



Legislation Text

File #: ORD. 2021-190, **Version:** 2

To amend Ord. No. 2013-005-12, adopted Feb. 11, 2013, which authorized the special use of the property known as 3600 Forest Hill Avenue for the purposes of permitting live entertainment and an outdoor dining area, to authorize an expansion of the outdoor dining area, upon certain terms and conditions. (5th District)
THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2013-005-12, adopted February 11, 2013, be and is hereby amended and reordained as follows:

§ 1. That the property known as 3600 Forest Hill Avenue and identified as Tax Parcel No. S000-2150/024 in the [2013] 2021 records of the City Assessor, being more particularly shown on the plat entitled “[~~ALTA/ACSM~~] ALTA/NSPS Land Title Survey of 0.254 [~~Aere~~] Acres of Land [~~Lying South of~~] Known As #3600 Forest Hill Avenue, Being Parcel: S000-2150/024, City of Richmond, Virginia,” prepared by Balzer and Associates, Inc., and dated [~~February 10, 2012~~] November 14, 2017, a copy of which is attached to and made a part of this ordinance, is hereby permitted to be used for the purposes of permitting live entertainment and an outdoor dining area, substantially as shown on sheet C01 of the plan entitled “Crossroads, SUP Conceptual Plan, City of Richmond, Virginia,” prepared by Balzer and Associates, Inc., dated October 1, 2012, and revised November 6, 2012, a copy of which is attached to and made a part of [~~this ordinance.~~] Ordinance No. 2013-005-12, adopted February 11, 2013, as modified by the plan entitled “Crossroads Coffee & Ice Cream: Outdoor Seating Expansion,” prepared by RVA Design Build, and undated, a copy of which is attached to and made a part of this amendatory ordinance, hereinafter referred to, collectively, as “the Plans.”

§ 2. That 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. That the Commissioner of Buildings is hereby authorized to issue to the owner of the property a building permit substantially in accordance with the ~~[plans referred to above for the aforementioned purposes,]~~ Plans 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 applicable to the property, except as otherwise provided in this ordinance.~~

(b) An application for a building permit for the plans referred to above shall be made within ~~[twenty-four (24)]~~ 24 months from the effective date of the most recent amendment to this ordinance. This building permit shall expire and shall 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 such construction has commenced, as provided in any applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within ~~[twenty-four (24)]~~ 24 months after the effective date of the most recent amendment of this ordinance 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 shall terminate and ~~[the special use permit]~~ this ordinance shall become null and void.

~~[(e)]~~ (b) No permit implementing this ~~[special use permit]~~ ordinance shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the subject property have been paid.

~~[(d)]~~ (c) All required final grading and drainage plans, together with all easements made necessary by such plans, shall be approved by the Director of Public Utilities prior to the issuance of building permits.

~~[(e)]~~ (d) 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 adjacent property or public streets and the use thereof.

[(f)] (e) 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.

[(g)] (f) ~~[An outdoor]~~ Outdoor dining ~~[area]~~, accessory to the restaurant use of the property, shall be permitted. The outdoor dining ~~[area]~~ areas may be covered or uncovered and shall be located ~~[within the Fenced Seating Area depicted on the attached plan]~~ substantially as shown on the Plans.

[(h)] (g) Covered trash containers shall be provided in the outdoor dining area and fences, walls or vegetative screening shall be provided around the outdoor dining area, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. In no case shall chain link, chain link with slats or similar fencing be used.

[(i)] (h) The outdoor dining ~~[area]~~ areas shall be closed by 12:00 a.m. (midnight).

[(j)] (i) No live entertainment shall be permitted in the outdoor dining ~~[area]~~ areas. No music shall be played and no public address system shall be operated in the outdoor dining ~~[area]~~ areas after 10:00 p.m.

[(k)] (j) Live entertainment shall be permitted within the main restaurant building, provided the live entertainment ceases by 12:00 a.m. (midnight).

[(l)] (k) No music, live or otherwise, shall be played nor public address system operated in such a manner that sound produced therefrom is audible beyond the boundaries of the ~~[premises]~~ property.

[(m)] (l) Any outdoor lighting of the ~~[premises]~~ property shall be provided within the bounds of the property and directed or shielded so as not to shine directly on adjacent residential properties.

~~[(+)]~~ (m) Any encroachments existing, proposed on the ~~[attached plans]~~ 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 ~~[(2004)]~~ 2020, as amended.

(o) No fewer than 13 parking spaces shall be provided on the property.

~~[(+)]~~ (p) In all other respects, the use of the property shall be in accordance with the applicable underlying zoning regulations.

§ 4. ~~[That the]~~ 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)]~~ (2020), 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) 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] and all future amendments to such laws.~~ Failure to comply with the terms and conditions of this amendatory ordinance shall constitute a violation of section [114-1080] 30-1080 of the Code of the City of Richmond [(2004)] 2020, as amended, or any other applicable laws or regulations.

§ 5. That 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 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. 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: May 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: Kevin Vonck, Acting Director, Department of Planning and Development Review

RE: To amend Ord. No. 2013-5-12, adopted February 11, 2013, which authorized the special use of the property known as 3600 Forest Hill Avenue for the purposes of permitting live entertainment and an outdoor dining area, to authorize an expansion of the outdoor dining area, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend Ord. No. 2013-5-12, adopted February 11, 2013, which authorized the special use of the property known as 3600 Forest Hill Avenue for the purposes of permitting live entertainment and an outdoor dining area, to authorize an expansion of the outdoor dining area, upon certain terms and conditions.

REASON: The subject property is located in the B-1 Neighborhood Business zoning district. Section 30-434.1 (16) of the zoning ordinance states that restaurants are permitted uses in this zoning district. However, outdoor dining is not specifically permitted. On February 11, 2013 City Council approved Ord. No. 2013-5-12 which permitted live entertainment and an outdoor dining area. The proposed amendment will authorize an expansion of the outdoor dining area. Therefore a special use permit amendment is 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 July 19, 2021 meeting.

BACKGROUND: The subject property consists of a .249 acre parcel fronting Forest Hill Avenue and spanning the width of the block between Bland Street and Carson Street. The property is improved with a 1,187

square foot single-story building containing a restaurant and off-street parking. An outdoor dining area is located in the front of the building along Forest Hill Avenue.

The Richmond 300 Master Plan designates the subject property as Community Mixed-Use. Such areas are described as clusters of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions.

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

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

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: \$200 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: June 28, 2021

CITY COUNCIL PUBLIC HEARING DATE: July 26, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission July 19, 2021

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

RELATIONSHIP TO EXISTING ORD. OR RES.: Amend Ord. No. 2013-5-12

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: