

INTRODUCED: July 26, 2021

AN ORDINANCE No. 2021-214

To amend Ord. No. 2010-028-36, adopted Feb. 22, 2010, which authorized the special use of the property known as 5724 Patterson Avenue for the purpose of waiving certain yard requirements, to allow additional floor area within the shopping center for restaurant use, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: SEP 13 2021 AT 6 P.M.

I. That Ordinance No. 2010-028-36, adopted February 22, 2010, be and is hereby amended and reordained as follows:

§ 1. That the property known as 5724 Patterson Avenue, and identified as Tax Parcel No. W020-0073/014 in the [2009] 2021 records of the City Assessor, being more particularly shown on the survey entitled “Improvements on 2 Parcels of Land Located Along the North Line of Patterson Avenue,” prepared by Balzer and Associates Inc., dated November 24, 2009, and last revised November 30, 2009, a copy of which is attached to and made a part of [~~this ordinance~~] Ordinance No. 2010-028-36, adopted February 22, 2010, is hereby permitted to

AYES: 8 NOES: 0 AB0STAIN: \_\_\_\_\_

ADOPTED: SEPT 13 2021 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

encroach into the required front yard[~~, substantially as shown on the plans entitled “The Grill at Patterson & Grove Avenues”, prepared by R.F. Messer, P.E., and dated August 8, 2009,~~] and additional restaurant floor area is hereby permitted as shown on Sheet A1.0 of the plans entitled “The Grill – Expansion, 5720, 5722 & 5724 Patterson Avenue, Richmond, VA,” prepared by Perretz & Young Architects, dated January 28, 2021, and last revised May 5, 2021, copies of which are attached to and made a part of this amendatory ordinance.

§ 2. That adoption of this ordinance shall constitute the granting of a special use permit for the property, which shall be transferable from the owner of the real estate to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of the property a building permit in accordance with the plans referred to above for the aforementioned purpose, subject to the following terms and conditions:

(a) That the owner of the property shall be bound by, shall observe and shall comply with all other laws, ordinances and rules and regulations applicable to the property, except as otherwise provided in this ordinance.

(b) Application for a building permit for the alterations depicted on the plans referred to above shall be made within [~~twenty-four (24) months~~] 730 calendar days from the effective date of this ordinance. This building permit shall expire and shall become null and void if any necessary construction has not commenced within [~~one hundred eighty (180)~~] 180 days from the date of the building permit or if construction is suspended or abandoned for a period of [~~one hundred eighty (180)~~] 180 days at any time after construction has commenced, as provided in applicable provisions of the Virginia Uniform Statewide Building Code. Should application for

the building permit not be made within [~~twenty-four (24) months~~] 730 calendar days after the effective date of this ordinance or should the building permit expire and become null and void after the expiration of the [~~twenty-four (24) month~~] 730 calendar day time period for making application for the building permit, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

(c) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the subject property have been paid.

(d) Storm or surface water shall not be allowed to accumulate on the land. The owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for drainage of storm or surface water from the property so as not to adversely affect or damage adjacent property or public streets and alleys and the use thereof.

(e) 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 as not to be visible from adjacent properties and public streets;

(f) [~~Parking shall not be required for the restaurant patio~~] A minimum of ten off-street parking spaces shall be provided on the property as shown on the plans entitled "The Grill at Patterson & Grove Avenues," prepared by R.F. Messer, P.E., and dated August 8, 2009, copies of which are attached to Ordinance No. 2010-028-36, adopted February 22, 2010. No additional parking shall be required for the special use of the property.

§ 4. That the privileges granted by this ordinance may under certain circumstances be revoked. Upon noting that a condition of the special use permit has been violated, the Zoning Administrator, shall issue a written notice of violation to the property owner. The notice shall

inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it will review the violation and special use permit pursuant to the provisions of sections [~~§ 114-1050.7~~] 30-1050.7 through [~~§ 114-1050.11~~] 30-1050.11 of the Code of the City of Richmond [~~2004~~] (2020), as amended, if (a) the property owner does not does abate the violation within [~~thirty (30)~~] 30 days of the issuance of the notice or (b) three [~~(3)~~] notices are issued to the property owner within any [~~twelve (12)~~] 12 month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section [~~114-1030.80~~] 30-1030.80 of the Code of the City of Richmond [~~(2004)~~] (2020), as amended, or any other applicable laws or regulations.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the [~~premises~~] property is abandoned for a period of [~~twenty-four~~] 24 consecutive months, use of the property shall be governed thereafter by the zoning regulations prescribed for the district in which the property is then situated.

§ 6. This ordinance shall be in force and affect upon adoption.

II. This amendatory ordinance shall be in force and effect upon adoption.

# City of Richmond

900 East Broad Street  
2nd Floor of City Hall  
Richmond, VA 23219  
www.rva.gov

## Item Request File Number: PRE.2021.685

### O & R Request

**DATE:** May 28, 2021

**EDITION:** 1

**TO:** The Honorable Members of City Council

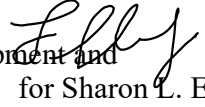
**THROUGH:** The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)  
(This in no way reflects a recommendation on behalf of the Mayor)



**THROUGH:** J.E. Lincoln Saunders, Acting Chief Administrative Officer



**THROUGH:** Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning



for Sharon L. Ebert

**FROM:** Kevin J. Vonck, Acting Director, Dept. of Planning and Development Review



**RE:** To amend and reordain Ord. No. 2010-28-36, adopted February 22, 2010, which authorized the special use of the property known as 5724 Patterson Avenue for the purpose of waiving certain yard requirements and to authorize additional floor area within the shopping center for restaurant use, upon certain terms and conditions.

**ORD. OR RES. No.** \_\_\_\_\_

**PURPOSE:** To amend and reordain Ord. No. 2010-28-36, adopted February 22, 2010, which authorized the special use of the property known as 5724 Patterson Avenue for the purpose of waiving certain yard requirements and to authorize additional floor area within the shopping center for restaurant use, upon certain terms and conditions.

**REASON:** The applicant is requesting to amend the special use permit to authorize additional restaurant floor area within the shopping center, including additional area for outside dining. The existing special use permit authorized a waiver to the front yard (setback) requirement associated with an enclosed patio space for the restaurant, which at the time only occupied the tenant space with an address of 5724 Patterson Avenue. The restaurant has since expanded into the adjacent tenant space with an address of 5722 Patterson Avenue, and is now seeking to expand to the adjacent space that with an address of 5720 Patterson Avenue. Only ten off-street parking spaces exist within the shopping center, which does not satisfy the existing or proposed restaurant floor area.

**RECOMMENDATION:** In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its July 19, 2021, meeting.

**BACKGROUND:** The subject property consists of multiple parcels that have a total lot area of 13,076 square feet (0.3 acres) and is improved with a shopping center containing five tenant spaces that include restaurant, personal service and retail uses. The property is located in the Westhampton neighborhood.

The subject property is located within the B-2 Community Business District. The parking area serving the shopping center does not satisfy the off-street parking requirements for the proposed use mix of the shopping center.

Richmond 300 recommends a future land use of “Community Mixed-Use” for the property. The development style recommended for Community Mixed-Use is development that generally complements the existing context with continuance or enhancement of the gridded street pattern to increase connectivity. The intensity recommended for Community Mixed-Use is two to six story buildings, 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 historic buildings should stepback from the build-to line after matching the height of the predominant cornice line of the block. Ground floor uses should engage and enliven the street, with windows, doors, storefronts and other features that allow transparency and interaction between the building and the street. The primary uses recommended for Community Mixed-Use are retail/office/personal service, multi-family residential, cultural, and open space. Pedestrian, bicycle, and transit access must be prioritized and bike parking should be provided.

The property is also within the Westhampton Neighborhood Node, which envisions new development on underdeveloped parcels to be in a manner that complements and enhances to existing village-scale feel of the area. The portion of Patterson Avenue that this property fronts on is designated as a “Major Mixed-Use Street” on Richmond 300’s “Great Streets and Street Typologies Map.”

Other commercial uses are located along Patterson Avenue to the west, east and south of the subject property. Single family are located to the north of the subject property.

**FISCAL IMPACT / COST:** The Department of Planning and Development Review does not anticipate any impact to the City’s budget for this or future fiscal years.

**FISCAL IMPLICATIONS:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

**BUDGET AMENDMENT NECESSARY:** No

**REVENUE TO CITY:** \$1,200 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** June 28, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** July 26, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
July 19, 2021

**AFFECTED AGENCIES:** Office of Chief Administrative Officer  
Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Amend Ord. No. 2010-28-36

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Draft Ordinance, Application Form, Applicant's Report, Plans, Map

**STAFF:** Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646-5648



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review  
Land Use Administration Division  
900 E. Broad Street, Room 511  
Richmond, Virginia 23219  
(804) 646-6304

<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- special use permit, new**
- special use permit, plan amendment**
- special use permit, text only amendment**

**Project Name/Location**

Property Address: \_\_\_\_\_ Date: \_\_\_\_\_

Tax Map #: \_\_\_\_\_ Fee: \_\_\_\_\_

Total area of affected site in acres: \_\_\_\_\_

(See **page 6** for fee schedule, please make check payable to the "City of Richmond")

**Zoning**

Current Zoning: \_\_\_\_\_

Existing Use: \_\_\_\_\_

**Proposed Use**

(Please include a detailed description of the proposed use in the required applicant's report)

Existing Use: \_\_\_\_\_

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_( ) \_\_\_\_\_ Fax: \_( ) \_\_\_\_\_

Email: \_\_\_\_\_

**Property Owner:** SETH CORP C/O KIRK KEIL

If Business Entity, name and title of authorized signee: \_\_\_\_\_ Agent of Owner

(see attached authorization if needed)

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_( ) \_\_\_\_\_ Fax: \_( ) \_\_\_\_\_

Email: \_\_\_\_\_

**Property Owner Signature:** \_\_\_\_\_ Agent of Owner (see attached authorization if needed)

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

**NOTE:** Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)



# Concierge Construction Consulting, LLC

P.O. Box 12534, Richmond, VA 23241-0534 | 804.767.9305 | info@cccllcrva.com | cccllcrva.com

## Application for Special Use Permit - 5724 Patterson Avenue - Applicant Report



**Application for Special Use Permit - 5724 Patterson Avenue - Applicant Report for:**

Department of Planning and Development Review\_Land Use Administration Division

**Date:**

rev.2 May 1, 2021/rev. March 30, 2021/January 29, 2021

**Prepared by:**

“The Grill” and Concierge Construction Consulting, LLC

C

# Concierge Construction Consulting, LLC

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## Introduction

This applicant report shall supplement the plans and application submitted for the Application for Special Use Permit for the project located at 5724 Patterson Avenue (“The Grill”). At this location “The Grill” restaurant currently operates and has been operating for (12) years. Due to the pandemic and the spacing regulations set forth by our governmental authorities the restaurant was unable to operate in a way conducive to continued operation and not ultimately relieve staff of their duties as meeting the spacing requirements results in very few customers being able to eat within the establishment. During this time the tenant in the space adjacent to the restaurant moved to another location and therefore this space became available for lease. Once this opportunity was available we were able to secure a lease for this space. The idea was to expand our current dining area into the aforementioned space. First and foremost it would make the feasibility of operating under the spacing requirements, while not ideal, all the more possible and also would allow us to operate in a manner that would hopefully bring in the finances needed to not only continue to operate but to not have to relieve any staff of their duties. Unfortunately due to the addition of this added square footage to the current establishment the parking requirements set forth by the City of Richmond Zoning Ordinance were increased. Once informed of this reality the search for additional parking to meet this requirement commenced. After reaching out to surrounding property owners who may have been able to allow the leasing of parking on their respective parcels by the establishment, there was no parking made available to lease. For this reason the expanded parking requirements are not able to be met. All options have been exhausted to secure the additional parking and therefore the only option available, as introduced by Land Use Administration, was to submit an Application for Special Use Permit to request a waiver of this additional parking requirement. In addition to our original request, due to a recommendation from a representative of the City of Richmond Department of Economic Development, we are also proposing to supply additional outdoor seating for customer dining. This outdoor seating if approved as proposed will be located on private property (sidewalk directly in front of our establishment).

## Goal

The goal of this Application for Special Use Permit is to request and garner the waiving of the additional parking requirements required by the Zoning Ordinance due to additional square footage we are proposing to be added to the establishment for customer dining (interior and exterior). If this waiver is granted the establishment will not only during the current pandemic be able to provide service to more customers but after the pandemic will be able to operate in an expanded manner.

C

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## Operating Procedure (Overview)

The establishment in question operates in the customary manner of any restaurant. This includes the serving of food to the public in two manners specifically, dine-in and to go. If the Application for Special Use Permit results in the waiver of the additional parking requirement requested the restaurant will continue to operate in the same manner as previous with the only difference being the expansion of the dining area. As shown in the plans submitted the area of expansion only consists of added tables and chairs for additional customer seating (interior and exterior).

## Operating Procedure: Employees

This establishment in question employs around (35) total employees normally, with approximately (10) working at any one time. If the Application for Special Use Permit results in the waiver of the additional parking requirement additional employees may be hired which would obviously be a positive.

## Operating Procedure: Hours of Operation

This establishment operates and has been operating for years under the following schedule and this is not intended to change if the Application for Special Use Permit results in the waiver of the additional parking requirement.

Monday: CLOSED

Tuesday: 11am-10pm

Wednesday: 11am-10pm

Thursday: 11am-10pm

Friday: 11am-10pm

Saturday: 9am-10pm

Sunday: 9am-10pm

## Operating Procedure: Vehicular Traffic

If the Application for Special Use Permit results in the waiver of the additional parking requirement there should not be any change to the vehicular traffic in the area as there was already a successful business in the aforementioned space which included much customer activity. In addition, the traffic in this area is customary for a commercial district therefore the expansion of an existing business into a previously used space should have no effect.

C

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## Community Compatibility and/or Affects

As previously stated this establishment has been operating for (12) years. During this time this establishment has operated as part of the fabric of this community by providing food service and employing a large number of Richmond residents. This establishment in no way would be detrimental to the safety, health, morals or general welfare of the community as again it has been in operation for a number of years and has not caused any negative impact on this area. More specifically this establishment for the aforementioned reasons would not have any substantive effects on the area whether private property or the public right of way. It will also not create any hazards of any kind, affect the overall population/density of this area negatively, affect any public or private operations of any kind and most definitely will not have any effects, positive or negative to the natural environment, e.g. light, air, etc. It must be noted again this establishment operates in the customary manner of any restaurant and to this point successfully. This will not change if the Application for Special Use Permit results in the waiver of the additional parking requirement and consequently the overall square footage of the establishment is increased.

## Miscellaneous

There are some questions regarding portions of the exterior patio area and these areas having the appropriate documentation. It was of our understanding this area was in compliance per answers provided by Zoning division personnel in the past. Under the direction of Land Use Administration we have also shown this area on the plans want to make sure it is included in any documentation going forward as we want to make sure, as has always been the case, we operate in a manner which meets the regulations and requirements set forth by any and all respective authorities.

## Conclusion

First and foremost “The Grill” and all associated parties would like to thank all of the City of Richmond representatives involved for allowing us the opportunity to submit the application in question and pursue our goals of expanding our existing services. We appreciate your continued support in our endeavor to assist the citizens of the City of Richmond and continue to be a positive influence on the community as has been the case since for the last (12) years.

C

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If needed please contact:

Harvey C. Johnson, III  
The Grill  
Concierge Construction Consulting, LLC  
P.O. Box 12534  
Richmond, VA 23241-0534  
hjohnson@cccllerva.com  
info@cccllerva.com  
804.767.9305

