



## 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 4<sup>th</sup>, 2024*

*Special Use Permit  
3308 E Marshall Street, Richmond, Virginia  
Map Reference Number: E000-0884/017*

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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 33<sup>rd</sup> 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 33<sup>rd</sup> 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 32<sup>nd</sup> 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.***

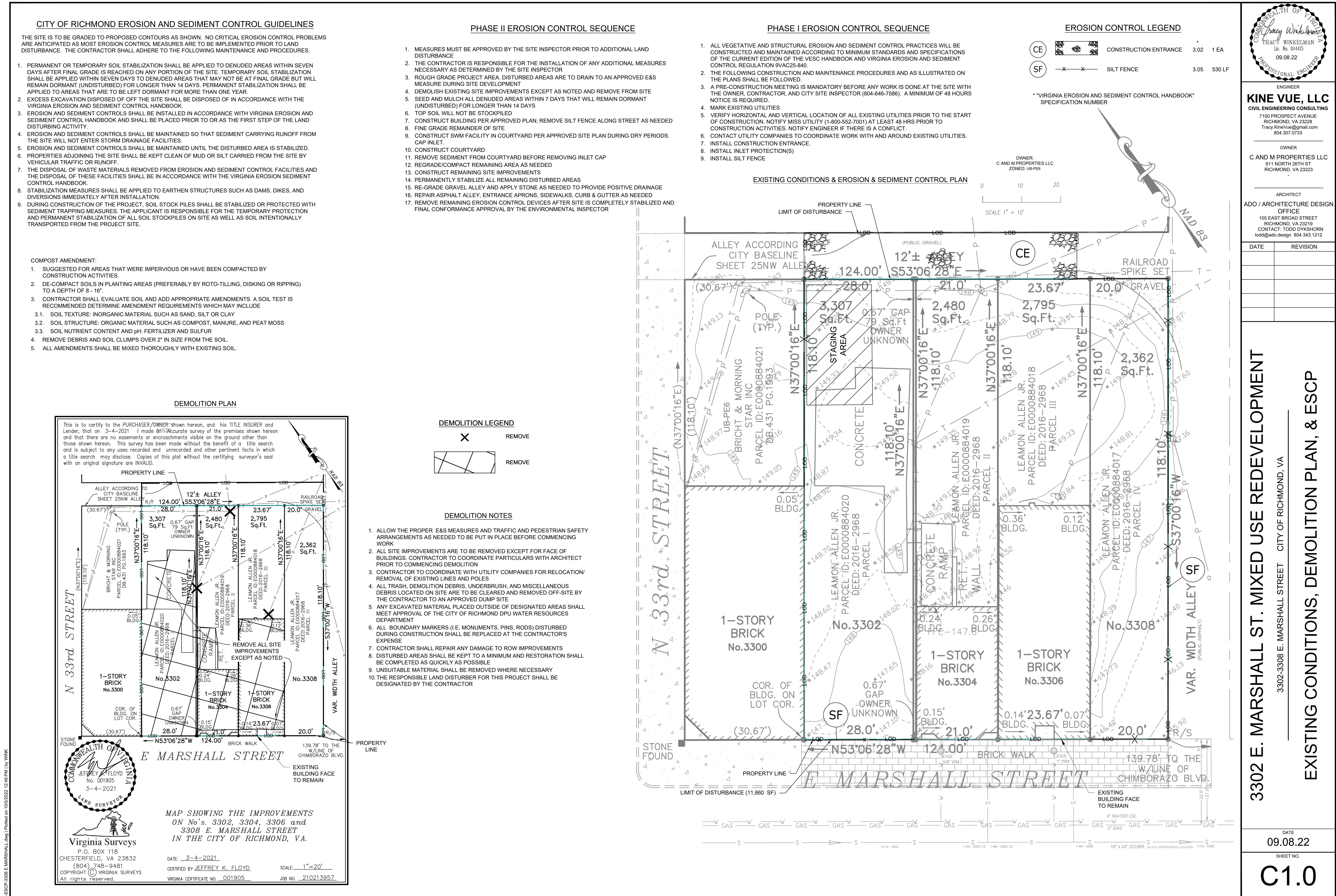
The special use permit would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development. This benefit can be attributed to the significant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

