

Leigh Street, LLC

January 3, 2018

Department of Planning and Development Review
Land Use Administration Division
900 East Broad Street, Room 511
Richmond, Virginia 23219

RE: Special Use Permit Application for 2915 West Leigh Street

Dear Special Use Permit Reviewer:

I am making a significant investment in the referenced property that will enhance the neighborhood and exactly meet the intent of the TOD-1 zoning designation. These improvements include adding an attractive balcony to the second floor for the use of offices on the second floor and to provide walk-up a covered dining/outdoor eating space on the ground floor that is inviting to pedestrian traffic.


It should be noted that prior to the rezoning of the Scott's Addition area last year, residential properties and business, including restaurants and manufacturing, coexisted side by side with no issues. Only because of the rezoning to TOD-1, and specifically because during that rezoning process residential houses were zoned R7, no outdoor dining is permitted within 100 feet of any residential property

Because of the above, I am applying for a Special Use Permit for 2915 West Leigh Street that will allow for a restaurant, café, market, food-related tenant or any other tenant to use the first-floor patio space in front of the property for outdoor dining and related uses. This is completely within the objectives of the TOD-1 designation and is supported by the Scotts Addition Boulevard Association.

It should be noted that a zoning variance request to allow outdoor dining and related uses was applied for and approved August 2018 for use associated with a market. This restriction for use only for a market does not meet the intent of the TOD-1 zoning for the area and is overly restrictive and greatly reduces the marketability of the property. As it turns out, during the variance process, a well-suited restaurant tenant wished to lease the space in lieu of a market. In conversations with the zoning board as how to reduce the restrictive nature of the variance, they advised that a special use permit would be more appropriate to address the use in the TOD-1 district.

Attached to this letter and application is an Applicant's report indicating how this proposed special use permit will comply and be compatible with the City's Master Plan and the intent of the TOD-1 District.

Respectfully,



Doug Albertson

Applicant's Report for the Special Use Permit Application for 2915 West Leigh Street

Description of the proposed Special Use Permit:

The proposed Special Use Permit (SUP) is to allow for a restaurant, café, market, food-related tenant or any tenant to use the first-floor patio space in front of the property for outdoor dining and related uses. This would include the ability of the tenant user to temporarily enclose this patio space to protect it from the elements and allow for its use during the winter months if desired.

The patio footprint shall cover an area of 1,000 square feet extending horizontally along the entire Leigh Street frontage of the property.

Impact of the SUP on employee number, vehicular traffic and hours of operation:

The anticipated increase in the number of employees created by this SUP will be consistent with the number a food-service operation such as a restaurant, café, market or any other tenant would have if it leased an additional 1,000 square feet of indoor space. Additionally, the anticipated increase in vehicular traffic created by this SUP will be similar to the amount of vehicular traffic created by a food-service operation or tenant leasing an additional 1,000 square feet of indoor space. The notion of adding 1,000 sf of usable space to this property and the surrounding area is negligible in light of the significant square footage being created by multiple ground-up developments in Scott's Addition.

There is no specific vehicular impact as this is a TOD-1 district.

The hours of operation and use of the area shall be 6 AM to 12 PM.

Proposed SUP Compatibility with the surrounding area:

The proposed SUP promotes the characteristics the TOD-1 district aims to encourage. This SUP will enhance the walkability and urban character of the Scott's Addition area as well as complement similar restaurants and service-related businesses in the near vicinity. These businesses include Buzz and Ned's, Fat Dragon and Buskey Cider across from the property.

As the neighboring residences adjacent to 2915 West Leigh have prompted this SUP application, the following are proposed to decrease the effect on these residential neighbors:

1. Hours of operation will be limited to 6 AM to 12 PM
2. A vegetative privacy screen or equivalent will be used on the western end of the patio area under the balcony to provide separation from the residence located at 2921 West Leigh Street
3. Live bands, public address systems or loud music are not proposed as a use for this patio area.

As mixed-use zoning and property developments are implemented to encourage pedestrian traffic, walkability, density and an urban feel to those areas in Richmond, 2915 West Leigh when coupled with the neighboring residences introduces a corridor of mixed uses. It can

be reasonably expected that this will enhance the direction of increased density and pedestrian walkability in this area of Scott's Addition.

Working with the Scott's Addition Boulevard Association green initiative group, the SUP includes removal of excess old concrete driveways and concrete and the planting of trees and grass between the roadway and the sidewalk.

Proposed SUP compliance with and consideration of City Charter conditions:

1. **The proposed SUP will not be detrimental to the safety, health, morals, and general welfare of the community involved.** Regarding safety and vehicle traffic, the patio area is buffered by its distance from the road. The use of the patio space will not impact the general welfare of the community as it will not host live music or events that could disturb neighboring property owners and tenants. The effect on the health and morals of the community will be negligible and instead will complement the goals of the TOD-1 district and more specifically the direction of the Scott's Addition area.
2. **The proposed SUP will not create congestion in the streets, roads, alleys and other public ways and places in the area involved.** While the presence of a patio as an amenity for the property may increase patronage, the patio's effect on congestion in public ways should be negligible. If anything, this amenity should promote further the pedestrian-focused environment of the TOD-1 District and complement the district's intent to encourage urban walkability. Furthermore, the use is not vehicle-related and in turn should not impact vehicle congestion or increase it.
3. **The proposed SUP will not create hazards from fire, panic and other dangers.** Safety codes will be followed to ensure that the use and/or construction of the patio will not create fire hazards, panic and other danger.
4. **The proposed SUP will not tend to cause overcrowding of the land and an undue concentration of population.** Like item 2 above, the impact on the existing population should be negligible. Additionally, as mentioned in item 2, this amenity should promote further the pedestrian-focused environment of the TOD-1 District and complement the district's intent to encourage urban walkability as well as increase density.
5. **The proposed SUP will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or public requirements, conveniences and improvements.** The effect of the SUP on these aspects will be negligible. On the other hand, the SUP will be an improvement and convenience which will complement the intent of the TOD-1 District.
6. **The proposed SUP will not interfere with adequate light and air.** The proposed SUP shall have no impact on the light and air. While the SUP would allow for the serving and/or consuming of food in the outdoor area considered, the odor should

not be such as to be offensive to the public or neighbors. The preparation and cooking of food is not part of the proposed SUP as it will occur, if applicable, within the confines of the building.

In addition, working with the Scott's Addition Boulevard Association green initiative group, the SUP includes removal of excess old concrete driveways and concrete and the planting of trees and grass between the roadway and the sidewalk.