

INTRODUCED: May 28, 2013

AN ORDINANCE No. 2013- 112

To amend and reordain Ord. No. 2004-216-272, adopted Oct. 11, 2004, which authorized the special use of the property known as 2623 East Broad Street for the purpose of converting an existing main building for use as three (3) dwelling units and a commercial space and converting the existing accessory building on such property into a dwelling unit, to reduce the restrictions placed upon the commercial space within the building, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Jones (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney

\_\_\_\_\_  
JUN 24 2013  
PUBLIC HEARING: AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2004-216-272, adopted October 11, 2004, be and is hereby amended and reordained as follows;

§ 1. That the property known as 2623 East Broad Street and identified as Tax Parcel No. E000-0438/012 in the [2004] 2013 records of the City Assessor, being more particularly shown on a survey entitled "Improvements on Premises Known as #2623 E. Broad Street in Richmond, Va.," prepared by Jolliffe & Associates, Inc., and dated November 5, 2003, a copy of which is attached to and made a part of [~~this ordinance~~] Ordinance No. 2004-216-272, adopted October 11, 2004, is

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

hereby permitted to be used for the purpose of the renovation of the existing main building for use as three (3) dwelling units and a commercial space and the renovation of the existing accessory building for use as a dwelling unit, substantially as shown on sheets C101, C102, ~~[and]~~ A100, and A101 through A103 of the plans entitled "Spec'l Use Permit, 2623-5 East Broad Street, Richmond, Virginia 23219," prepared by the Johannas Design Group, and dated May 20, 2004, copies of which are attached to and made a part of ~~[this ordinance]~~ Ordinance No. 2004-216-272, adopted October 11, 2004.

§ 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 building permits substantially in accordance with the plans referred to above for the aforementioned purpose, 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) Application for a building permit ~~[to include work for the accessory building]~~ or a certificate of zoning compliance shall be made within ~~[twelve (12)]~~ twenty-four (24) months from the effective date of this amendatory ordinance. This building permit shall expire and shall become null and void if any necessary construction has not commenced within one hundred eighty (180) days from the date of the building permit or if construction is suspended or abandoned for a period of one hundred eighty (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 or the certificate of zoning compliance not be made within [~~twelve (12)~~] twenty-four (24) months after the effective date of this ordinance or should the building permit expire and become null and void after the expiration of the [~~twelve (12)~~] twenty-four (24) month time period for making application for the building permit, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void. Upon the issuance of the certificate of occupancy related to the building permit for the existing accessory building, which implements the special use permit, all nonconforming rights for the property shall expire.

(c) 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 subject property have been paid.

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

(e) 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) 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) The existing accessory building on the property may be converted into a second main building for use as a dwelling unit with amenities including a security system, central heating

and air conditioning, dishwasher, disposal, range, and refrigerator, substantially as shown on the [attached] plans attached to Ordinance No. 2004-216-272, adopted October 11, 2004.

(h) No parking shall be required for the uses of the buildings on the property.

(i) The use of the main building shall be as three (3) dwelling units and a commercial area, as shown on the [attached] plans attached to Ordinance No. 2004-216-272, adopted October 11, 2004. The commercial area of the first floor of the main building identified as “1420 SF Total: Coffee Shop” on sheet A101 of the [attached] plans attached to Ordinance No. 2004-216-272, adopted October 11, 2004, may be used as a ~~[coffee shop]~~ restaurant, or retail shop, or non-medical office, or one (1) additional dwelling unit. The hours of operation open to the public for any commercial use shall be limited to 6:30 a.m. to ~~[9:00 p.m.]~~ 10:00 p.m., Monday through ~~[Thursday;~~ 6:30 a.m. to 10:00 p.m. Friday and] Saturday~~;~~ , and 8:00 a.m. to 8:00 p.m. on Sunday. ~~[The coffee shop shall be limited to a maximum of twenty-four (24) seats and a maximum of six (6) employees on site at any one time. The permitted use of the property as a coffee shop shall include the preparation and sale of coffee and other non-alcoholic beverages and the preparation and sale of foods, consisting primarily of baked goods, ice cream, soups, salads, sandwiches, and other light fare. Use of a commercial oven or grill that requires a built-in fire suppression system or the removal of grease vapors shall not be permitted.]~~

(j) The use of the basement in the main building shall be limited to the activities accessory to the use occupying the commercial area of the first floor, such as storage, food and beverage preparation, cooking, dishwashing, and coffee roasting.

(k) ~~[The sale of alcoholic beverages and the delivery of food or beverages to customers outside of the fully enclosed building shall be prohibited in conjunction with the commercial uses.~~

(H) Identification of the premises shall be limited to one sign attached flat against the building, which shall not exceed twelve (12) square feet in area and which shall not be illuminated.

§ 4. That 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 through 114-1050.11 of the Code of the City of Richmond (2004), as amended, if (a) the property owner does not abate the violation within thirty (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. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 114-1080 of the Code of the City of Richmond (2004), as amended, or any other applicable laws or regulations.

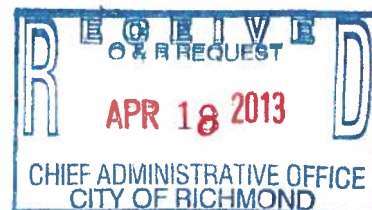
§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the premises is abandoned for a period of twenty-four (24) consecutive months, use of the property shall be governed thereafter by the zoning regulations prescribed for the 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.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE



O&R REQUEST

DATE: April 17, 2013 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Byron C. Marshall, Chief Administrative Officer

THROUGH: Peter H. Chapman, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Mark Olinger, Director of Planning and Development Review

SUBJECT: To amend and reordain Ordinance No. 2004-216-272, adopted October 11, 2004 to authorize the special use of the property known as 2623 East Broad Street for the purpose of converting an existing main building for use as three (3) dwelling units and a commercial space and converting the existing accessory building on such property into a dwelling unit, to reduce the restrictions placed upon the commercial space within the building, upon certain terms and conditions.

