



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2020-242: To amend Ord. No. 99-324-304, adopted Oct. 11, 1999, which authorized the special use of the property known as 1601 Park Avenue for the purpose of a restaurant use, to authorize outdoor dining facilities and an increased interior seating capacity, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: December 7, 2020

PETITIONER

David Johannas – Johannas Design Group

LOCATION

1601 Park Avenue

PURPOSE

To authorize an amendment to the special use of the property known as 1601 Park Avenue, to authorize outdoor dining facilities and increased interior seating capacity, upon certain terms and conditions.

SUMMARY & RECOMMENDATION

The applicant is requesting to amend an existing Special Use Permit which would authorize the use of an existing patio for outdoor dining purposes and increased seating capacity within the building. The property has an existing ordinance, Ord. No. 99-324-304, adopted on October 11, 1999 which legitimized the conversion of the existing building to a restaurant use.

Staff finds that the proposed amendment is appropriate for this established restaurant use and will provide much needed outdoor dining opportunities during the unique circumstances of the Covid-19 pandemic, as they relate to safe patronage of restaurants.

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 safety, health, morals and general welfare of the community.

Therefore, staff recommends approval of this special use permit request.

FINDINGS OF FACT

Site Description

The subject property consists of a 2,320 SF (.05 acre) parcel of land located in the Fan District neighborhood of the Near West planning district, at the corner of Park Avenue and North Lombardy Street. The property is improved with a building that currently contains a restaurant.

Proposed Use of the Property

The applicant proposes to construct an outdoor dining area for restaurant patrons, and modify interior seating capacity requirements to match current capacity.

Master Plan

The City's 2001 Master Plan designates a future land use category for the subject property as Single-Family Residential at Medium densities. Primary uses for this category "...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. Typical zoning classifications that may accommodate this land use category: R-5A, R-6 and R-7. (City of Richmond Master Plan, 133)

The Richmond 300 Master Plan designates the property for Neighborhood Mixed-Use land use, which is described as "existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses."

"Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets (see Street Typologies Map). Parcels are generally between 1,500 and 5,000 sq. ft. Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space. Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government."

Zoning and Ordinance Conditions

The current zoning for this property is R-6 (Single-Family Attached Residential) and the property is subject to Ord. No. 99-324-304, adopted on October 11, 1999, which legitimized the conversion of the existing building to a restaurant use.

The City's Zoning Administration reviewed the application and provided the following comments:

The following zoning regulations that are not met and must be addressed in the SUP:

Sec. 30-412.1

The proposed use of the building and patio as a restaurant is in not normally permitted in the R-6 district. The existing SUP does not allow outside dining and limits occupancy of the restaurant to 35 people.

Sec. 30-710.1(a)26:

One parking space is required per 100 SF of floor area, including outside dining. No parking spaces are being provided with the proposal.

If adopted, the amended ordinance would include modified conditions, as shown in the attached Ord. No. 2020-242, including:

(c) That the use of the ground floor and basement of the premises shall be as a restaurant with an accessory retail space with a maximum seating capacity of ~~[thirty-five (35)]~~ 46 seats including any counter seats. The basement shall not be used as accessory space for the residential use of the building ~~[There shall be no outdoor dining];~~

(d) There shall be no off-premises sales of cold alcoholic beverages;

(e) That the hours of operation for the interior restaurant and outdoor dining area shall be limited to between 9:00 a.m. and 11:00 p.m., daily, provided that, for the outdoor dining area, seating of patrons shall cease at 9:00 p.m.;

(f) That the consumption or sale of alcoholic beverages shall be permitted inside the restaurant during regular business hours, and the consumption or sale of alcoholic beverages shall be permitted within the outdoor dining area from the hours of 9:00 a.m. to 10:00 p.m.;

(g) That there shall be no live music, amplified music, or public address system outside of the fully enclosed building.

(h) That the outdoor dining area shall be limited to a total of 8 patrons, substantially as shown on the plans entitled "Kuba Kuba Patio, 1601 Park Avenue, Richmond, Virginia," prepared by Johanna Design Group, and dated October 2, 2020, copies of which are attached to and made a part of this amendatory ordinance;

~~[(f)]~~ (i) That identification of the premises shall be limited to a maximum of three signs which, if provided, shall only be sized and located as follows: One sign shall be painted on the door with a maximum sign area of two ~~[(2)]~~ square feet, the second sign shall be wall mounted on the exterior of the building with a maximum sign area of ~~[twenty-two (22)]~~ 22 square feet, and the third sign shall be the a neon sign located over the front door, with a maximum sign area of sixteen (16) square feet;

~~[(g)]~~ (j) That facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall either be located within the building, or if not in conflict with any rights accruing to others, in the area identified as "alley" on the ~~[attached]~~ plans attached to Ordinance No. 99-324-304, adopted October 11, 1999, provided the facilities are located or screened so as not to be visible from adjacent properties and public streets and provided further, there shall be no outside storage of grease, oils, or fats intended for rendering purposes.

(l) No off-street parking shall be required for the Special Use.

Surrounding Area

All surrounding properties are in the same R-6 District as the subject property. The property is located within a mix of land uses including residential, institutional, commercial, and public open space.

Neighborhood Participation

Staff notified the Fan District Association and area residents and property owners. The Fan District Association has provided staff with a letter of no opposition for this amendment.

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