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

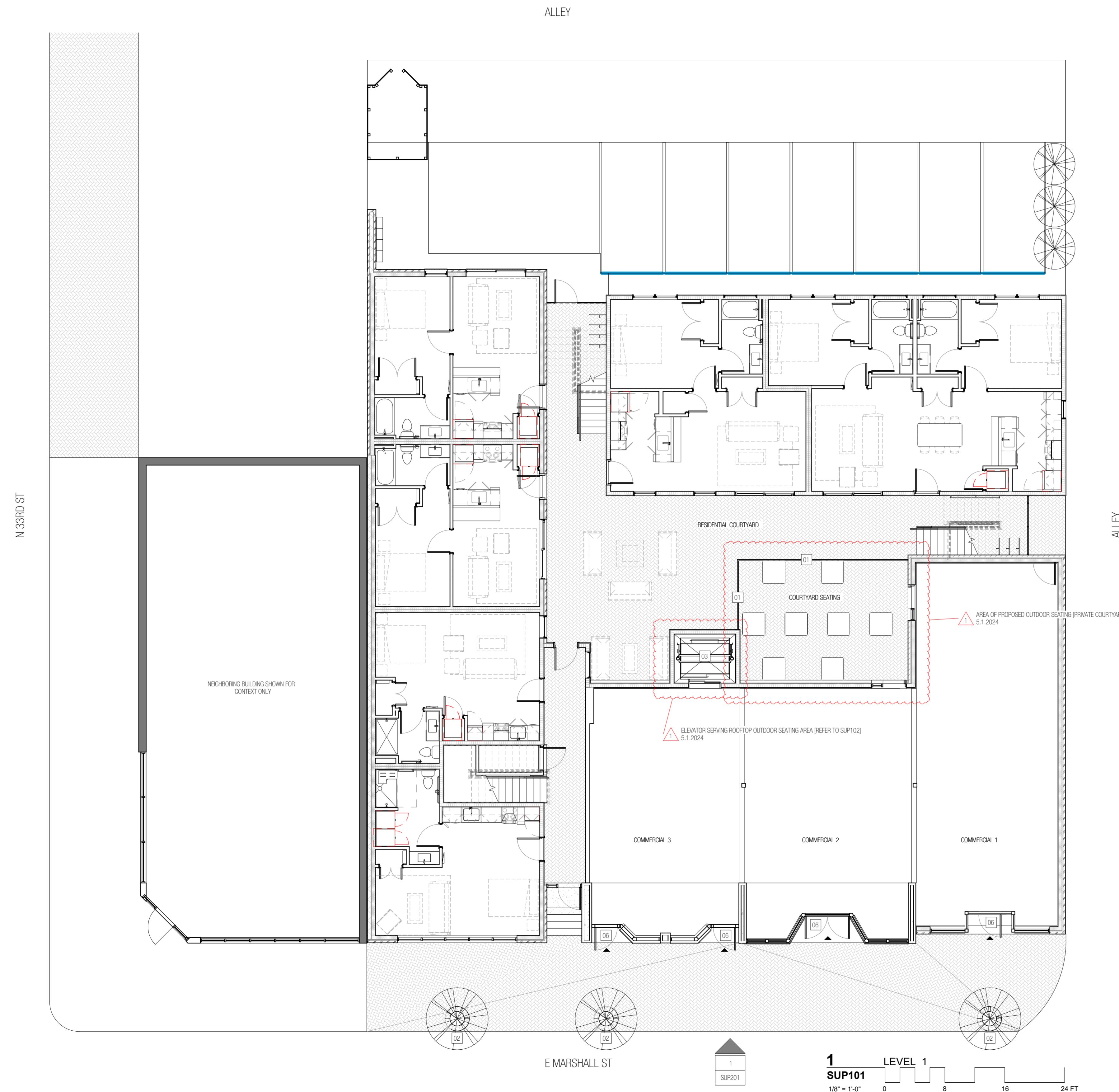
The light and air available to adjacent properties will not be affected.

