



Legislation Details (With Text)

File #:	ORD. 2019-259	Version:	1	Name:	
Type:	Ordinance	Status:		Adopted	
File created:	2/21/2019	In control:		City Council	
On agenda:	10/7/2019	Final action:		10/14/2019	
Title:	To amend and reordain Ord. No. 2000-319-326, adopted Nov. 13, 2000, as amended by Ord. No. 2007-222-194, adopted Sept. 10, 2007, which authorized the special use of the property known as 214 North Lombardy Street for the purpose of modifying the exterior and interior of the building and adding new signage to the facade, to authorize a restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment and up to three dwelling units, upon certain terms and conditions.				
Sponsors:	Mayor Stoney (By Request)				
Indexes:					
Code sections:					
Attachments:	1. Ord. No. 2019-259, 2. Staff Report, 3. Application Form & Applicant's Report, 4. Plans, 5. Survey, 6. Map, 7. Design and Layout Samples, 8. FDA Letter of No Opposition, 9. Letters of Opposition, 10. Additional Letters of Opposition Provided at Planning Commission Meeting				

Date	Ver.	Action By	Action	Result
10/14/2019	1	City Council	adopted	Pass
10/7/2019	1	Planning Commission	recommended for approval	Pass
9/9/2019	1	City Council	introduced and referred	

To amend and reordain Ord. No. 2000-319-326, adopted Nov. 13, 2000, as amended by Ord. No. 2007-222-194, adopted Sept. 10, 2007, which authorized the special use of the property known as 214 North Lombardy Street for the purpose of modifying the exterior and interior of the building and adding new signage to the facade, to authorize a restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment and up to three dwelling units, upon certain terms and conditions.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2000-319-326, adopted November 13, 2000, as amended by Ordinance No. 2007-222-194, adopted September 10, 2007, be and is hereby amended and reordained as follows:

§ 1. That the property known as 214 North Lombardy Street/1601 Hanover Avenue, located at the southwest corner of Hanover Avenue and North Lombardy Street, containing ~~[3750]~~ 3,750 square feet of land area, more or less, identified as Tax Parcel No. W000-0664/014 in the ~~[2007]~~ 2019 records of the City Assessor, being more completely ~~[described as follows: beginning at the point of intersection of the south~~

right of way line of Hanover Avenue and west right of way line of North Lombardy Street; thence extending in a westerly direction along the south right of way line of Hanover Avenue 30.00 feet to a property line; thence extending in a southerly direction between parallel lot lines 125.00 feet to a 15 foot alley] shown on a survey entitled "Boundary Survey of Property Situated at 1601 Hanover Avenue, Richmond, VA 23220," prepared by Landmark-fleet Surveyors, P.C., and dated February 4, 2019, a copy of which is attached to and made a part of this amendatory ordinance, is hereby permitted to be used for a restaurant, café, tearoom, or similar beverage service establishment, including a food preparation area, laundry and storage, and up to three dwelling units, substantially as shown on a survey[;] entitled "Boundary Survey of Property Situated at 1601 Hanover Avenue, Richmond, VA 23220," prepared by Landmark-fleet Surveyors, P.C., and dated February 4, 2019, and the plans entitled ["Si Exterior SUP Submission" and "Si -Signage"] "1601 Apartments," prepared by [Ratio Studio] an unknown preparer, and dated [June 1, 2007] and the building on such real estate may be converted and adapted for such purposes. A copy of said plans] May 5, 2017, collectively referred to as "the Plans," copies of which are attached to [the draft of] this amendatory ordinance and [are to be] hereby made a part hereof.

§ 2. That the [Commissioner of Buildings is hereby authorized to issue to the owner of the real estate] adoption of this ordinance constitutes the issuance of a special use permit for [such purposes, a building permit, for the conversion and adaptation of the building and premises, and to permit the use of] the property for such purposes. The special use permit shall [be transferable to the successor of] inure to the benefit of the owner or owners of the fee simple title as of the date on which this ordinance is adopted and their successors in fee simple title of the owner[; whether acquired by operation of law, deed or otherwise, and shall run with the land] subject to the following terms and conditions:

(a) The owner shall be bound by, observe, and shall comply with all other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and to the building, except as otherwise provided in this ordinance.

(b) Use of the property shall be limited to a ~~[restaurant substantially as shown on the attached floor plans,]~~ restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment and [two apartments] up to three dwelling units, substantially as shown on the Plans. The seating capacity of the restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment shall not exceed ~~[eighty (80)]~~ 80 persons. The restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment use shall occur only within the building and shall not be permitted outside the building, except in accordance with a sidewalk café permit approved pursuant to Chapter 24, Article II, Division 8 of the Code of the City of Richmond (2015), as amended, or as permitted by subsection (h) of this section. Notwithstanding the approval of any such permit, no on-premises consumption of alcohol shall be permitted exterior to the building or in any portion of the public right-of-way.

(c) Facilities for the collection of refuse serving the residential units of the Property shall be provided in accordance with the requirements of the Director of Public Works. ~~[Such facilities]~~ Facilities for the collection of refuse serving the use of the restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment shall be serviced by a private refuse collection service and located and screened within the interior courtyard of the property so as not to be visible from adjacent properties and public streets.

(d) Final grading and drainage plans, if required, shall be approved by the Director of ~~[Community Development]~~ Public Utilities prior to the issuance of building permits.

(e) 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 or buildings shall be provided by the owner at its cost and expense so as not to adversely affect or damage adjacent properties or public streets and the use thereof.

(f) ~~[Identification of the premises shall be limited to one nine (9) square foot sign in the form of a stained glass window as shown on the plans]~~ Signs on the property shall be limited to (i) signs permitted in all districts pursuant to section 30-505 of the Code of the City of Richmond (2015), as amended, and (ii) not

more than one wall sign, awning sign, or canopy sign not exceeding an aggregate of 20 square feet in area in accordance with a signage plan approved by the Director of Planning and Development Review specifying the type, location, dimensions, materials, and means of illumination of the signage.

(g) There shall be no enlargement or exterior alterations to the building except for those which are ~~[shown on the attached plans]~~ expressly authorized by this ordinance and normal repair and maintenance.

(h) ~~[In accordance with section 15.2-2286(A)(3) of the Code of Virginia, this special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by section 15.2-2206 of the Code of Virginia]~~ The exterior portion of the building fronting on North Lombardy Street may be altered to incorporate a walk-up window in connection with the use of the property as a restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment; provided, however, that no alcohol shall be sold through the walk-up window for on-premises or off-premises consumption.

(i) No amplified sound or music, live or otherwise, or public address system shall be operated in a manner that sound produced therefrom is audible beyond the boundaries of the ~~[premises]~~ property including without limitation, any band or musical performance; provided, however, that the foregoing shall not prohibit two or fewer acoustic instruments that do not include percussions.

(j) Application for a building permit for the interior and exterior modifications shall be made within ~~[twenty four (24)]~~ 24 months from the effective date of this amendatory ordinance, which building permit shall expire by limitations and become null and void if any necessary construction has not commenced within ~~[one hundred eighty (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 the applicable provision of the Virginia Uniform Statewide Building Code. Should application for

the building permit not be made within [~~twenty four (24)~~] 24 months from the effective date of the ordinance granting the special use permit, 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 with respect to the interior and exterior modifications as well as signage will terminate and the special use permit will become null and void.

(k) The hours of operation of the restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment use shall be limited to 6:00 a.m. through 9:00 p.m., Monday through Sunday, provided that no deliveries shall be made prior to 7:00 a.m.

(l) The restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment shall not be authorized for any Virginia Alcoholic Beverage Control Authority license for on-premises or off-premises consumption of mixed beverages.

(m) No off-street parking shall be required for the property; provided, however, that for as long as the property is located within any residential restricted parking district established pursuant to Chapter 27, Article VI, Division 3 of the Code of the City of Richmond (2015), as amended, each lease for each dwelling unit authorized by this ordinance shall include language that restricts applications by tenants to the City for parking permits such that the aggregate total of parking permits for all dwelling units on the property is no more than five. The owner shall notify the Zoning Administrator upon the termination of each tenant's lease.

(n) 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 (2015), as amended, and all future amendments to such laws.

§ 3. That 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 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), as amended, if (a) the property owner does not abate the violation within thirty (30) days of the issuance of the notice or (b) three (3) notices of violation are issued to the property owner within any twelve (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 other 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 the section 114-1080 of the Code of the City of Richmond (2004), as amended, or any other applicable laws or regulations] 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 (2015), 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 (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

§ 4. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when the use of the [~~premises~~] property is abandoned for a period of [~~twenty-four (24)~~] 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~~] property is then situated.

II. This amendatory ordinance shall be in force and effect upon adoption.

O & R Request

DATE: April 29, 2019

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Sharon Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

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

RE: To amend and reordain Ord. No. 2000-319-326, adopted November 13, 2000, as amended by Ord. No. 2007-222-194 adopted September 10, 2007, which authorized the special use of the property known as 214 North Lombardy Street, for the purpose of modifying the exterior and interior of the building and adding new signage to the façade, to authorize a café, tearoom, or similar beverage service establishment and up to three dwelling units, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend and reordain Ord. No. 2000-319-326, adopted November 13, 2000, as amended by Ord. No. 2007-222-194 adopted September 10, 2007, which authorized the special use of the property known as 214 North Lombardy Street, for the purpose of modifying the exterior and interior of the building and adding new signage to the façade, to authorize a café, tearoom, or similar beverage service establishment and up to three dwelling units, upon certain terms and conditions.

REASON: The applicant wishes to amend and re-ordain Ord. No. 2000-319-326, adopted November 13, 2000, as amended by Ord. No. 2007-222-194 adopted September 10, 2007, which authorized a special use permit for a restaurant and two dwelling units, to instead authorize a café, tearoom, or similar beverage service establishment, and up to three dwelling units.

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 June 17, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 3,750 SF (.09 acre) parcel of land improved with a three-story mixed-use building. The property is located at the southwest corner of North Lombardy Street and Hanover Avenue, and is a part of The Fan neighborhood in the City's Near West Planning District.

The proposed special use permit amendment would include additional restrictions to the non-residential use of the property, including restrictions on hours of operation and a prohibition on mixed alcoholic beverages.

The City of Richmond's current Master Plan designates the subject property for Single-Family Medium-Density land use which includes, "...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, p.133). The proposed residential density of the project is approximately 35 units per acre.

All adjacent and nearby properties are located within the same R-6 Single-Family Residential District as the subject property. A mix of single-, two-, and multi-family land uses, with some commercial land uses, are

present in the vicinity.

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

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 28, 2019

CITY COUNCIL PUBLIC HEARING DATE: June 24, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, June 17, 2019

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 ORD. OR RES.: Amendment of Ord. No. 2007-222-194

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) 804-646-5734

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: