



Legislation Details (With Text)

File #: ORD. 2021-084 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 1/11/2021 **In control:** City Council

On agenda: 5/24/2021 **Final action:** 5/24/2021

Title: To authorize the special use of the property known as 520 North 25th Street for the purpose of a restaurant and beverage service establishment, upon certain terms and conditions. (As Amended)

Sponsors: Mayor Stoney (By Request)

Indexes:

Code sections:

Attachments: 1. Ord. No. 2021-084 - Amended 20210426, 2. Staff Report, 3. Application Form & Applicant's Report, 4. Plans & Survey, 5. Map, 6. Letter of Support, 7. Letters of Opposition, 8. Church Hill Association Correspondence, 9. Church Hill Association Letter of Support, 10. Additional Letters of Opposition, 11. Additional Letters of Support, 12. Staff Presentation, 13. 20210426 Draft Amendment of Ord. No. 2021-084, 14. 20210426 Amendment of Ord. No. 2021-084

Date	Ver.	Action By	Action	Result
5/24/2021	1	City Council	adopted	Fail
4/26/2021	1	City Council	amended and continued	
4/19/2021	1	Planning Commission	recommended for approval with amendments	Pass
3/22/2021	1	City Council	introduced and referred	

To authorize the special use of the property known as 520 North 25th Street for the purpose of a restaurant and beverage service establishment, upon certain terms and conditions.

WHEREAS, the owner of the property known as 520 North 25th Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of a restaurant and beverage service establishment, which use, among other things, is not currently allowed by section 30-419.3(b), concerning permitted principal uses on corner lots, 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 520 North 25th Street and identified as Tax Parcel No. E000-0336/001 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Survey of 0.233 Acre of Land Known as 520 N. 25th Street, City of Richmond, Virginia,” prepared by Halder Surveys

P.C., and dated October 1, 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 restaurant and beverage service establishment, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Site Plan: 520 N. 25th St., Richmond, VA 23223,” prepared by Zoe York, and dated February 25, 2021, and on the plans entitled “520 N. 25th St., Richmond, VA 23223,” prepared by Zoe York, and dated March 12, 2021, hereinafter referred to together 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 restaurant and beverage service establishment, substantially as shown on the Plans.

(b) The hours of operation for the Special Use, including the outdoor dining area, shall be 10:00 a.m. to 11:00 p.m., Monday through Sunday.

(c) The outdoor dining area may accommodate a maximum of 48 patrons.

(d) No more than ten employees shall be on the Property during the hours of operation.

(e) All building materials, elevations, and site improvements, including landscaping and fencing, shall be substantially as shown on the Plans unless otherwise approved by the Commission of Architectural Review prior to the issuance of a building permit for the Property.

(f) All mechanical equipment serving the Property shall be located or screened so as not to be

visible from any public right-of-way.

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

(h) No wholesale distribution of beer or alcohol shall occur on the Property.

(i) Live music shall not be permitted on the Property outside of the building.

(j) A bike rack for at least eight bicycles shall be provided on the Property in accordance with the requirements of Chapter 30, Article IX, Division 4 of the Code of the City of Richmond (2020), as amended.

(k) The capacity of the interior of the two-story building on the Property shall be limited to 200 patrons.

(l) The screening of mechanical equipment, as required by subsection (f) of this section 3, shall be in accordance with the requirements of Chapter 30, Article IX, Division 4 of the Code of the City of Richmond (2020), as amended. Any sheds on the Property shall be screened in accordance with the requirements of Chapter 30, Article IX, Division 4 of the Code of the City of Richmond (2020), as amended.

§ 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 Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, 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.

O & R Request

DATE: January 11, 2021 **EDITION:** 1

TO: The Honorable Members of City Council

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

THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer

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

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

RE: To authorize the special use of the property known as 520 North 25th Street for the purpose of a restaurant, beverage establishment and special event space, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 520 North 25th Street for the purpose of a

restaurant, beverage establishment and special event space, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit for the purpose of restaurant use within an R-63 Multi-Family Urban Residential Zoning District. The proposed use is not currently allowed by sections 30-419.3(b)1, 30-419.3(b)2, and 30-419.3(b)3, of the Code of the City of Richmond 2020, regarding permitted ground floor uses, total floor area of permitted principle uses, and permitted principal uses located on street corners, a Special Use Permit is therefore 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 1, 2021, meeting.

BACKGROUND: The property is located in the Church Hill neighborhood on the corner of North 25th and East Leigh Streets. The property is currently improved with a 13,500 sq. ft. institutional building, constructed in 1927, situated on a 10,126 sq. ft. (.23 acre) parcel of land. The application is to use an existing building as a restaurant with some storage.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Community Mixed Use which is defined as a "Cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions."

Building sizes, "...density, and zoning districts for these areas may vary significantly depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Uses may be mixed horizontally in several buildings on a block or vertically within the same building. Developments continue or introduce a gridded street pattern to increase connectivity." Ground floor uses engage with, and enliven, the street. Monolithic walls are discouraged, while windows, doors, storefronts, and other features that allow transparency and interaction between building and street are encouraged. Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. Driveway entrances are required to be of alleys whenever possible; new driveways are prohibited on priority and principal streets. Parking areas are located within the structure and to the rear of buildings and require screening; shared parking requirements are encouraged. Buildings generally ranging from two to six stories, based on street widths and depending on the historic context and stepping down in height adjacent to residential areas, as necessary. New buildings that are taller than historical buildings should step back from the build-to-line after matching the height of the predominant cornice line of the block. (p. 58)

Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space.

Secondary Uses: Single-family houses, institutional, and government.

The current zoning for this property is R-63 Multi-Family Urban Residential Zoning District. All adjacent properties are located within the same R-63 Multi-Family Urban Residential Zone with some UB Urban Business and R-8 Urban Residential Districts nearby.

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: \$2,400 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 8, 2021

CITY COUNCIL PUBLIC HEARING DATE: March 8, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
March 1, 2021

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646-5734

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: