



## CITY OF RICHMOND

### **Department of Planning & Development Review** ***Staff Report***

**Ord. No. 2025-131** To authorize the special use of the property known as 101 South Colonial Avenue for the purpose of outdoor dining accessory to a restaurant, upon certain terms and conditions. (5<sup>th</sup> District)

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** June 17, 2025

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#### **PETITIONER**

William Gillette – Baker Development Resources

#### **LOCATION**

101 South Colonial Avenue

#### **PURPOSE**

The applicant is requesting a Special Use Permit to authorize outdoor dining within a UB-Urban Business District. While outdoor dining is permitted within the district, the proposed dining is within 100 feet of a Residential district. Additionally, the proposed canopy encroaches into the front yard. A Special Use Permit is, therefore, necessary to proceed with this request.

#### **RECOMMENDATION**

Staff finds that the requested use is consistent with the City's Master Plan future land use designation of Community Mixed-Use. This land use designation emphasizes that ground floor uses should, "engage with, and enliven, the street" (Richmond 300, p. 84). Outdoor dining adds visual interest, encouraging pedestrians to shop/dine at the establishment.

Staff finds that the subject property is located along Cary Street, which the City's Master Plan identifies as a Major-Mixed Use Street. Major Mixed-Use Streets carry high volumes of bike/ped traffic, making the subject property a key location for outdoor dining.

Staff finds that the outdoor dining use is compatible with the Carytown neighborhood, where other small-scale outdoor dining can be found.

Staff concludes that the proposed ordinance conditions substantially satisfy the safeguards established in the City Charter concerning the granting of Special Use Permits. Specifically, staff finds that the proposed use would not be detrimental to the general welfare of the community involved and would not create congestion in the streets in the area involved.

Therefore, staff recommends approval of the Special Use Permit request.

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#### **FINDINGS OF FACT**

##### **Site Description**

The property is located in the Carytown neighborhood on Cary Street between South Colonial Avenue and North Arthur Ashe Boulevard. The property is currently a 4,400 square foot (0.103 acre) parcel of land improved with a two-story structure.

## **Proposed Use of the Property**

Restaurant with outdoor dining.

### **Master Plan**

The City's Richmond 300 Master Plan designates the subject area as Community Mixed-Use which is defined as a "cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions" (Richmond 300, p. 84).

**Development Style:** The building size, density, and zoning districts for these areas may vary significantly depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Uses may be mixed horizontally in several buildings on a block or vertically within the same building. Developments continue or introduce a gridded street pattern to increase connectivity.

**Ground Floor:** Ground floor uses engage with, and enliven, the street. Monolithic walls are discouraged, while windows, doors, storefronts, and other features that allow transparency and interaction between building and street are encouraged.

**Mobility:** Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. Driveway entrances are required to be off alleys whenever possible; new driveways are prohibited on priority and principal streets. Parking areas are located within the structure and to the rear of buildings and require screening; shared parking requirements are encouraged.

**Intensity:** Buildings generally ranging from two to six stories, based on street widths and depending on the historic context and stepping down in height adjacent to residential areas, as necessary. New buildings that are taller than historical buildings should step back from the build to line after matching the height of the predominant cornice line of the block.

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

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

### **Major Mixed-Use Street**

Cary Street is identified as a Major Mixed-Use Street in the City's Master Plan. The following elements are those found along this Street Typology.

- Carry high volumes of vehicles, pedestrians, and bicycles, through commercial and mixed-use areas
- Prioritize use and density-scaled sidewalks and crosswalks
- Require form elements, such as buildings to the street with parking in the rear, as well as building windows and entrances on the street
- Incorporate streetscape features, such as trees, benches, and trash receptacles
- Ideal locations for transit routes and transit stops – Prioritize the curbside for walking, bicycling, transit, and short-term parking access and loading for local shops and restaurants.

## **Zoning and Ordinance Conditions**

The current zoning for this property is UB-Urban Business District. The following features of the proposed development do not comply with the current zoning regulations:

Sec. 30-433.2 – Permitted principal uses

-Outdoor dining must be greater than 100 feet from a residential zoning district

*The proposed use is within 100 feet of a residential zoning district*

Sec. 30-630.9 – Concerning permitted projections and encroachments in yards and courts

*The proposed use includes a canopy that projects into the required front yard*

This special use permit would impose development conditions, including:

- The Special Use of the Property shall be as outdoor dining accessory to a restaurant, substantially as shown on the Plans.
- Sound, music, or entertainment shall only be in operation no later than 9:00 p.m. daily.
- Outdoor dining on the Property shall only be in operation 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday.
- No less than two covered trash containers shall be provided for the outdoor dining area. 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. Chain link or chain link with slats shall not be permitted.
- All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

## **Surrounding Area**

The surrounding land uses are commercial and residential.

## **Neighborhood Participation**

Staff notified the Carytown Merchants Association, Fan Area Business Alliance, and Museum District Association, area residents and property owners. Staff has received some letters to date regarding the proposal.

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