



Legislation Details (With Text)

File #: ORD. 2024-209 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 12/14/2023 **In control:** City Council

On agenda: 9/9/2024 **Final action:** 9/9/2024

Title: To authorize the special use of the properties known as 312 Goshen Street, 901 West Marshall Street, and 903 West Marshall Street for the purpose of a restaurant use, upon certain terms and conditions. (2nd District)

Sponsors: Mayor Stoney (By Request)

Indexes:

Code sections:

Attachments: 1. Ord. No. 2024-209

Date	Ver.	Action By	Action	Result
9/9/2024	1	City Council	adopted	
9/3/2024	1	Planning Commission		
8/7/2024	1	City Council	introduced and referred	

To authorize the special use of the properties known as 312 Goshen Street, 901 West Marshall Street, and 903 West Marshall Street for the purpose of a restaurant use, upon certain terms and conditions. (2nd District)

WHEREAS, the owner of the properties known as 312 Goshen Street, 901 West Marshall Street, and 903 West Marshall Street, which are situated in a R-63 Multifamily Urban Residential District, desires to use such properties for the purpose of a restaurant use, which use, among other things, is not currently allowed by section 30-419.2, concerning permitted principal uses, 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 properties known as 312 Goshen Street, 901 West Marshall Street, and 903 West Marshall Street and identified as Tax Parcel Nos. N000-0385/029, N000-0385/028, and N000-0385/027, respectively, in the 2024 records of the City Assessor, being

more particularly shown on a survey entitled “Survey of 312 Goshen Street, City of Richmond, Virginia,” prepared by Long Surveying , LLC, and dated August 20, 2023, 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 use, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Cobra Cabana Rear Bar Renovation, 901 W Marshall St, Richmond, VA 23220,” prepared by Carson B. Sizemore, with sheets T.1, D1.1, D1.2, 1.1, 1.2, and 2.1, dated June 24, 2023, and last revised September 3, 2023, and sheet 2.2, dated July 3, 2023, and last revised September 3, 2023, hereinafter referred to, 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 use, substantially as shown on the Plans.
- (b) The height of the Special Use shall not exceed two stories.
- (c) All site improvements shall be substantially as shown on the Plans.
- (d) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- (e) The hours of operation of the interior of the Special Use shall be 11:00 a.m. to 2:00 a.m., Monday through Sunday.
- (f) Outdoor dining shall be permitted on the Property from 11:00 a.m. to 11:00 p.m., Monday through Sunday, and shall include no more than two tables at the front of 901 West Marshall Street. Occupancy

of the outdoor dining area at the rear of 901 West Marshall Street and 903 West Marshall Street shall not exceed 50 persons, or the maximum capacity allowed by the Virginia Uniform Statewide Building Code, whichever is less.

(g) Live music shall be permitted in the outdoor dining area at the rear of 901 West Marshall Street and 903 West Marshall Street from 4:00 p.m. to 10:00 p.m., Monday through Sunday.

(h) An opaque privacy fence, not exceeding six feet in height, shall be provided on the property along Goshen Street.

§ 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 Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, 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.