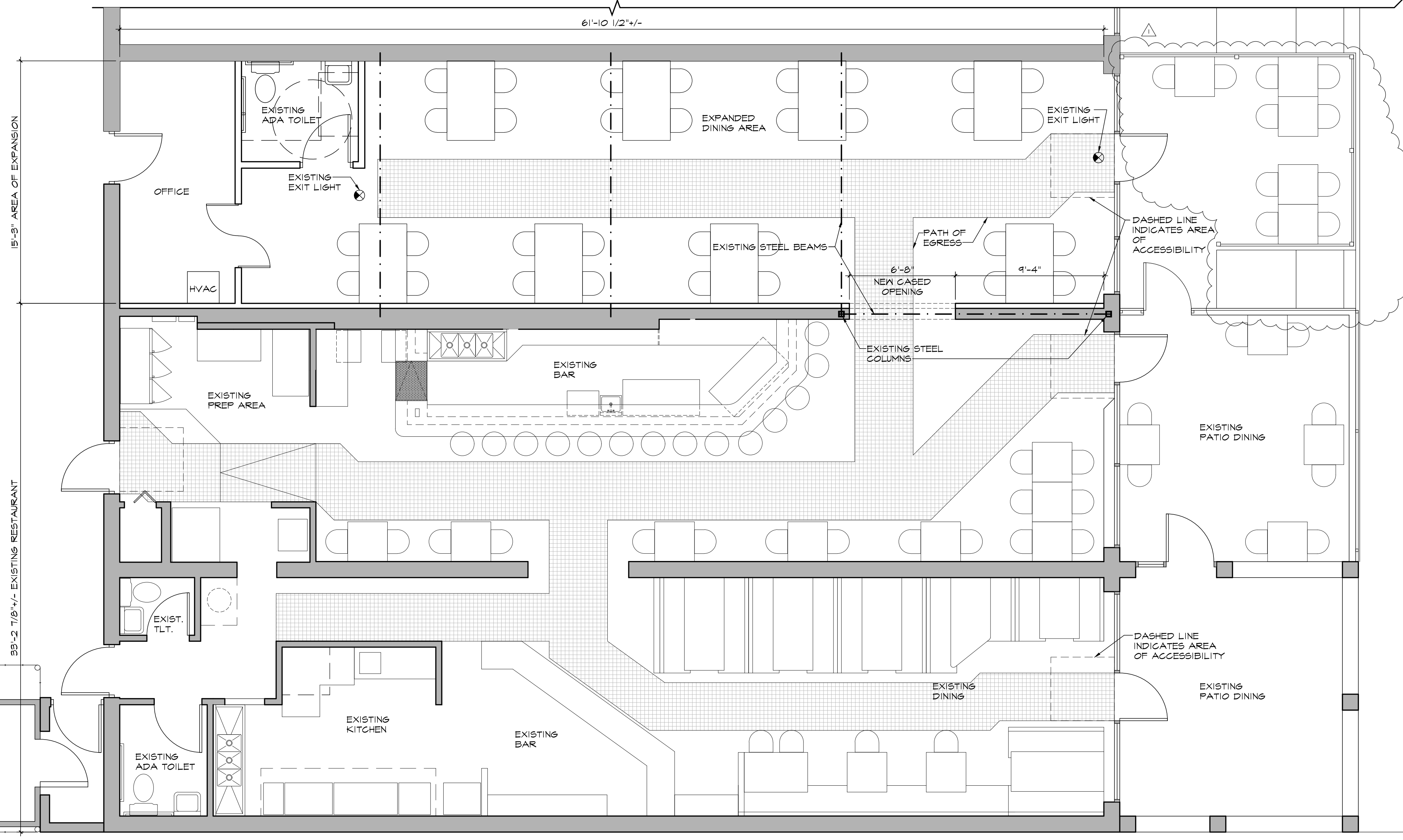
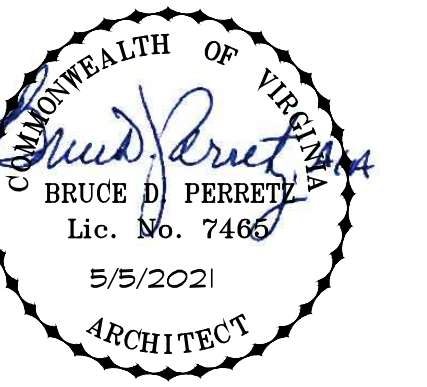
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1 FLOOR PLAN

1/4" = 1'-0"