## Summary

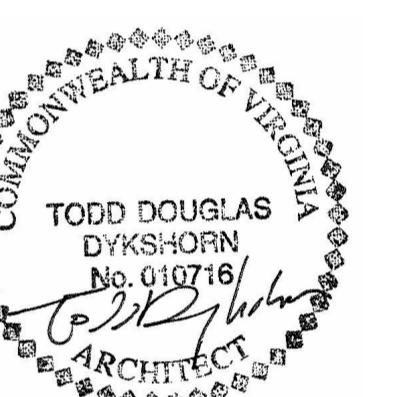
The physical development of the site is permitted by virtue of an approved Plan of Development. The applicant is only seeking relief from the radius requirements relating to outdoor dining in order to allow flexibility in the occupancy of the commercial use within the building. The development is an 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.



#	DESCRIPTION
01	NEW RAILING
02	PROPOSED PLANTER IN EXISTING WALK
03	NEW ELEVATOR
04	PROPOSED PLANTED AREA
05	EGRESS DOOR
06	COMMERCIAL ENTRY



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



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

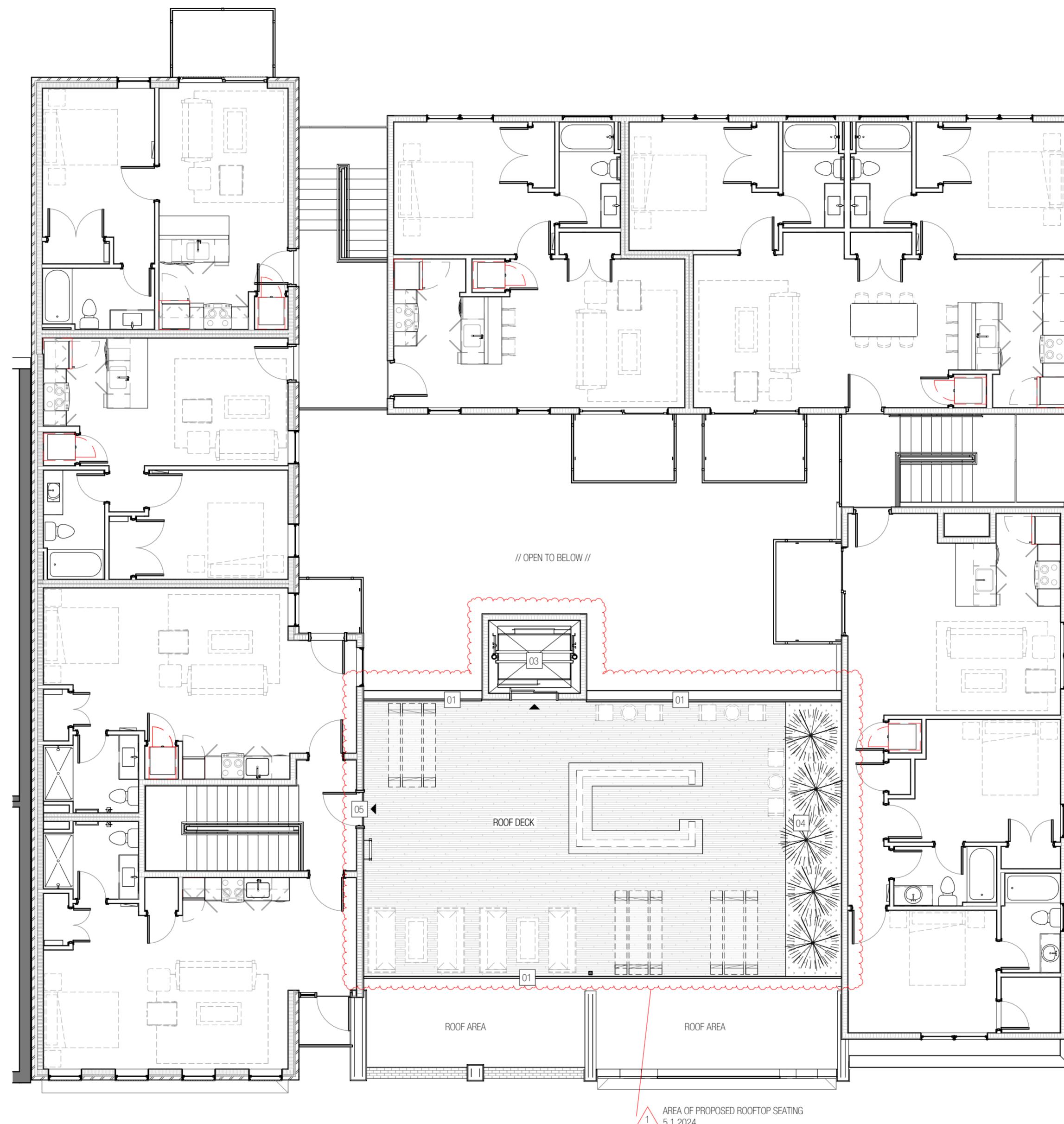
3302-3308 E MARSHALL ST  
RICHMOND, VA 23223

