the Master Plan states "single-family residential is, and will continue to be, the major land use. Limited commercial, office, and/or mixed uses are

proposed along the major transportation corridors, but should not occur to the detriment of existing, well-established residential neighborhoods” (p. 274).

In regards to corner commercial uses in the Old South district, the Master Plan further states “isolated neighborhood commercial uses (usually “corner stores”) should ultimately be phased out unless specifically identified on the Land Use Plan map. Such uses, while often providing convenience services, frequently generate neighborhood nuisances” (p. 279). As stated above, the Land Use Plan designates the subject property for Single Family (Low Density) land use and does not indicate that the subject property should be retained for commercial uses.

All properties in the vicinity are zoned R-5 (Single Family Residential). Single family residential land use predominates the vicinity, with some duplex, institutional and commercial uses present as well.

**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:** None. Fee waived, per Zoning Administrator

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** July 14, 2014

**CITY COUNCIL PUBLIC HEARING DATE:** September 8, 2014

**REQUESTED AGENDA:** Regular

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission, September 2, 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:** Draft Ordinance, Application Form, Applicant’s Report, Plans & Survey

**STAFF:** Matthew J. Ebinger, Senior Planner  
Land Use Administration (Room 511)  
646-6308

*DCD O&R No.14-23*