



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: 3308 E Marshall Street

Date: 4/3/2024

Parcel I.D. #: E0000884017 Fee: \$300

Total area of affected site in acres: 0.2531

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

Zoning

Current Zoning: UB Urban Business

Richmond 300 Land Use Designation: Neighborhood Mixed-Use

Proposed Use

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

Partial waiver of the radius requirement for outdoor dining

Existing Use: Mixed-Use

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Will Gillette

Company: Baker Development Resources

Mailing Address: 530 East Main Street, Suite 730

City: Richmond

State: VA

Zip Code: 23219

Telephone: (864) 377-9140

Fax: ()

Email: will@bakerdevelopmentresources.com

Property Owner: C and M Properties LLC

If Business Entity, name and title of authorized signee: _____

(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: 611 N 26th St

City: RICHMOND

State: VA

Zip Code: 23223

Telephone: ()

Fax: ()

Email: _____

Property Owner Signature: _____

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)

APPLICANT'S REPORT

March 4th, 2024

Special Use Permit

3308 E Marshall Street, Richmond, Virginia

Map Reference Number: E000-0884/017

Submitted to:

City of Richmond

Department of Planning and Development Review

Land Use Administration

900 East Broad Street, Suite 511

Richmond, Virginia 23219

Prepared by:

Baker Development Resources

530 East Main Street

Suite 730

Richmond, Virginia 23219

Introduction

The property owner is requesting a special use permit (the "SUP") for 3308 E Marshall Street (the "Property"). The current development of the Property with a mixed-use building has already been authorized by a Plan of Development approval (the "POD"). In order to permit flexibility in the occupancy of the commercial space within the building, the SUP would authorize a partial waiver of the radius requirement associated with outdoor dining as required by the underlying UB zoning district.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the northern line of E Marshall Street between N 33rd Street and Chimborazo Boulevard and is referenced by the City Assessor as tax map number E0000884017. The Property consists of 11,023 square feet of land and is accessible via alleys adjacent the northern and eastern portions of the Property. A plan of development (the "POD") was approved for a mixed-use building in October of 2022 and a final Certificate of Appropriateness was authorized for the building in 2023.



Properties in the immediate vicinity are occupied with a wide variety of commercial, institutional, and residential uses of varying intensities and scales. Properties along E Marshall Street tend to be of more intense uses including large apartment buildings, churches, and mixed-use buildings.

Surrounding this commercial node are one- and two-family dwellings interspersed with multifamily dwellings, commercial and institutional uses, and parks.

EXISTING ZONING

The Property is zoned UB Urban Business which permits small, neighborhood serving businesses in conjunction with multi-family dwellings. The use of the building for mixed-use is permitted by-right in the UB district. A Plan of Development was approved for the physical characteristics of the overall development as is now proposed.

The Property lies within a small UB commercial district or node, including properties to the west along E Marshall Street from the N 33rd Street intersection to the Chimborazo Blvd intersection. The surrounding properties are zoned R-8 residential.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the “Master Plan”) suggests “Neighborhood Mixed-Use” for the Property. The Master Plan describes this land use designation 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.” Ground floor uses which engage the street are recommended for this classification.

The Property is also located adjacent the “Micro Node” centered at N 32nd and E Marshall Streets which is described by the Master Plan as “a notable place within a neighborhood that generally provided goods and services to immediate neighbors but may attract visitors.”

In addition to the Property-specific guidance offered by the Vision and Core Concepts chapter, there are several other goals elsewhere within the Master Plan that support this request:

Page 109 (Equitable Transportation Chapter), Objective 6.1 to “Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multi-modal transportation options.”

b. Develop housing at all income levels in and near Nodes and along major corridors (see strategies Goal 14).

Page 136 (Diverse Economy Chapter), Objective 11.1 to “Increase the areas of appropriately zoned land near various transportation modes and housing to retain, create, and attract employers.”

d. Encourage the development of a variety of quality housing types to house employees across the economic spectrum (see Goal 14).

Page 150 (Inclusive Housing Chapter), Objective 14.1 to “Increase city-wide awareness of the importance of integrating housing at all income levels into every residential neighborhood so every household has housing choice throughout the city.”

Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.4 to “Increase the number of mixed-income communities along enhanced transit corridors.”

Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.5 to “Encourage more housing types throughout the city and greater density along enhanced transit corridors and at Nodes (shown in Figure 38 [p.153]) by amending the Zoning Ordinance. “

e) Allow the development of middle housing (2- to 4- unit buildings) by-right within 1/2 mile of high-frequency transit stops.

Page 155 (Inclusive Housing Chapter), Objective 14.8 to “Develop inclusionary and equitable housing options for our gentrifying neighborhoods to prevent involuntary displacement.”

Page 159 (Thriving Environment Chapter) Objective 15.1 to “Reduce air pollution related to transportation.”

a. Increase the number of Richmonders living in a development pattern that encourages density and reduces dependency on single-occupancy vehicles (see Goal 1, Goal 8, Goal 14).

Page 86 (High-Quality Places Chapter), Objective 1.4, to “maintain and improve primarily residential areas by increasing their linkages to...corridors...and maintaining high-quality design standards”

Page 100 (High Quality Places Chapter), Objective 4.1, to “create and preserve high-quality, distinctive, and well-designed neighborhoods and nodes throughout the City,” as the request introduces thoughtfully designed new construction in a manner not otherwise assured by-right.

Proposal

PURPOSE OF REQUEST

The construction of the proposed mixed-use building has been authorized for the Property pursuant to the POD (POD-110029-2022) which was approved in October 2022. This request would permit some flexibility in the occupancy of the corner commercial space that was approved in conjunction with the POD. Specifically, the SUP would authorize a partial waiver of the radius requirement associated with outdoor dining.

PROJECT SUMMARY

The previously approved mixed-use building includes up to two tourist homes and eleven dwelling units as well as commercial space fronting E Marshall Street.

In the UB District, where restaurants are concerned, Section 30-433.2(21)a requires that “no deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district. The applicant is requesting a partial waiver of the radius requirement for outdoor dining in order to be able to use the space in front of the Property, along E Marshall Street, for outdoor dining. Based on measurements scaled from the City’s GIS system, this area is located approximately 67 feet from the closest Property located within an R district. The requested waiver of approximately 33 feet would allow for the development to better engage the street with an active use, visible along the E Marshall Street corridor.

Findings of Fact

The following are factors indicted in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- ***Be detrimental to the safety, health, morals and general welfare of the community involved.***

The proposed special use permit will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed development would offer services to the community and a safe, convenient and economically viable pedestrian environment, thereby providing positive impacts in terms of safety, welfare, etc.

- ***Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.***

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The proposal is designed be consistent with the Property's master-plan recommendation for pedestrian-oriented development which is designed for walkability.

- ***Create hazards from fire, panic or other dangers.***

The Property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- ***Tend to overcrowding of land and cause an undue concentration of population.***

The proposed special use permit will not tend to over crowd the land or create an undue concentration of population. The proposed density and urban form are appropriate to the Property's location and consistent with the recommendations of the Master Plan and ongoing planning guidance.

- ***Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.***

The special use permit would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development. This benefit can be attributed to the significant investment in the property and taxes related to the commercial use of the first floor.

- ***Interfere with adequate light and air.***

The light and air available to adjacent properties will not be affected.

Summary

The physical development of the site is permitted by virtue of an approved Plan of Development. The applicant is only seeking relief from the radius requirements relating to outdoor dining in order to allow flexibility in the occupancy of the commercial use within the building. The development is an ideal, small-scale urban development at this location. The SUP would permit the occupancy of the commercial space with an active first floor use that would be neighborhood serving while providing a better pedestrian experience and enhancing pedestrian connections within the district and to nearby neighborhoods. This would better address the goals of the Master Plan while remaining consistent with the intent of the UB District.

THE SITE IS TO BE GRADED TO PROPOSED CONTOURS AS SHOWN. NO CRITICAL EROSION CONTROL PROBLEMS ARE ANTICIPATED AS MOST EROSION CONTROL MEASURES ARE TO BE IMPLEMENTED PRIOR TO LAND DISTURBANCE. THE CONTRACTOR SHALL ADHERE TO THE FOLLOWING MAINTENANCE AND PROCEDURES.

- ## COMPOST AMENDMENT

- ## DEMOLITION PLAN



1. MEASURES MUST BE APPROVED BY THE SITE INSPECTOR PRIOR TO ADDITIONAL LAND DISTURBANCE
2. THE CONTRACTOR IS RESPONSIBLE FOR THE INSTALLATION OF ANY ADDITIONAL MEASURES NECESSARY AS DETERMINED BY THE SITE INSPECTOR
3. ROUGH GRADE PROJECT AREA. DISTURBED AREAS ARE TO DRAIN TO AN APPROVED E&S MEASURE DURING SITE DEVELOPMENT
4. DEMOLISH EXISTING SITE IMPROVEMENTS EXCEPT AS NOTED AND REMOVE FROM SITE
5. SEED AND MULCH ALL DENUED AREAS WITHIN 7 DAYS THAT WILL REMAIN DORMANT (UNDISTURBED) FOR LONGER THAN 14 DAYS
6. TOP SOIL WILL NOT BE STOCKPILED
7. CONSTRUCT BUILDING PER APPROVED PLAN; REMOVE SILT FENCE ALONG STREET AS NEEDED
8. FINE GRADE REMAINDER OF SITE
9. CONSTRUCT SWM FACILITY IN COURTYARD PER APPROVED SITE PLAN DURING DRY PERIODS. CAP INLET.
10. CONSTRUCT COURTYARD
11. REMOVE SEDIMENT FROM COURTYARD BEFORE REMOVING INLET CAP
12. REGRADE/COMPACT REMAINING AREA AS NEEDED
13. CONSTRUCT REMAINING SITE IMPROVEMENTS
14. PERMANENTLY STABILIZE ALL REMAINING DISTURBED AREAS
15. RE-GRADE GRASS ALLEY AND APPLY STONE AS NEEDED TO PROVIDE POSITIVE DRAINAGE
16. REPAIR ASPHALT ALLEY, ENTRANCE APRONS, SIDEWALKS, CURB & GUTTER AS NEEDED
17. REMOVE REMAINING EROSION CONTROL DEVICES AFTER SITE IS COMPLETELY STABILIZED AND FINAL PERFORMANCE APPROVAL BY THE ENVIRONMENTAL INSPECTOR

X REMOVE

REMOVE

1. ALLOW THE PROPER E&S MEASURES AND TRAFFIC AND PEDESTRIAN SAFETY ARRANGEMENTS AS NEEDED TO BE PUT IN PLACE BEFORE COMMENCING WORK
2. ALL SITE IMPROVEMENTS ARE TO BE REMOVED EXCEPT FOR FACE OF BUILDINGS. CONTRACTOR TO COORDINATE PARTICULARS WITH ARCHITECT PRIOR TO COMMENCING DEMOLITION
3. CONTRACTOR TO COORDINATE WITH UTILITY COMPANIES FOR RELOCATION/REMOVAL OF EXISTING LINES AND POLES
4. ALL TRASH, DEMOLITION DEBRIS, UNDERBRUSH, AND MISCELLANEOUS DEBRIS LOCATED ON SITE ARE TO BE CLEARED AND REMOVED OFF-SITE BY THE CONTRACTOR TO AN APPROVED DUMP SITE
5. ANY EXTRACTED MATERIAL PLACED OUTSIDE OF DESIGNATED AREAS SHALL MEET APPROVAL OF THE CITY OF RICHMOND DPW, WASTE WATER RESOURCES DEPARTMENT
6. ALL BOUNDARY MARKERS (I.E. MONUMENTS, PINS, RODS) DISTURBED DURING CONSTRUCTION SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE
7. CONTRACTOR SHALL REPAIR ANY DAMAGE TO ROW IMPROVEMENTS
8. DISTURBED AREAS SHALL BE KEPT TO A MINIMUM AND RESTORATION SHALL BE COMPLETED AS QUICKLY AS POSSIBLE
9. UNSUITABLE MATERIAL SHALL BE REMOVED WHERE NECESSARY
10. THE RESPONSIBLE LAND DISTURBER FOR THIS PROJECT SHALL BE DESIGNATED BY THE CONTRACTOR

1. ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CONSTRUCTED AND MAINTAINED ACCORDING TO MINIMUM STANDARDS AND SPECIFICATIONS OF THE CURRENT EDITION OF THE VESC HANDBOOK AND VIRGINIA EROSION AND SEDIMENT CONTROL REGULATION 9VAC25-840.
2. THE FOLLOWING CONSTRUCTION AND MAINTENANCE PROCEDURES AND AS ILLUSTRATED ON THE PLANS SHALL BE FOLLOWED.
3. A PRE-CONSTRUCTION MEETING IS MANDATORY BEFORE ANY WORK IS DONE AT THE SITE WITH THE OWNER, CONTRACTOR, AND CITY SITE INSPECTOR (804-646-7586). A MINIMUM OF 48 HOURS NOTICE IS REQUIRED.
4. MARK EXISTING UTILITIES
5. VERIFY HORIZONTAL AND VERTICAL LOCATION OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. NOTIFY MISS UTILITY (1-800-552-7001) AT LEAST 48 HRS PRIOR TO CONSTRUCTION ACTIVITIES. NOTIFY ENGINEER IF THERE IS A CONFLICT.
6. CONTACT UTILITY COMPANIES TO COORDINATE WORK WITH AND AROUND EXISTING UTILITIES.
7. INSTALL CONSTRUCTION ENTRANCE.
8. INSTALL INLET PROTECTION(S)
9. INSTALL SILT FENCE

[illegible]

CE		CONSTRUCTION ENTRANCE	3.02	1 EA
SF		SILT FENCE	3.05	530 LF

* "VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK
SPECIFICATION NUMBER

COMMONWEALTH OF VIRGINIA
Tracy Winkelman
 TRACY WINKELMAN
 Lic. No. 044415
 09.08.22
 PROFESSIONAL ENGINEER

ENGINEER

KINE VUE, LLC

CIVIL ENGINEERING CONSULTING

7100 PROSPECT AVENUE
RICHMOND, VA 23228
Tracy.KineVue@gmail.com
804.307.0733

OWNER
C AND M PROPERTIES LLC
611 NORTH 26TH ST
RICHMOND, VA 23223

ARCHITECT
ADO / ARCHITECTURE DESIGN
OFFICE
105 EAST BROAD STREET
RICHMOND, VA 23219
CONTACT: TODD DYKSHORN
todd@ado.design 804.343.1212

DATE	REVISION

33302 E. MARSHALL ST. MIXED USE REDEVELOPMENT

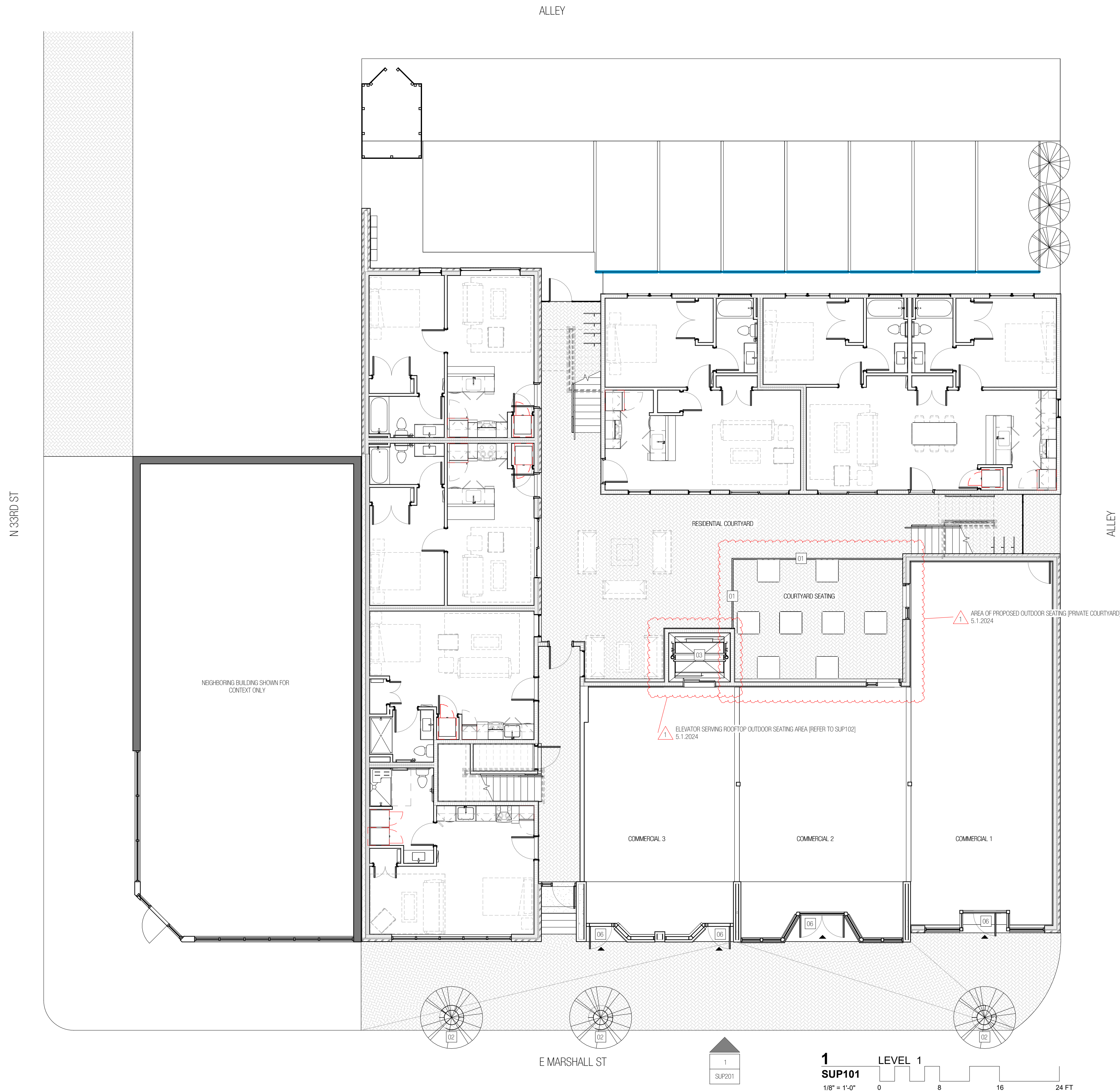
33302-3308 E. MARSHALL STREET CITY OF RICHMOND, VA

EXISTING CONDITIONS, DEMOLITION PLAN, & ESCP

DATE
09.08.22

SHEET NO.

C1.0



PLAN KEYNOTES - FOR SUP		
#	DESCRIPTION	
01	NEW PAILING	
02	PROPOSED PLANTER IN EXISTING WALK	
03	NEW ELEVATOR	
04	PROPOSED PLANTED AREA	
05	EGRESS DOOR	
06	COMMERCIAL ENTRY	

1 5.1.2024 SPECIAL USE PERMISSION REQUEST
FOR OUTDOOR SEATING AREAS

SPECIAL USE REQUEST FOR
OUTDOOR SEATING AREAS
5-9-2024



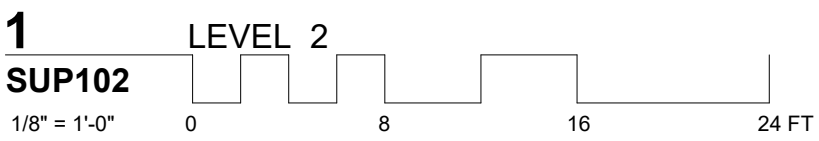
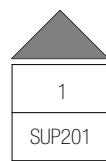
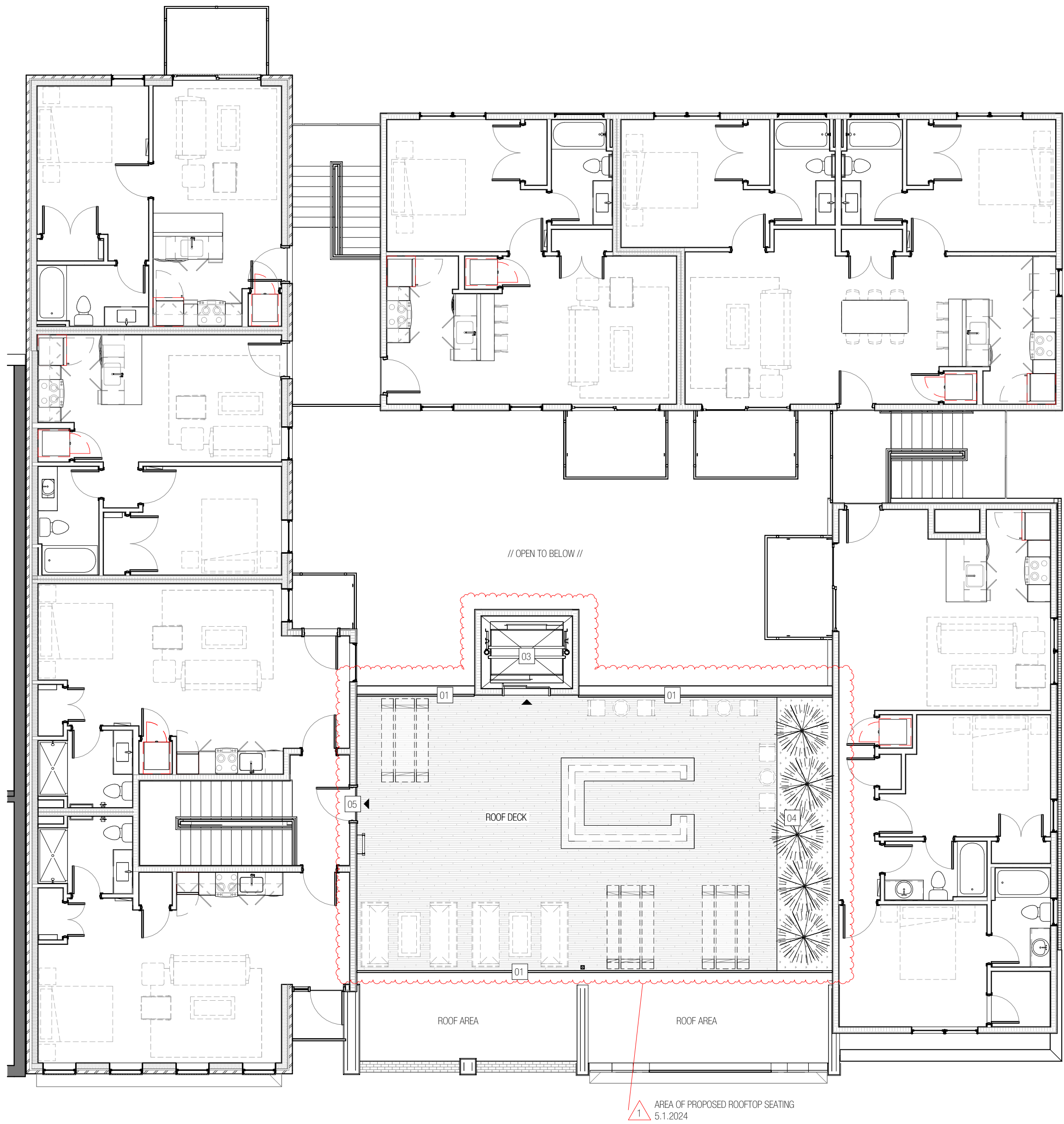
3302-3308 E
MARSHALL ST
RICHMOND, VA 23223

FLOOR PLANS

PROJ NUMBER 21-3302 SHEET NUMBER SUP101

PLAN KEYNOTES - FOR SUP	
#	DESCRIPTION
01	NEW PAILING
02	PROPOSED PLANTER IN EXISTING WALK
03	NEW ELEVATOR
04	PROPOSED PLANTED AREA
05	EGRESS DOOR
06	COMMERCIAL ENTRY

1 5.1.2024 SPECIAL USE PERMISSION REQUEST FOR OUTDOOR SEATING AREAS



SPECIAL USE REQUEST FOR OUTDOOR SEATING AREAS
5-9-2024

ARCHITECT:
ADO/ Architecture Design Office
728 E Main Street
Richmond, Virginia 23219
804 343 1212

3302-3308 E
MARSHALL ST
RICHMOND, VA 23223

FLOOR PLANS

PROJ NUMBER 21-3302 SHEET NUMBER SUP102

SUP102

ELEVATION KEYNOTES		
#	DESCRIPTION	
01	EXISTING ADJACENT BUILDING SHOWN FOR CONTEXT	
02	NEW RAILING	
03	NEW ELEVATOR	
04	NEW ROOFTOP DECK FRAMING	



SPECIAL USE REQUEST FOR
OUTDOOR SEATING AREAS
5-9-2024

ARCHITECT:
ADO/ Architecture Design Office
728 E Main Street
Richmond, Virginia 23219
804 343 1212

1
SUP201 SOUTH / EAST MARSHALL ST ELEVATION
1/4" = 1'-0" 0 4 8 12 FT

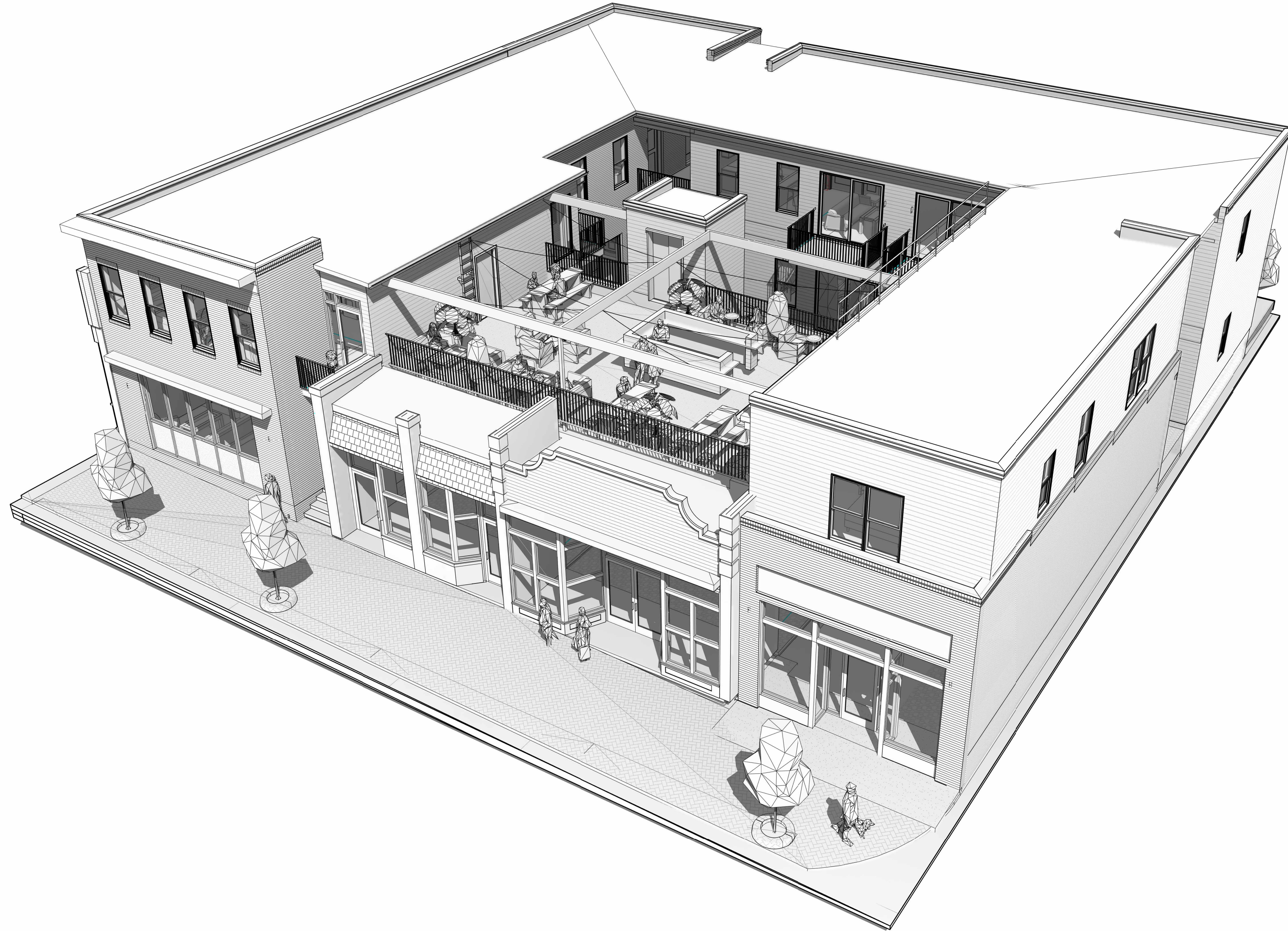
**3302-3308 E
MARSHALL ST**

RICHMOND, VA 23223

ELEVATIONS

PROJ NUMBER SHEET NUMBER
21-3302

SUP201



**SPECIAL USE REQUEST FOR
OUTDOOR SEATING AREAS
5-9-2024**



ARCHITECT:
ADO/ Architecture Design Office
728 E Main Street
Richmond, Virginia 23219
804 343 1212

**3302-3308 E
MARSHALL ST**

RICHMOND, VA 23223

AERIAL VIEW

PROJ NUMBER: 21-3302 SHEET NUMBER: SUP301