FLOOR PLANS

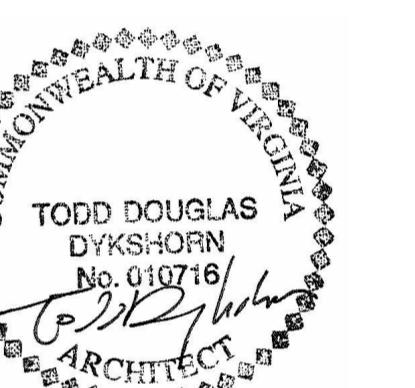
PROJ NUMBER: 21-3302 SHEET NUMBER: 1

SUP101

#	DESCRIPTION
01	NEW RAILING
02	PROPOSED PLANTER IN EXISTING WALK
03	NEW ELEVATOR
04	PROPOSED PLANTED AREA
05	EGRESS DOOR
06	COMMERCIAL ENTRY



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

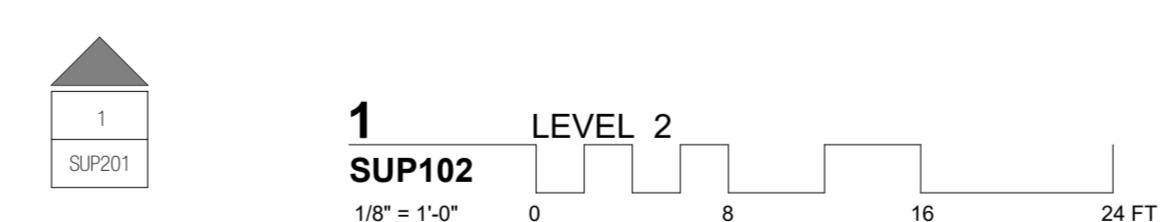


ARCHITECT:  
ADO/ Architecture Design Office  
725 E Main Street  
Richmond, Virginia 23219  
804 343 1212

3302-3308 E  
MARSHALL ST

RICHMOND, VA 23223

FLOOR PLANS



PROJ NUMBER: 21-3302 SHEET NUMBER: 1

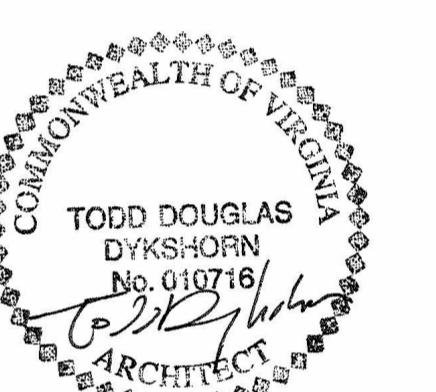
SUP102

## 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:  
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728 E Main Street  
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1  
SUP201 SOUTH / EAST MARSHALL ST ELEVATION  
1/4" = 1'-0" 0 4 8 12 FT

