



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2024-329: To authorize the special use of the properties known as 5728 Patterson Avenue and 805 Libbie Avenue for the purpose of a mixed-use building, including commercial space, upon certain terms and conditions.

To: City Planning Commission Land
From: Use Administration
Date: February 4, 2025

PETITIONER

Jennifer Mullen

LOCATION

5728 Patterson Avenue and 805 Libbie Avenue

PURPOSE

The applicant is requesting a Special Use Permit to construct a mixed-use building with outdoor dining within a B-2 Community Business District. The proposal is not currently allowed by sections 30-436.5, 30-436.3(1), and 30-436.1(33)b, regarding building height, front-yards, and outdoor dining, respectively, of the Code of the City of Richmond (2020), as amended; A Special Use Permit is therefore required.

RECOMMENDATION

Staff finds that the proposal is consistent with the City's Master Plan pertaining to the Community Mixed-Use land use category wherein retail/office/personal service uses are considered primary uses. Moreover, the proposed mixed-use building is a complementary addition to the existing commercial uses at the Libbie / Patterson Avenue intersection.

Staff finds that the proposal fulfills Objective 4.1i, which seeks to "Create and preserve high-quality, distinctive, and well-designed neighborhoods and Nodes throughout the city," and to "Encourage design approaches that support creative solutions for transitions among varying intensities of building types and land uses." The proposed development achieves this by creating a transition between single-story, single-use street frontage and a five-story, mixed-uses. (p. 100)

Staff finds that the request fulfills Objective 4.1o, which seeks to "Increase building permeability by requiring new buildings to have functioning entrances from the sidewalk and restricting blank walls at ground level." Staff worked with the applicant to increase the area for outdoor dining, widen the existing sidewalks, and to add a front entrance for pedestrians on Patterson Avenue. The goal for these design changes is to ensure increased permeability between the public realm and the new building.

The Richmond 300 recommends that Patterson Avenue become an "Enhanced Transit" route as described within Objective 8.4, which seeks to "Increase transit service to serve existing and new riders so that 75% of residents live within a half mile of a transit line with service that comes every 15 minutes by 2040." The proposed development will assist in creating the necessary demand for transit by increasing the number of riders within this node. (p. 118)

The new mixed-use building is also located within a designated Westhampton Neighborhood Node. Neighborhood Nodes are defined as "...local crossroads typically within or next to larger residential areas that offers goods and services to nearby residents, employees, and visitors." (C-1). The commercial use of the property supports Objective 6.1c, which aims to "support the retention, creation, and attraction of businesses in and near Nodes."

A primary next step for the Westhampton Node is to rezone the area to retain a maximum height of three stories. Staff finds that if this rezoning had already taken place and established a three-story height maximum prior to the submittal of this special use permit application, the proposed development would still need a special use permit, and would be considered against the Richmond 300 Master Plan, as it is currently being considered.

Within Community Mixed-Use areas, the Master Plan recommends that buildings generally range 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 (pg. 58).

Staff finds that while the overall height of the proposed development is four stories, the fourth floor would be stepped back from the streets and adjacent residential areas, giving the appearance of a three-story building. The third floor of the building would also be stepped back, further mitigating the height of the development.

Staff finds the proposed development creates an appropriate transition between five-story, mixed-uses development to the west and adjacent single-story, single-use development to the east along the Patterson Avenue corridor. The proposed development's architecture includes a cornice line at the first floor, differentiating it from the upper floors, and generally matching the cornice line of the existing one-story uses to the east. A step back is not included at the second story of the building and is not warranted in this case. The Master Plan does not recommend one-story buildings in Community Mixed-Use areas and the proposed second story is lower than the 35' height cap of the underlying zoning of the property.

Staff finds that the proposed development is located upon a designated Major Mixed-Use Street and contains specific design characteristics that are well aligned with this typology including properly scaled sidewalks, rear parking, entrances facing the street, and streetscape improvements.

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.

FINDINGS OF FACT

Site Description

The subject properties are currently zoned B-2 Community Business District. The properties consist of a combined 18,088 square feet (0.42 acres) and are improved with an 8,835 square foot building constructed, per tax assessment records, in 1949. The property is within the Westhampton neighborhood.

Proposed Use of the Property

4-story mixed-use building with ground-floor retail and commercial office space.

Master Plan

The City's Richmond 300 Master Plan designates a future land use for the subject property as Community Mixed Use. This use is comprised of clusters "...of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions."

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. (p. 58)

Neighborhood Node: The property is located in a designated within the Westhampton Neighborhood Node which the Richmond 300 plan envisions as a node "that stretches from Libbie and Grove to Libbie and Patterson provides retail and services to nearby residents and attracts visitors from across the region to its businesses. Over time, a few underdeveloped parcels redevelop in a matter that complements and enhances the existing village-scale feel of the area. The Community Mixed-Use future land use designation permits the creation of additional residential units and business, while also ensuring that new buildings are an appropriate scale the existing commercial buildings and promote walkability by placing vehicular access to the rear of the building. The intersection of Libbie and Patterson should be carefully planned and redeveloped to support and increase access to the high-frequency transit planned for Patterson Avenue." (p. C-14)

Major Mixed-Use Streets: The property is located on two designated Major Mixed-Use Streets. The Richmond 300 Master Plan designates these streets as a method of incorporating the following characteristics:

- 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 B-2 Community Business District. The following conditions of the proposed development do not comply with the current zoning regulations:

Section 30-436.5 – Height.

No building or structure in the B-2 Community Business District shall exceed 35 feet in height.

The proposed building is approximately 51 feet in height. A difference of 16 feet.

Section 30-436.3 - Yards.

(1) Front yard. There shall be a front yard with a depth of not less than 25 feet.

The proposed yards are 17 feet on the western front and 19 feet on the southern front.

Section 30-436.1(33)a – Permitted principal and accessory uses.

No deck, patio, terrace or other area outside 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.

The proposed outdoor dining area begins approximately 41 feet from a Residential district.

This special use permit would impose development conditions, including:

- The Special Use of the Property shall be as a mixed-use building, including commercial space, substantially as shown on the Plans. Outdoor dining shall be permitted on the Property within 100 feet of any R district.
- No fewer than twenty-four off-street parking spaces shall be required for the Special Use, substantially as shown on the Plans.
- The height of the proposed building shall be no greater than 4 stories, substantially as shown on the Plans.
- All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- 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.
- The Owner shall make improvements within the public right-of-way, including the installation of two new tree wells and new street trees along Libbie Avenue, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works.

Surrounding Area

The surrounding land uses are a mix of residential, commercial, and institutional uses.

Neighborhood Participation

Staff notified area residents, property owners, the Westhampton Neighborhood at Granite, Libbie, Monument, and Patterson Avenues, the Libbie, Granite & Westview Avenues Neighborhood, and the Westhampton Merchants Associations. Staff has received letters of support from nearby residents regarding the most recent Special Use Permit application, as well as a letter of opposition from the Westhampton Citizens Associations.

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