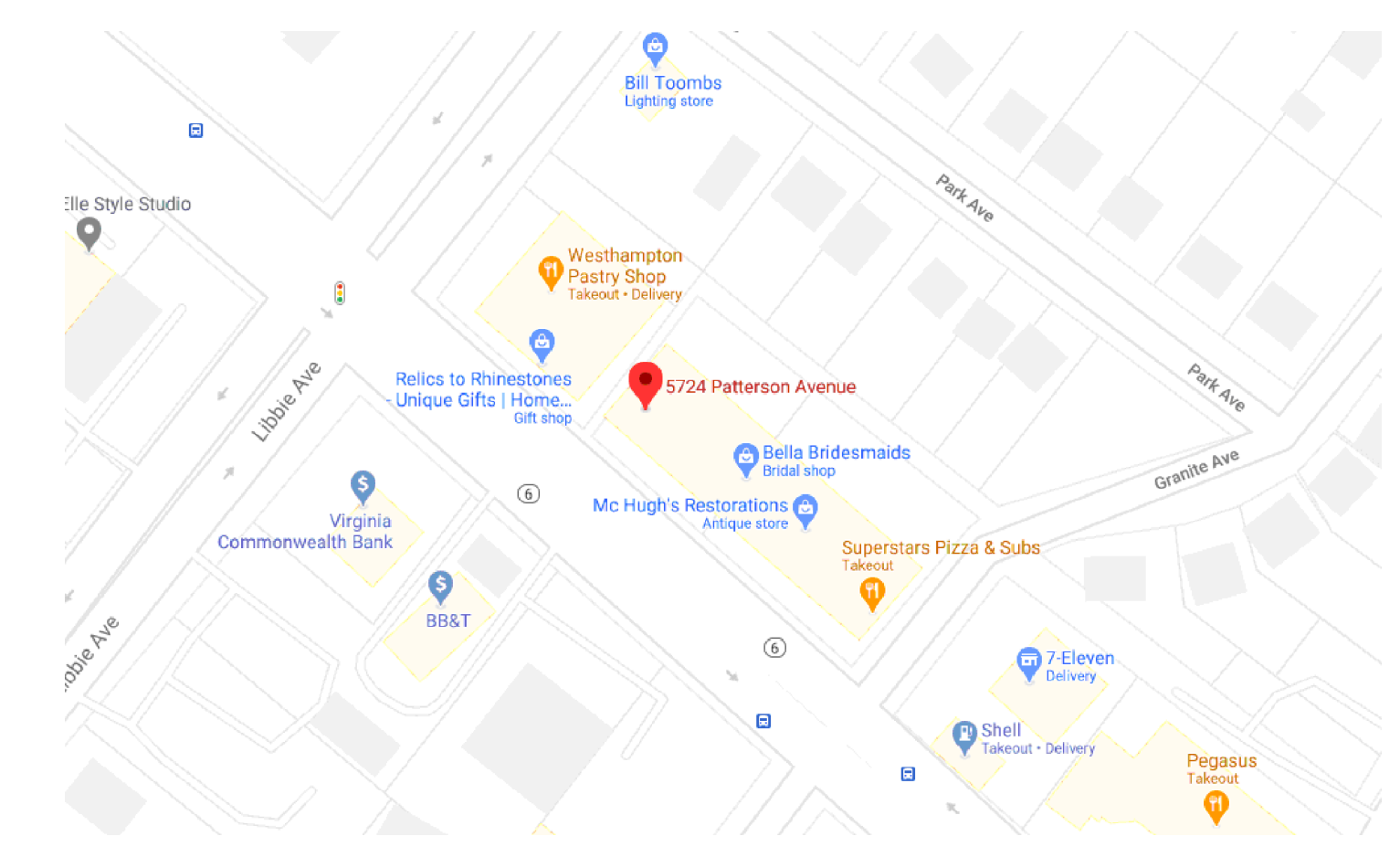
**EXISTING BUILDING CODE INFO**

VUSBC / IBC 2006 / ICC/ANSI A117.1-2003	EXISTING RESTAURANT OCCUPANCY	Sprinkled:	Not Sprinklered
Use Group: A-2 (NO CHANGE) EXPANSION OF EXISTING RESTAURANT	Dining Occupancy:(seats provided) 49 Occupants	Fire Separation Assembly:	EXISTING MASONRY DEMISING WALL
Construction Type: ON FILE @ CITY OF RICHMOND BUILDING INSPECTION	Waiting Occupancy:(18/5) 4 Occupants		
	Kitchen Occupancy:(154/200) 1 Occupants		
	Wait Staff 4 Occupants		
	Total Existing Occupancy: 58 Occupants		
	ADDITION OCCUPANCY		
Existing Restaurant Area: 1,040 S.F.	Dining Occupancy:(seats provided) 34 Occupants		
Existing Patio Area: 240 S.F.	Waiting Occupancy:(20/5) 4 Occupants		
Additional Area: 1,040 S.F.	Kitchen Occupancy:(223/200) 2 Occupants		
	Total Additional Occupancy: 40 Occupants		
Total Area: 2,320 S.F.	Total Occupancy: 98 Occupants		

