



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2021-277: To authorize the special use of the property known as 3401 Patterson Avenue for the purpose of a restaurant, tea room, café, delicatessen, ice cream parlor, or similar food service establishment, upon certain terms and conditions, and to repeal of Ord. No. 90-142-117, adopted May 14, 1990.

To: City Planning Commission
From: Land Use Administration
Date: October 18, 2021

PETITIONER

Jennifer D. Mullen, Esq.

LOCATION

3401 Patterson Avenue

PURPOSE

To authorize the special use of the property known as 3401 Patterson Avenue for the purpose of a restaurant, tea room, café, delicatessen, ice cream parlor, or similar food service establishment, upon certain terms and conditions, and to repeal of Ord. No. 90-142-117, adopted May 14, 1990.

SUMMARY & RECOMMENDATION

The proposal is to adapt an existing vacant building for a commercial coffee shop which use, among other things, does not meet the requirements of section 30-416.1, regarding permitted principal uses, of the Code of the City of Richmond (2020), as amended. A Special Use Permit is therefore required.

Staff finds that the proposal would be consistent with the recommendations of the City's Richmond 300 Master Plan pertaining to the Neighborhood Mixed-Use Category. The proposed uses, and proximity to a designated "Major Mixed-Use Street", align well with the aforementioned Master Plan recommendations.

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.

FINDINGS OF FACT

Site Description

The property is within the Museum District neighborhood and consists of a 3,684 sq. ft., .09 acre parcel, improved with a 1,027 sq. ft. vacant building constructed, per tax assessment records, in 1965.

Proposed Use of the Property

The applicant is proposing to adapt an existing vacant building for a commercial coffee shop.

Master Plan

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed Use which is defined 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." These areas feature a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Setbacks, plazas, and parks create a sense of place and community gathering areas. New developments on larger parcels continue or introduce a gridded street pattern to increase connectivity within the neighborhood and to adjacent neighborhoods. In historic neighborhoods, small-scale commercial uses exist today or should be allowed to reestablish. In new neighborhoods, small scale commercial buildings should be introduced. Regardless of use, buildings should engage the street with features such as street-oriented façades with windows and door openings along street frontages. Appropriate setbacks, open space, front porches, elevated ground floors, and other features that provide a sense of privacy should be provided for residential uses. Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. New driveways are prohibited on Priority and Principal Street frontages. Vehicular access to parcels should use alleys wherever possible. Parking areas should be located to the rear of street-facing buildings.

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets. 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.

The property is located on a designated Major Mixed-Use Street which:

- Carry high volumes of vehicles, pedestrians, and bicycles, through commercial and mixed-use areas
- Prioritize use and density-scaled sidewalks and crosswalks

- Require form elements, such as buildings to the street with parking in the rear, as well as building windows and entrances on the street
- Incorporate streetscape features, such as trees, benches, and trash receptacles
- Ideal locations for transit routes and transit stops
- Prioritize the curbside for walking, bicycling, transit, and short-term parking access and loading for local shops and restaurants (p. 74)

Zoning and Ordinance Conditions

The current zoning for this property is R-6 Single Family Attached Residential.

The City of Richmond Zoning Administration has reviewed plans. The application does not meet the following zoning requirements:

Sec. 30-416.1. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the R-48 district:

- (1) Any principal use permitted in the R-1 district as set forth in Section 30-402.1;
- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
 - a. Appropriate agreements and covenants approved by the City Attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
 - b. Architectural variations shall be provided among units within any series of more than four units;
 - c. A plan of development shall be required as set forth in Article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in Article X of this chapter;
- (4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in Article X of this chapter;
- (5) Day nurseries, provided that:
 - a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;
 - b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;
 - c. No play equipment or structure shall be located within a front yard or a required side yard;
- (6) Adult day care facilities.

This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as a restaurant, tea room, café, delicatessen, ice cream parlor, or similar food service establishment, substantially as shown on the Plans. Live or recorded music may be played in conjunction with the Special Use.

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

(c) Building modifications and site improvements, including perimeter fencing, shall be substantially as shown on the Plans, subject to applicable regulations of the West of the Boulevard Design Overlay District, pursuant to sections 30-940 through 30-940.9 of the Code of the City of Richmond (2020), as amended.

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

(e) Parking for no fewer than 12 bicycles shall be provided on the Property.

(f) The capacity of the outdoor seating area shall be limited to 68 patrons.

(g) The Special Use shall not be open to the public except during the hours of 6:00 a.m. to 8:00 p.m., Monday through Thursday, and 6:00 a.m. to 9:00 p.m., Friday through Sunday.

(h) In addition to the signs permitted by the underlying zoning regulations, signs permitted by section 30-507.1 of the Code of the City of Richmond (2020), as amended, shall be permitted on the Property.

(c) 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 so as not to be visible from adjacent properties and public streets.

(e) The Owner shall make improvements within the public right-of-way, including new street trees along Patterson Avenue and Roseneath Road and closing the curb cut along Patterson Avenue, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works.

Surrounding Area

All adjacent and nearby properties to the west are located within the same R-48 Multifamily Residential Zone as the property in question while those to the east are primarily R-6 Single-family attached residential. The property is in close proximity to Albert Hill Middle School.

Neighborhood Participation

Staff notified area residents, property owners, and the Museum District Association of the proposed Special Use Permit. To this date, staff has received no letters of support, nor opposition, for this application.

Staff Contact: Jonathan Brown, Senior Planner, Land Use Administration, 804-646-5734