



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2019-205: To authorize the special use of the property known as 1600 West Cary Street for the purpose of an outdoor dining area, upon certain terms and conditions

To: City Planning Commission
From: Land Use Administration
Date: September 3, 2019

PETITIONER

Virginia Investment Company, LLC

LOCATION

1600 West Cary Street

PURPOSE

To authorize the special use of the property known as 1600 West Cary Street for the purpose of an outdoor dining area, upon certain terms and conditions.

SUMMARY & RECOMMENDATION

The applicant is proposing outdoor dining at the front of the building on the subject property along West Cary Street. The property is located in the 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 special use would be consistent with the intent of the underlying UB Urban Business Zoning District.

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 is consistent with other uses in the community 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 property noted as 1600 West Cary is a .188 acre (8,211 square feet) lot with 90 feet of street frontage and 90 feet deep, improved with a restaurant use. It is located at the northwest corner of West Cary Street and South Lombardy Street in The Fan neighborhood of the Near West planning district and has a history of non-residential use.

Proposed Use of the Property

The special use of the property would be an outdoor dining area for a restaurant.

Master Plan

The City of Richmond's Master Plan designates the subject property for Single Family (Medium Density) land use. Primary uses in this category are "single-family and two-family dwellings, both detached and attached, at densities of 8 and 20 units per acre." (See page 133, Richmond Master Plan.)

Zoning and Ordinance Conditions

The property is located in the UB Urban Business Zoning District. Per the Zoning Ordinance, the intent of the UB 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 district is intended to promote continuity of storefront character along principal street frontages, with minimum interruption by driveways and vehicle traffic across public sidewalk areas. The regulations within the district are intended to preserve the predominant scale and character of existing urban shopping areas, promote retention of existing structures and encourage that new development be compatible with such existing areas and structures.

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.

The special use permit ordinance will impose conditions on the property, including:

- a. The Special Use of the Property shall be as an outdoor dining area, substantially as shown on the Plans.
- b. The hours of operation of the Special Use shall be limited to the hours of 7:00 a.m. through 11:00 p.m., daily.

- c. A privacy screen shall be installed along the western perimeter of the outdoor dining area that shall screen the Special Use from view by adjacent residential uses, substantially as shown on the Plans. At the Owner's request, the Director of Planning and Development Review may approve a privacy screen that is not shown on the Plans but that is otherwise consistent with this ordinance and the Code of the City of Richmond (2015), as amended.
- d. No live entertainment, recorded audio or video, or amplified public address system shall be allowed in connection 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 24 persons or the maximum capacity allowed by the Virginia Uniform Statewide Building Code, whichever is fewer, may occupy the outdoor dining area at any time.
- g. No fewer than two covered trash containers shall be provided in the outdoor dining area.

Surrounding Area

The subject property and properties to the east are zoned UB-PO3 - Urban Business-Parking Overlay District. Properties to the north, west, and south are zoned R-7 Single and Two-Family Urban Residential. A mix of land uses are present in the vicinity of the property.

Neighborhood Participation

A letter of support was received from the Uptown Association.

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