**EXPANSION BUILDING CODE INFO**

NOTE: WORK IN EXPANSION AREA IS MOSTLY COSMETIC EXCEPT CREATING OPENING TO EXPANSION AREA.

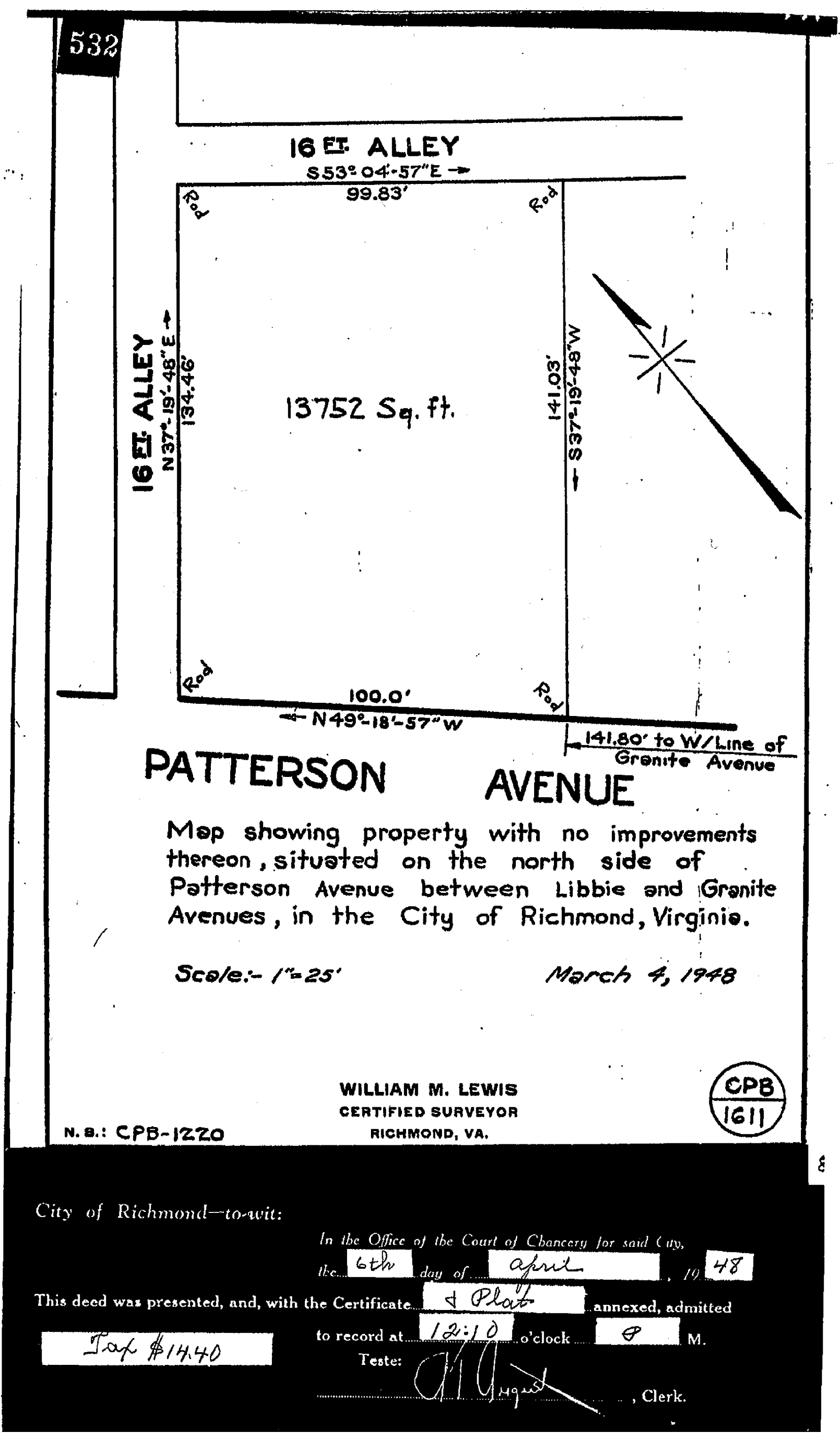
VUSBC / IBC 2015 / ICC/ANSI A117.1-2009 2015 VIRGINIA EXISTING BUILDING CODE	EXISTING RESTAURANT OCCUPANCY	Sprinkled:	Not Sprinklered
Use Group: A-2 (NO CHANGE) EXPANSION OF EXISTING RESTAURANT	Total Additional Occupancy: 98 Occupants	Fire Separation Assembly:	EXISTING MASONRY DEMISING WALL
Construction Type: ON FILE @ CITY OF RICHMOND BUILDING INSPECTION	ADDITION OCCUPANCY	ZONING:	B-2 COMMUNITY BUSINESS DISTRICT
	Dining Occupancy:(784/15) Table 1004.1.2 53 Occupants		
	Office Occupancy:(111/100) Table 1004.1.2 2 Occupants		
	Total Additional Occupancy: 55 Occupants		
Existing Area: 2,320 S.F.	Total Occupancy: 153 Occupants		
Additional Area: 900 S.F.			
Total Area: 3,220 S.F.			



NOTE: THERE ARE PARKING AREAS BEHIND THE SHOPPING CENTER AND STREET PARKING IN FRONT OF THE SHOPPING CENTER ON PATTERSON AVENUE.

2 VICINITY MAP

NOT TO SCALE



PATTERSON AVENUE

Map showing property with no improvements thereon, situated on the north side of Patterson Avenue between Libbie and Granite Avenues, in the City of Richmond, Virginia.

Scale: 1" = 25' March 4, 1948

WILLIAM M. LEWIS  
CERTIFIED SURVEYOR  
RICHMOND, VA.



City of Richmond—to-wit:

In the Office of the Court of Chancery for said City,  
the 6th day of April, 2021, 48

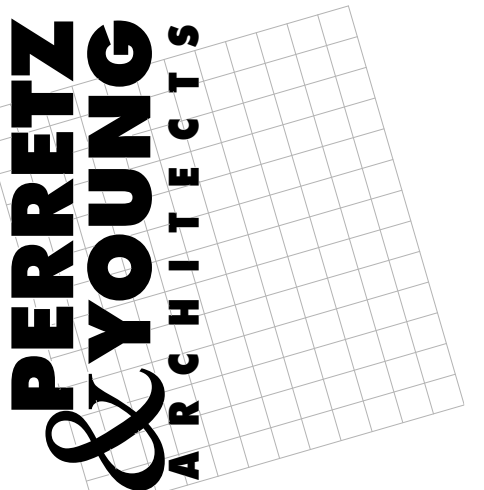
This deed was presented, and, with the Certificate of Plat annexed, admitted to record at 12:10 o'clock P.M.  
Test: [Signature] Clerk.

3 PROPERTY MAP

SCALE AS SHOWN

THE GRILL - EXPANSION  
5720, 5722 & 5724 PATTERSON AVENUE  
RICHMOND, VA

10962 RICHARDSON ROAD  
SUITE J  
ASHLAND, VIRGINIA 23005  
904-550-3048  
FAX 804-550-4217



JOB NO. \_\_\_\_\_  
DATE: 01-28-2021  
REV: 05-05-2021  
SCALE: AS NOTED  
SHEET: \_\_\_\_\_