ORD. OR RES. No. \_\_\_\_\_

PURPOSE: To amend and reordain Ordinance No. 2004-216-272, adopted October 11, 2004 to authorize the special use of the property known as 2623 East Broad Street for the purpose of converting an existing main building for use as three (3) dwelling units and a commercial space and converting the existing accessory building on such property into a dwelling unit, to reduce the restrictions placed upon the commercial space within the building, upon certain terms and conditions.

REASON: The subject property is governed by an existing special use permit (Ord. No. 2004-216-272) to allow a limited range of uses within the commercial space on the first floor of the existing building. These uses are further restricted by the special use permit by limiting the hours of operation, number of employees, ABC licensing, etc. The applicant is proposing to

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adjust or remove some of these restrictions. Therefore, the applicant is requesting an amendment to the current special use permit.

**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 June 17, 2013 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property is located in the City's Church Hill neighborhood on the block bounded by East Grace Street to the south, East Broad Street to the north, North 26<sup>th</sup> Street to the east, and North 27<sup>th</sup> Street to the west. The property is located at the northeast corner of the block and consists of approximately 5172 square feet of land area. The subject property is located within the R-6 Single-Family Attached Residential zoning district. The property is currently improved with two structures. The main building contains three dwelling units and a coffee shop/restaurant on the first floor. The accessory building in the rear yard contains one dwelling unit. The R-6 zoning district does not permit multi-family residential dwellings or commercial uses.

The applicant is requesting a text amendment to the existing special use permit to reduce the restrictions (hours of operation, number of seats within the restaurant, number of employees permitted on site, ABC licensing and the type of food preparation permissible on-site) placed upon the commercial space within the building. The applicant does not currently propose any physical alterations to the exterior of either of the existing buildings or any new site work on the property.

All of the immediately adjacent properties are also within the R-6 Single-Family Attached Residential zoning district and each lot contains a residential dwelling.

The City of Richmond's Master Plan designates the subject property for "single-family (medium density)" land uses, which is not consistent with the applicant's request, but the current uses are consistent with the development pattern of the surrounding neighborhood. Additionally, the prior approval of the existing special use permit demonstrates support for the current use in the neighborhood.

**FISCAL IMPACT:** The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

**COST TO CITY:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

**REVENUE TO CITY:** \$1,200 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** May 28, 2013

**CITY COUNCIL PUBLIC HEARING DATE:** June 24, 2013

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission,  
June 17, 2013

**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 ORDINANCES:** Amendment of Ord. No. 2004-216-272

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

**STAFF:** Tarisa Moran, Senior Planner  
Land Use Administration (Room 511)  
646-5734

*DCD O&R No.13-09*





Lory.Markham@richmondgov.com 646-6309  
Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review  
Land Use Administration Division  
900 E. Broad Street, Room 511  
Richmond, Virginia 23219  
(804) 646-6304  
<http://www.richmondgov.com/>

RECEIVED  
MAR 07 2013  
FILE # 911-1A  
LAND USE ADM.

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

**Project Name/Location**

Project Name: Captain Buzzy's Beanery Date: 2/28/13  
Property Address: 2623 E. Broad Street Tax Map #: E 000-0438/012

Fee: 120000 Total area of affected site in acres: 1420 sqft.  
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

**Zoning**

Current Zoning: R-6 Single/Family

Existing Use: Coffee Shop

Is this property subject to any previous land use cases?

- Yes
- No

If Yes, please list the Ordinance Number:

**Proposed Use**

(Please include a detailed description of the proposed use in the required applicant's report)

Remove Restrictions (All)

**Applicant/Contact Person:** BOB BUFFINGTON

Company: Captain Buzzy's Beanery

Mailing Address: 2623 E. Broad St.

City: Richmond State: VA Zip Code: 23223

Telephone: (804) 377-6655 FAX: (Direct) 804-564-7558

Email: buffington@captbuzzy's.com

**Property Owner:** The Edison Company, LLC Karen Kellman, Mgr Member

If Business Entity, name and title of authorized signee: Karen Kellman, Mgr Member

Mailing Address: PO Box 1613

City: Chesterfield State: VA Zip Code: 23832

Telephone: (804) 467-8670 Fax: ( )

Email: edisonst@verizon.net

**Property Owner Signature:** Karen Kellman The Edison Co, LLC

(The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.)

**NOTE:** Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

March 7, 2013

Richmond Planning Commission

Dear Commissioners,

As the original tenant since 2004 for this space, it is becoming increasingly more difficult to remain competitive as other properties within blocks enjoy full privileges. I am requesting the removal of the restrictions to the commercial space at 2623 East Broad Street, Church Hill 23223.

Specifically:

Section (i)

- Extend hours to 10pm Monday through Thursday
- Strike "The permitted use of the property as a coffee shop shall include the preparation of the sale of coffee and other non-alcoholic beverages and the preparation and sale of foods, consisting primarily of baked goods, ice cream, soups, salads, sandwiches, and other light fare. Use of a commercial grill that requires a fire built-in suppression system or the removal of grease vapors shall not be permitted.
- Strike section (k)

Thank you for your consideration,



Bob Buffington

President

Captain Buzzy's Beanery

2623 East Broad Street

Richmond, VA 23223

Direct: 804 564 7558

Work: 804 377 6655

[buffington@captbuzzys.com](mailto:buffington@captbuzzys.com)