



February 27, 2019

Mr. Matthew Ebinger
City of Richmond, Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 E Broad Street
Richmond, Virginia 23219

Re: Special Use Permit: 1600 W Cary Street

Dear Matthew,

I am representing the property owner in an application for a special use permit (the "SUP") for the property known as 1600 West Cary Street, identified as Tax Parcels W-000-658/024 (the "Property"). The Property is located on the north side of West Cary Street between South Lombardy Street and South Vine Street. The Property consists of one lot that is roughly 90 feet in depth and 90 feet in width, fronting both onto West Cary Street and South Lombardy Street. The Property contains approximately 8,211 square feet of lot area and is occupied by a one-story building containing 1,914 square feet of floor area. The 1955 assessor's card indicates the building was built in 1929, and was initially occupied as an auto service station. The building is now occupied by a restaurant. The SUP would authorize an outdoor dining area serving the restaurant.

The Property is zoned UB-PO3, which permits the outdoor dining under the condition that "no deck, patio, terrace, or other area outside of a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R District" (Sec. 30-433.2(21)(a)). The Property abuts a Property to the west and is located across an alley from a parcel to the north which are located in an R-7 Single and Two-Family Urban Residential District. As a result, the 100-foot radius requirement is not met and a Special Use Permit is necessary. All other zoning requirements would be met.

The proposed outdoor dining area would be located on the Cary Street side of the building and would be approximately 488 square feet in area. It would be oriented toward the Cary Street frontage and would generally be defined on the east and north by the existing building and to the west by the property line. The dining area would be enclosed by fencing constructed of quality pressure treated southern yellow pine with aluminum balusters. The service area could accommodate 6 tables and 24 seats. Evening hours of operation for the outdoor service would end at 11 PM.

Properties within this portion of the West Cary Street Corridor were the subject of a general downzoning in 2004. A field study performed by staff at that time revealed a mix of residential and commercial uses at varying intensities. The rezoning established zoning classifications which struck a balance between that existing development character and the recommendations of the Master Plan and/or Conservation and Redevelopment Plan. This resulted in zoning boundaries that were generally appropriate while, unfortunately, being more fragmented than typical. In the case of the subject block it resulted in split zoning midblock along both Cary and Lombardy Streets with the Subject property being

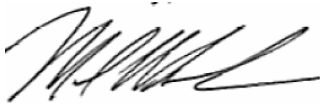
the only UB-zoned property in the block and the properties immediately to the west and north across the alley being zoned R-7. This unique situation along with the historic configuration of the site results in an ability to locate the outdoor dining area on the site in a manner that would meet the 100-foot radius requirement.

The proposal would be consistent with the intent of that 2004 rezoning, which included “provid[ing] for the viability of continued commercial uses at intensity levels that would be complementary to nearby residential uses.” In addition, the request is consistent with the intent of the UB district guidelines which promote a “pedestrian oriented shopping character” and a “safe, convenient and economically viable pedestrian environment.” The outdoor dining area would activate the street from a pedestrian perspective on a stretch of Cary Street where such activity is largely absent. At the same time that the outdoor dining area would allow for the continued viability of the commercial use and provide for an active use in the block, a limitation on the hours of operation of the service area would mitigate any negative impacts and ensure compatibility with nearby residential uses.

This request addresses the various factors indicated in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council.

Thank you for your time and consideration of this request. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark R. Baker', written in a cursive style.

Mark R. Baker
Baker Development Resources, LLC

cc: the Honorable Parker Agelasto, 2nd District Councilmember

Exhibit A:

