



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2024-016: To authorize the special use of the property known as 3308 East Marshall Street for the purpose of a mixed-use building with outdoor dining, upon certain terms and conditions. (7th District).

To: City Planning Commission
From: Land Use Administration
Date: February 4, 2025

PETITIONER

Will Gillette - Baker Development Resources

LOCATION

3308 East Marshall Street

PURPOSE

The applicant is seeking a Special Use Permit (SUP) to allow outdoor dining at a mixed-use building currently under construction. The building, approved under POD-110029-2022, has already received all necessary building permits and Certificates of Appropriateness from the Commission of Architectural Review. This SUP is specifically requested to authorize outdoor dining, as the proposed use does not comply with Section 30-433.2 of the Code of the City of Richmond (2020), which prohibits outdoor dining within 100 feet of properties located in a Residential (R) District. As such, a Special Use Permit is required for this request.

RECOMMENDATION

Staff finds that the proposed changes remain aligned with the Master Plan recommendations for Neighborhood Mixed Use land uses, where “large multi-family buildings” and “retail/office/personal service” are recommended secondary uses. The building scale, as well as the proposed public right-of-way improvements align well with the development style recommended within Neighborhood Mixed-Use.

Staff concludes that the proposed ordinance conditions substantially satisfy the safeguards established in the City Charter concerning the granting of Special Use Permits. 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 located in the Chimborazo neighborhood, on the north side of East Marshall Street near its intersection with North 33rd Street. It consists of a 11,023-square-foot (0.253-acre) parcel.

There is a mixed-use building on the subject parcel, which was authorized under POD-110029-2022.

Proposed Use of the Property

Mixed-Use Building with Outdoor Dining

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."

Development Style: 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.

Ground Floor: 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.

Mobility: 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. (p. 56)

The property is also situated within an area designated as a Micro Node in the Richmond 300 Master Plan. Micro Nodes are described as "A notable place within a neighborhood that generally provides goods and services to the immediate residents but may attract visitors... Micro Nodes provide mixed-use destinations within primarily residential areas and help create a unique sense of place within many of Richmond's historic urban neighborhoods. Micro Nodes are a model for future development as new neighborhoods emerge. (p. 24)"

Zoning and Ordinance Conditions

The current zoning for this property is UB Urban Business District. The proposed outdoor dining use is not a permitted principal or accessory use within the UB District because it is located within 100 feet of a Residential R District.

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

- The Special Use of the Property shall be as a mixed-use building with outdoor dining, substantially as shown on the Plans.
- Off-Street parking shall not be required for the Special Use.
- The Property shall not be used for outdoor dining before 6:00 a.m. and after 11:00 p.m.
- The outdoor dining area shall not exceed the maximum occupancy capacity allowed by the Virginia Uniform Statewide Building Code.
- All materials and site improvements shall be substantially as shown on the Plans and subject to the conditions of the Certificate of Appropriateness issued by the Commission of Architectural Review on October 24, 2023, in response to Application No. COA-098251-2021.

Surrounding Area

The property's fronting Marshall Street on the same block and the two lots on the southern corner of the intersection of East Marshall Street and North 33rd Street are all located within the same UB Urban Business District. Properties to southwest are generally located in the R-63 Multi-family Urban Residential District and properties to the northeast are generally located in the R-8 Urban Residential District.

The surrounding land uses are primarily residential, with some existing institutional uses on the same block and a large multi-family building located on the northern corner of East Marshall Street and North 33rd Street. The subject property is located one block north of Chimborazo Park and two blocks east of Chimborazo Elementary School.

Neighborhood Participation

Staff notified area residents, property owners, and the Church Hill Association of RVA and the Church Hill Central Civic Association of the proposed Special Use Permit. Staff has received one letter of support for this request.

Staff Contact: Alyson Oliver, Planner, Land Use Administration, 804-646-3709