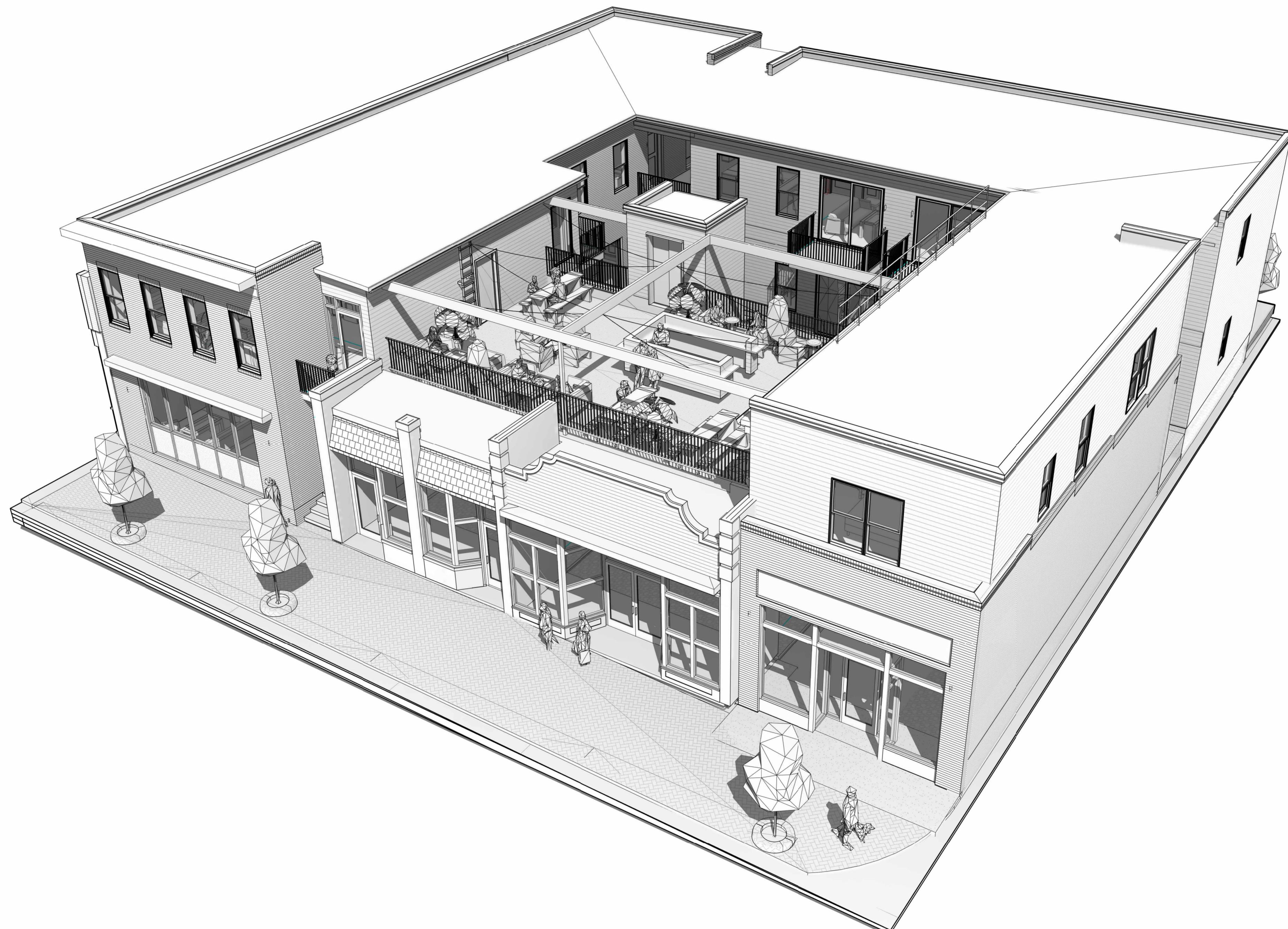
3302-3308 E  
MARSHALL ST

RICHMOND, VA 23223

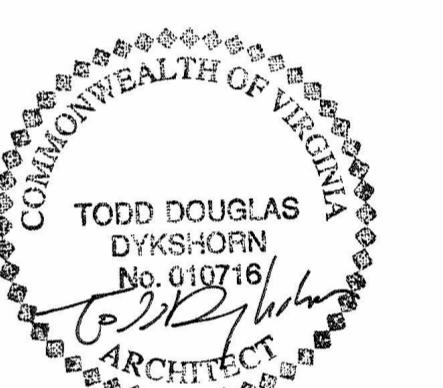
ELEVATIONS

PROJ NUMBER SHEET NUMBER  
21-3302 SUP201

SUP201



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



ARCHITECT:  
**ado** ADO/Architecture Design Office  
728 E Main Street  
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804 343 1212

3302-3308 E  
MARSHALL ST  
RICHMOND, VA 23223

AERIAL VIEW

PROJ NUMBER: 21-3302 SHEET NUMBER: 1

SUP301