



Legislation Text

File #: ORD. 2021-038, **Version:** 2

To authorize the special use of the property known as 2416 Jefferson Avenue for the purpose of a mixed-use building containing outdoor dining and tourist home uses, upon certain terms and conditions.

WHEREAS, the owner of the property known as 2416 Jefferson Avenue, which is situated in a UB Urban Business District and the Jefferson Avenue Parking Exempt Overlay District (PE4), desires to use such property for the purpose of a mixed-use building containing outdoor dining and tourist home uses, which use, among other things, is not currently allowed by sections 30-433.2(21)(a), concerning outdoor dining within 100 feet of any property in any R district, 30-1220.122, concerning the definition of tourist home, and 30-710.1, concerning parking requirements, 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 2416 Jefferson Avenue and identified as Tax Parcel No. E000-0334/003 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “2416 Jefferson Ave, 2416 Jefferson Avenue, Richmond VA,” prepared by Kine Vue, LLC, and dated January 31, 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 mixed-use building containing outdoor dining and tourist home uses, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “2416 Jefferson Ave, Richmond, VA 23223,” prepared by ADDO/Architecture Design Office, and dated January 31, 2020, 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 mixed-use building containing outdoor dining and tourist home uses, substantially as shown on the Plans. Uses permitted by the zoning regulations prescribed for the district in which the Property is situated shall also be permitted.

(b) Outdoor dining shall be permitted within the area labelled “Commercial 1” on the Plans. Operations of the outdoor dining area shall cease by no later than 11:00 p.m. daily.

(c) Up to ten dwelling units may be used as tourist home units, which may be accessible from the exterior of the building. No tourist home units shall be rented to more than two adult persons per bedroom at any given time. The Owner shall ensure that the Zoning Administrator is furnished with contact information for the operator of the Special Use.

(d) On-site parking spaces shall not be required on the Property. A maximum of 23 onstreet parking spaces along the frontages of the Property shall be credited to the Special Use pursuant to section 30-710.2:3(d) of the Code of the City of Richmond (2020), as amended, and as shown on the Plans.

(e) All building materials and colors shall be substantially as shown on the Plans, subject to the provisions of any applicable Old and Historic District regulations and any approvals granted by the Commission of Architectural Review.

(f) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 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 27, 2021

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This in 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 2416 Jefferson Avenue for the purpose of

allowing those uses otherwise allowed in the UB-PE4 district but do not meet certain feature and definition requirements of the district, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 2416 Jefferson Avenue for the purpose of allowing those uses otherwise allowed in the UB-PE4 district but do not meet certain feature and definition requirements of the district, upon certain terms and conditions.

REASON: A Plan of Development (POD) was approved for this property allowing the construction of a mixed-use building. The requested Special Use Permit seeks relief from certain feature and definition requirements for authorized uses in the zoning district.

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 .354 acre subject property is a triangular parcel bounded by Jefferson Avenue to the south, M Street to the northeast, and North 24th Street to the northwest. The POD approval was granted following previous approval of the building plans by the Commission of Architectural Review.

The Special Use Permit is requested in order to authorize relief for a mix of uses that are permitted in the UB-PE4 District but cannot meet UB-PE4 feature requirements. The relief requested is a partial parking reduction to require a maximum of 23 parking spaces; a reduction of the 100 foot radius requirement associated with outdoor dining to 80 feet; and the elimination of the requirement for shared access for the tourist home guest units.

The zoning ordinance states that *the intent of the UB Urban Business District is to encourage business areas with a densely developed pedestrian-oriented urban shopping character, compatible with adjacent residential neighborhoods, and with minimal disruption from vehicle-oriented land uses and features that would detract from a safe, convenient and economically viable pedestrian environment. The district is intended to promote continuity of storefront character along principal street frontages, with minimum interruption by driveways and vehicle traffic across public sidewalk areas.*

In regard to the Parking Exempt District, the zoning ordinance states that *the intent of parking exempt overlay districts is to provide relief from the off-street parking requirements for certain uses so as to facilitate the development and redevelopment of economically depressed, older, urban commercial districts characterized by a substantial number of vacant and deteriorated structures.*

The Richmond 300 Master Plan recommends Community Mixed-Uses. This is described as *clusters of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities. Primary uses are Retail, office, personal service, multi-family residential, cultural, and open space. The area is also indicated as a Neighborhood Node that is defined as a local crossroads typically within, or next to, larger residential areas that offers goods and services to nearby residents, employees, and visitors.*

The properties to the north, east and west of the subject property are located within the same R-63 Multifamily Urban Residential zoning district. Properties to the south are located in the UB-PE4 Urban Business District.

Within the area of the subject property, properties to the east and west are occupied by professional offices. Other uses in the vicinity include residential, office, cultural, and hospitality uses.

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 22, 2021

CITY COUNCIL PUBLIC HEARING DATE: March 22, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission March 15, 2021

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Property and Plans, Application and Narrative, Map

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-103
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Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: