



## CITY OF RICHMOND

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

**Ord. No. 2020-218:** To authorize the special use of the properties known as 1829 West Cary Street and 1831 West Cary Street for the purpose of outdoor dining areas, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** October 19, 2020

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#### **PETITIONER**

Bryon Jessee – The Fancy Biscuit/Shyndigz Market

#### **LOCATION**

1829 West Cary Street  
1831 West Cary Street

#### **PURPOSE**

To authorize the special use of the properties known as 1829 West Cary Street and 1831 West Cary Street for the purpose of outdoor dining areas, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The applicant is proposing outdoor dining at the front of 1829 West Cary Street and to the rear of the building located at 1831 West Cary Street. The properties are located in the UB - Urban Business Zoning District. Section 30-433.1(21)(a) of the Zoning Ordinance states that “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.” Adjacent properties are zoned R-7 Single and Two-Family Urban Residential. A special use permit is therefore required.

Staff finds that the proposed use is consistent with the intent of the UB Urban Business District and the land use recommendations of the final version of the Richmond 300 Master Plan.

Staff finds that the proposed special use would assist the current use of the property to continue operations in a manner consistent with COVID-19 social distancing standards.

Staff finds that the proposed use will not pose an undue burden on the availability of on-street parking in the area.

Staff finds that with the ordinance conditions the safeguards contained within the City Charter, relative to the granting of Special Use Permits, are met. 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 subject properties consist of a combined 10,135 SF, or .232 acres of land improved with a 4,514 SF 2-story building and a surface parking lot. Both parcels are a part of the Fan neighborhood in the Near West Planning District. The properties are located at the southeast corner of West Cary Street and South Granby Street.

### Proposed Use of the Property

Outdoor dining at the front of 1829 West Cary Street and to the rear of the building located at 1831 West Cary Street.

### Master Plan

The City of Richmond's Master Plan designates the subject property for Single-Family Medium Density land use. "Primary uses are single family and two family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses."

The City's *Richmond 300* Master Plan, which has been approved by the Planning Commission and is going forward to City Council for approval, designates these parcels for Community Mixed-Use land use. This designation is described as clusters of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions. 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. Primary uses are retail/office/personal service, multi-family residential, cultural, and open space.

### Zoning and Ordinance Conditions

The property is zoned UB-PO3 Urban Business Parking Overlay 3 district. The intent of the UB Urban Business District is to encourage business areas with a densely developed pedestrian-oriented urban shopping character, compatible with adjacent residential neighborhoods, and with minimal disruption from vehicle-oriented land uses and features that would detract from a safe, convenient and economically viable pedestrian environment.

The Zoning Administration has provided the following analysis:

#### *Zoning and Use:*

*The subject property is zoned UB-PO3 Urban Business Parking Overlay 3 district. The property is currently improved with a restaurant in the eastern tenant space. The majority of the western tenant space is currently dining area for the restaurant in eastern tenant space. Additional dining space and accessory classroom space for the restaurant use is provided on the second floor. The UB district does not permit a deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons to be situated within 100 feet of any property in any R district. A Special Use Permit is required to be adopted by City Council to authorize this use.*

*UB-Feature Requirements:*

*Front yard – Based on the submitted plans no front yard is required. This requirement is met by the proposal*

*Side yards – where a side lot line abuts property in an R or RO district, there shall be a side yard of not less than ten feet in width. The proposed location of the eastern tent is within the required side yard. This requirement will need to be waived by the SUP.*

*Rear yard – where a rear lot line abuts or is situated across an alley from property in an R or RO district, there shall be a rear yard of not less than 20 feet in depth. This requirement will need to be waived by the SUP*

*Building height – not to exceed twenty-eight feet (28').*

*Parking Requirement:*

*Fourteen (14) parking spaces are required to be provided on site. Nine (9) are shown to be provided at 1831 and 1829 West Cary Street. Twelve (12) additional spaces are shown to be provided located at 1904 West Cary Street.*

*Refuse Area(s):*

*Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets.*

*Signage:*

*None shown on plans.*

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If approved, the special use permit would impose conditions on the property, including:

3(a) The Special Use of the Property shall be as outdoor dining areas, substantially as shown on the Plans.

(b) The hours of operation of the Special Use shall be limited to 7:00 a.m. through 11:00 p.m., daily, or the closing time of the restaurant, whichever is earlier.

(c) A final plan for the outdoor dining areas, showing privacy screening, location and materials of covered trash containers, height and materials of tents, shall be subject to the approval of the Director of Planning and Development Review in accordance with applicable laws and regulations. Privacy screening shall be provided on the Property to prevent refuse from blowing onto adjacent properties and rights-of-way.

(d) No live entertainment or amplified public address system shall be allowed with the Special Use.

(e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(f) No more than 48 persons may occupy each outdoor dining area at a time, provided that such a limit does not exceed the maximum capacity allowed by the Virginia Uniform Statewide Building Code.

(g) No less than two covered trash containers shall be provided in each outdoor dining area.

(h) No parking shall be required for the Special Use of the Property.

### **Surrounding Area**

Properties to the west and north are located in the same UB - Urban Business District as the subject property while properties to the east and south are zoned R-7 Single- and Two-Family Urban Residential. A mix of single-, two-, and multi-family residential, commercial, mixed-use, and institutional land uses are present in the vicinity.

### **Neighborhood Participation**

The Uptown Association and area residents and property owners were notified of this application. Letters and petitions of support have been received for this application.

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