



Legislation Text

File #: ORD. 2020-226, **Version:** 1

To amend Ord. No. 2013-156-154, adopted Sept. 9, 2013, as previously amended by Ord. No. 2013-208-197, adopted Oct. 28, 2013, which authorized the special use of the property known as 2501 Monument Avenue for the purpose of a museum for architecture and design and a lodging unit and imposed as a condition on the special use of such property a 150-person attendance limit for all reception events, to permit a dwelling unit and retail space and to impose as a condition on the special use of such property a 300-person attendance limit for all reception events instead of a 150-person attendance limit for all reception events.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2013-156-154, adopted September 9, 2013, as previously amended by Ordinance No. 2013-208-197, adopted October 28, 2013, be and is hereby amended and reordained as follows:

§ 1. The property known as 2501 Monument Avenue, located at the southwest corner of the intersection of Davis Avenue and Monument Avenue, containing in aggregate approximately 38,000 square feet and identified as Tax Parcel No. W000-1128/007 in the ~~[2013]~~ 2020 records of the City Assessor, being more particularly shown on the plat entitled “Plat of Survey Showing Improvements Situated at 2501 Monument Ave.,” prepared by Timmons Group, and dated March 18, 2002, a copy of which is attached to and made a part of ~~[this ordinance]~~ Ordinance No. 2013-156-154, adopted September 9, 2013, is hereby permitted to be used primarily for the purpose of a museum for architecture and design and a lodging unit, as well as a dwelling unit for an artist-in-residence, and retail space as further described herein, and substantially as shown on the site plans, floor plans and elevations entitled “Virginia Center for Architecture, 2501 Monument Avenue, Richmond, Virginia 23223”, consisting of sheets CS1.01, A1.01 and A4.01, prepared by the Virginia Foundation for Architecture, dated March 30, 2001, with sheets CS1.01 and A1.01 revised through June 19, 2013, and sheet A4.01 revised through May 4, 2001, copies of which are attached ~~[hereto]~~ to and made a part of ~~[this ordinance]~~ Ordinance No. 2013-156-154, adopted September 9, 2013.

§ 2. The adoption of this ordinance shall constitute the granting of a special use permit for the

property, which shall be transferable from the owner of the property to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and which shall run with the land[.]

[§ 3. The Commissioner of Buildings is hereby authorized to issue to the owner of the property a building permit in accordance with the plans referred to above for any of the aforementioned purposes], subject to the following terms and conditions:

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

(b) The first floor and the yard area to the rear of the building shall be permitted to be used as a museum for architecture and design and accessory retail sales. The mission of the museum is “to develop an understanding of architecture and design and their influence on our lives, our communities and our world.” The mezzanine level shall be permitted to be used as a lodging unit, as well as a dwelling unit for an artist-in-residence, configured and arranged substantially as depicted on the ~~[attached]~~ plans attached to and made a part of Ordinance No. 2013-156-154, adopted September 9, 2013. The use of the remainder of the building shall be subject to normal zoning regulations, including any nonconforming rights that are applicable. Occupancy of the lodging unit shall be restricted to a Virginia Foundation for Architecture employee or guest where no rent is accepted from or required of such guest.

(c) The hours of operation for the museum shall be as follows:

(1) 8:30 a.m. to ~~[5:00]~~ 10:00 p.m. Monday through ~~[Wednesday]~~ Thursday ~~[and Friday through Saturday]~~.

(2) 8:30 a.m. to ~~[10:00]~~ 11:00 p.m. on ~~[Thursday]~~ Friday and Saturday.

(3) 1:00 p.m. to ~~[5:00]~~ 7:00 p.m. on Sunday.

(d) That the museum shall be allowed to host events. The permitted events shall be limited to certain

activities and are subject to certain regulations as follows:

(1) Museum Accessory events shall be events that are tied directly to the museum's mission and may include both Museum events and Museum Outreach events. These events involve activities that are outside the routine and ordinary activities that comprise the experience of museum patrons as they tour museum exhibitions and the museum property.

a. Museum events include exhibition openings, exhibition-related receptions, lectures and other activities that directly support the museum's mission.

b. Museum Outreach events are activities hosted by the museum for the purpose of educating public or private groups about the mission of the museum, raising funds in support of the museum's mission or for recognizing individuals or groups for their contributions in support of the museum's mission.

(2) ~~Reception events are events that may be unrelated to the museum's mission and may involve a short term lease of the museum space to a third party for a commercial reception that may include weddings or wedding related functions or for a civic or community event~~ Special events, including, but not limited to, corporate or commercial events, weddings, and receptions, unrelated to the museum mission are permitted, provided the property owner shall covenant in writing to the Monument Avenue Preservation Society, Incorporated, or its successor association, that the property owner will provide the Monument Avenue Preservation Society, Incorporated, with a special event management plan, all changes to the special event management plan, and a notice period providing the Monument Avenue Preservation Society, Incorporated, or its successor, an opportunity to raise any objections to such changes before such changes take effect. The property owner shall provide a copy of the written covenant and the special event management plan provided to the Monument Avenue Preservation Society, Incorporated, and all amendments to such plan to the Director of Planning and Development Review and the Zoning Administrator.

(3) [Notification of all events shall be provided through either a publicly accessible website maintained by the property owner or through Facebook, Twitter or some other equivalent form of social media. The event notice shall include a description of the event including both the type of event and the purpose of the event and indicate the date, time, duration, and attendance limit. The data contained in the event notice shall remain accessible for a two-year period.

(4) The property owner or representatives of the property owner shall attend and supervise all events.

(5) For the purpose of this ordinance, “normal business hours” refer to the hours of 8:30 a.m. to 5:00 p.m. Monday through Friday. Events held outside of normal business hours shall conclude no later than 10:00 p.m. Monday through Thursday, 11:00 p.m. on Friday and Saturday and 7:00 p.m. on Sunday.

(6) The City of Richmond Zoning Administrator shall approve certain events by the issuance of a certificate of zoning compliance (CZC).

a. In addition to certifying that the conditions of this ordinance are satisfied, the applicant shall provide in the application for a certificate of zoning compliance all of the following:

1. A description of the event including the type of event, the purpose of the event, the size of the event, and the hours of the event.
2. Verification that the parking area at 2551 Monument Avenue is available.
3. A copy of the contract for each reception event.
4. A copy of the Virginia Alcoholic Beverage Control (ABC) license issued specifically for each event at which alcohol is to be served.

(i) For reception events the ABC license shall be issued in the name of the lessee of the event.

(ii) For Museum Accessory events the ABC license shall be issued in the name of a representative of the property owner.

5. When the off-premise parking area is required, the lease agreements or contracts shall be provided.

b. No more than fifty-two (52) certificates of zoning compliance per calendar year shall be issued for the property.

1. No more than twelve (12) of these events shall be receptions.

(i) Outdoor games shall not be permitted during the reception events.

(ii) A minimum of four (4) reception events shall conclude by 8:30 p.m. No more than eight (8) reception events shall conclude later than 8:30 p.m.

(iii) All reception events shall have an attendance limit of one hundred fifty (150) persons.

2. No more than forty (40) certificates of zoning compliance shall be issued for Museum Accessory events provided that the parking area located at 2551 Monument Avenue is available.

(i) Twelve (12) of these events shall have an attendance limit of one hundred fifty (150) persons. The remaining twenty-eight (28) of these events shall have an attendance limit of seventy-five (75) persons.

(ii) There shall be no more than one (1) of these events per week except for the one (1) week in the year designated as Architecture Week.

(iii) There shall be no more than one of these events per month that begin between the hours of 5:00 p.m. and 7:00 p.m. on weekdays.

3. No more than twenty-six (26) CZC's shall be issued for events per calendar year when the parking area located at 2551 Monument Avenue is not available

~~and satellite parking may be used when required as described in paragraph 3(f).~~

(i) ~~Twelve (12) of these events shall have an attendance limit of one hundred fifty (150) persons. The remaining fourteen (14) of these events shall have an attendance limit of seventy-five (75) persons.~~

(ii) ~~No more than eight (8) of these events shall be receptions.~~

~~(7) Certain Museum Accessory events shall not require a CZC. All other events shall require a CZC. Those events not requiring a CZC include:~~

a. ~~Museum Accessory events held on Easter.~~

b. ~~Museum Accessory events held during normal business hours with an attendance limit of fifty (50) persons. These events are not permitted if the parking area located at 2551 Monument Avenue is not available.~~

~~(8) No amplified music, public address or loudspeaker system shall be operated outside of the building. Whenever there is amplified music within the building or whenever a public address or loudspeaker system is operated within the building, the doors and windows shall be maintained in a closed position.~~

~~(9) Food and or beverage serving stations shall not permitted outside the building unless contained within a tent.~~

~~(10) No more than four (4) events per year, occurring outside of normal business hours, shall be held outside of the building. No more than two (2) of these events shall include the use of a tent. No more than one hundred fifty (150) persons shall be permitted outside of the building.~~

~~(11)] Temporary lighting attached to the rear of the building shall not be permitted. Temporary lighting located in the terrace and garden areas shall not be placed higher than [ten (10)] 12 feet above ground level.~~

(c) [The parking area located at 2551 Monument Avenue shall be provided for all events when this parking area is available and not in use for events at First Baptist Church. All guests and event staff shall use the parking area at 2551 Monument Avenue when it is available. When the property owner is notified that the parking area located at 2551 Monument Avenue is not available for a planned event, the property owner shall notify the City Zoning Administrator.

(f) For all events occurring when the parking area located at 2551 Monument Avenue is not available and either the event is held after normal business hours or the event is held during normal business hours and the planned attendance exceeds fifty (50) persons, parking shall be provided in an off-premise parking area located within a 2,500-foot radius of the property. The number of spaces required to be provided shall be based on a ratio of one parking space per 1.3 persons planned to be in attendance.

(1) A shuttle service, valet parking service or some similar transportation arrangement shall be provided for the off-premise parking area free of charge and in accordance with the requirements of the Department of Public Works.

(2) Temporary signage identifying the availability of the off-premise parking area and the transportation service shall be displayed at the property and at the off-premise parking area.

(3) The off-premise parking area shall conform to the requirements for a parking area established under the zoning regulations. The off-premise parking area shall be provided in a zoning district that permits parking for the permitted uses of the property. The off-premise parking area shall not be provided within residential zoning districts or by using on-street parking.

(4) Valet parking service using the parking area located at 2551 Monument Avenue as the valet lot shall not be permitted.

(5) All guests and event staff shall use the satellite parking area when it is provided.

(g) For all events held after normal business hours where the planned attendance exceeds fifty (50)

persons, temporary signage “Resident Parking Only Please” and containing the logo of the property owner shall be placed along the streets bordering the property. These streets include the north and south side of the 2500 block of Park Avenue, the east and west side of the 600 block of North Davis Avenue, and the south side of the 2500 block of Monument Avenue. Placement of the signs shall be similar to the placement of City’s street cleaning signs.

(h) For all events held when the parking area located at 2551 Monument Avenue is available and either the event is held after normal business hours or the event is held during normal business hours and the planned attendance exceeds fifty (50) persons, temporary directional signage identifying the parking area as the event parking area shall be placed around the perimeter of the property in the most effective possible manner.

(i) For all events held either after normal business hours or during normal business hours where the planned attendance exceeds fifty (50) persons, the property owner shall employ a parking verification system requiring that any guest or event staff that drives a car to the event provide proof that the car such person drove was parked in the appropriate parking area before such person is admitted to the event.

(j) 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, enclosed or screened so as not to be visible from adjacent properties and public streets and shall be substantially as depicted on the [attached] plans attached to Ordinance No. 2013-156-154, adopted September 9, 2013. The operator of the facility shall arrange to have all refuse generated by the special events removed from the premises immediately following the event.

[k] (f) 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 drainage of storm or surface water from the property so as not to adversely affect or damage adjacent property or public streets and the use thereof.

[l] (g) Identification of the premises shall be limited to two [(2)] signs attached flat against the face of

the masonry wall surrounding the property not to exceed six ~~[(6)]~~ square feet of sign area each, substantially as depicted on the ~~[attached]~~ plans attached to Ordinance No. 2013-156-154, adopted September 9, 2013, and one ~~[(1)]~~ freestanding or projecting sign to not exceed ~~[fifty (50)]~~ 50 square feet in area. The signs and their placement shall be subject to approval by the Commission of Architectural Review. Such signs shall not be illuminated by internal or external means.

(h) All reception events shall have an attendance limit of no more than 300 persons.

~~[(m)]~~ (i) In all other respects, the use of the property shall be in accordance with the applicable underlying zoning district regulations, including those contained in the Old and Historic District regulations.

[§ 4] § 3. 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]~~ 30-1050.7 through ~~[114-1050.11]~~ 30-1050.11 of the Code of the City of Richmond ~~[(2004)]~~ (2015), as amended, if (a) the property owner does not abate the violation within ~~[thirty (30)]~~ 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)]~~ 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 section ~~[114-1080]~~ 30-1080 of the Code of the City of Richmond ~~[(2004)]~~ (2015), as amended, or any other applicable laws or regulations.

~~[(§ 5)]~~ § 4. When the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the ~~[premises]~~ property is abandoned for a period of ~~[twenty-four (24)]~~ 24 consecutive months, whether as a result of the property 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] § 5. That Ordinance No. 2001-308-305, adopted October 22, 2001, be and is hereby repealed.

[§ 7] § 6. This ordinance shall be in force and effect upon adoption.

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

O & R Request

DATE: September 14, 2020 **EDITION:** 1

TO: The Honorable Members of City Council

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

THROUGH: Lenora G. Reid, 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 amend and reordain Ord. No. 2013-208-197 adopted September 23, 2013, which authorized the special use of the property known as 2501 Monument Avenue for the purpose of a museum for architecture and design and a lodging unit, as well as for an office use, a dwelling unit, and retail space, to impose as a condition on the special use of such property a 300-person attendance limit for all reception events, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend and reordain Ord. No. 2013-208-197 adopted September 23, 2013, which authorized the special use of the property known as 2501 Monument Avenue for the purpose of a museum for architecture and design and a lodging unit, as well as for an office use, a dwelling unit, and retail space, to impose as a condition on the special use of such property a 300-person attendance limit for all reception events, upon certain terms and conditions.

REASON: The application wishes to amend and reordain a previously approved ordinance to allow for a dwelling unit for an artist-in-residence, accessory retail and event space, as well as changes in the hours of

operation and number of events per year. An amendment to the 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 November 2, 2020 meeting.

BACKGROUND: The subject property consists of a 38,060 SF, or .87 acre unimproved parcel of land, and is a part of the Museum District neighborhood in the Near West Planning District. The City of Richmond's current Master Plan designates the subject property for Single Family Medium Density. Primary uses are 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 current zoning for this property is R-6 Residential (Single Family Attached) as are much of the adjacent and nearby properties.

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: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: October 12, 2020

CITY COUNCIL PUBLIC HEARING DATE: November 9, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, November 2, 2020.

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.: Ordinance No. 2013-208-197

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, 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: