



## Legislation Details (With Text)

**File #:** ORD. 2016-102      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 1/20/2016      **In control:** City Council

**On agenda:** 5/23/2016      **Final action:** 5/23/2016

**Title:** To authorize the conditional use of the property known as 100 South 14th Street for the purpose of authorizing a nightclub, upon certain terms and conditions. (As Amended)

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

**Indexes:** Conditional Use

**Code sections:**

**Attachments:** 1. 20160425 Amendment, 2. Ord. No. 2016-102, 3. Staff Report, 4. Location Map, 5. Plans, 6. Application & Applicant's Report, 7. Shockoe Partnership Letter of Support, 8. Fulton Hill Properties Support Letter

Date	Ver.	Action By	Action	Result
5/23/2016	1	City Council	adopted	
5/16/2016	1	Planning Commission	recommended for approval	Pass
4/25/2016	1	City Council	amended and continued	
4/18/2016	1	Planning Commission	recommended for continuance	Pass
3/28/2016	1	City Council	introduced and referred	

To authorize the conditional use of the property known as 100 South 14<sup>th</sup> Street for the purpose of authorizing a nightclub, upon certain terms and conditions. (As Amended)

### O & R Request

**DATE:** January 27, 2016      **EDITION:** 1

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

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

**THROUGH:** Selena Cuffee-Glenn, Chief Administrative Officer

**THROUGH:** Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning

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

**RE:** Conditional use permit for a nightclub use at 100 South 14<sup>th</sup> Street

## ORD. OR RES. No.

**PURPOSE:** To authorize the conditional use of the property known as 100 South 14<sup>th</sup> Street for the purpose of authorizing a nightclub, upon certain terms and conditions.

**REASON:** The property is zoned B-5 Central Business, which permits restaurants and similar food and beverage service establishments, including entertainment. However, City Council adopted Ord. No. 2012-234-2013-2, which defines establishments with certain features operating after midnight as nightclubs. The proposed use meets the definition of nightclub and therefore a Conditional Use Permit 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 March 21, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property is located on a parcel .91 acre in size and is occupied by a restaurant with outdoor dining in one building and offices in a second building. The subject of this request regards the restaurant known as Southern Railway Taphouse.

The zoning ordinance was amended in 2013 to establish a definition for nightclub and distinguish a nightclub from a restaurant use. A nightclub is defined as any establishment in which all of the following features are made available at any time from 12:00 midnight until 6 a.m.:

1. Alcoholic beverage served or consumed on the premises;
2. Floor space provided for dancing or standing or both for patrons in conjunction with an entertainment activity;
3. Music or other sound that is amplified through speakers for the purpose of entertaining patrons, except for the following:
  - a. Sound associated with television or similar media being viewed by patrons; and
  - b. Music provided exclusively as background entertainment for dining patrons

According to this definition, the Southern Railway Taphouse is considered a nightclub use after midnights on Friday and Saturday nights. Their general operating hours show that they are open past midnight only on Friday and Saturday nights. A management plan is required as part of the conditional use permit, which the applicant has provided. The use would be controlled by this plan.

The Richmond Downtown Master Plan designates this property as an Urban Center Area. "Shockoe Slip is also an example of a classic urban center condition, with a dense mix of office space, apartments, and retail located in four to six-story brick buildings that front the street. Pedestrians have an active presence in these neighborhoods (p. 3.26)."

**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:** \$1,500 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** February 22, 2016

**CITY COUNCIL PUBLIC HEARING DATE:** March 28, 2016

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission, March 21, 2016

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

**RELATIONSHIP TO EXISTING ORDINANCES:** None.

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

**STAFF:** Willy Thompson, Senior Planner; Land Use Administration; 646-5734