



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**Ord. No. 2022-123:** To authorize the special use of the property known as 5811 Grove Avenue for the purpose of an outdoor dining area to the rear of an existing building, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** May 2, 2022

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#### **PETITIONER**

Rob Long

#### **LOCATION**

5811 Grove Avenue

#### **PURPOSE**

To authorize the special use of the property known as 5811 Grove Avenue for the purpose of an outdoor dining area to the rear of an existing building, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The applicant is requesting a Special Use Permit for the purpose of a restaurant, with an enclosed outdoor dining area, within a UB-PO1 Urban Business Parking Overlay Zoning District, and an R-4 Single-Family Residential District. Such uses are not permitted in these districts. A Special Use Permit is therefore required.

Staff finds that the proposed use is located within the Plan's Westhampton Neighborhood Node. Neighborhood Nodes are defined as "...local crossroads typically within or next to larger residential areas that offers goods and services to nearby residents, employees, and visitors." (C-1) The expansion of the restaurant use and the outdoor dining proposed supports this description and is consistent with uses recommended by the Master Plan for Community Mixed Use areas.

Staff further finds that the proposed use will not place an undue burden on the availability of on-street parking as the proposed design includes off-street parking spaces to the rear of the restaurant use.

Staff also recognizes the significant hardship that the Covid-19 Pandemic has afflicted upon the City's important restaurant industry and finds that opportunities to expand patron areas out-of-doors will benefit the City's overall recovery.

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**

5811 Grove Avenue is currently improved with a 6,312 sq. ft. commercial building, and a 2,602 sq. ft. residential building, situated on a 25,895 sq. ft. (.59 acre) parcel of land. The property is located in the Westhampton neighborhood and is a part of the Libbie/Grove commercial district.

### **Proposed Use of the Property**

Restaurant with outdoor dining.

### **Master Plan**

The City's Richmond 300 Master Plan designates these parcels as Community Mixed Use. This land use category is defined as a "Cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions."

Regarding the development style, the building sizes "...density, and zoning districts for these areas may vary significantly depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Uses may be mixed horizontally in several buildings on a block or vertically within the same building. Developments continue or introduce a gridded street pattern to increase connectivity." Ground floor uses engage with, and enliven, the street. Monolithic walls are discouraged, while windows, doors, storefronts, and other features that allow transparency and interaction between building and street are encouraged.

Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. Driveway entrances are required to be of alleys whenever possible; new driveways are prohibited on priority and principal streets. Parking areas are located within the structure and to the rear of buildings and require screening; shared parking requirements are encouraged.

Intensity: Buildings generally ranging from two to six stories, 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 historical buildings should step back from the build-to line after matching the height of the predominant cornice line of the block.

Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space.

Secondary Uses: Single-family houses, institutional, and government

The property is within the Westhampton Neighborhood Node. These Nodes are defined as “local crossroads typically within or next to larger residential areas that offers goods and services to nearby residents, employees, and visitors.” (p. 24) The Richmond 300 Vision for the Westhampton Neighborhood Node sees a “...Node that stretches from Libbie and Grove to Libbie and Patterson provides retail and services to nearby residents and attracts visitors from across the region to its businesses. Over time, a few underdeveloped parcels redevelop in a matter that complements and enhances the existing village-scale feel of the area. The Community Mixed-Use future land use designation permits the creation of additional residential units and business, while also ensuring that new buildings are an appropriate scale the existing commercial buildings and promote walkability by placing vehicular access to the rear of the building. The intersection of Libbie and Patterson should be carefully planned and redeveloped to support and increase access to the high-frequency transit planned for Patterson Avenue.” (p. C-14)

The property is on a designated Great Street with a street typology of “Major Mixed-Use Street”.

These streets:

- 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

### **Zoning and Ordinance Conditions**

Zoning Administration provided the following comments:

*Zoning and Use:*

The portion of subject property containing the proposed use is zoned UB-PO1 Urban Business Parking Overlay 1 district, which does not allow an area outside of a completely enclosed building for the service or accommodation of restaurant patrons within 100 feet of any property in any R district as a permitted principal use.

*R-5 Feature Requirements:*

No newly constructed building or addition to an existing building shall extend closer to the street than any building on an abutting lot. In no case shall a front yard greater than 15 feet in depth be required on any lot. A front yard of 24.5' is proposed for the new construction. Spaces for the parking of vehicles and access aisles thereto shall not be located within a required front yard on any lot in a R, RO, B-1, and OS districts nor within that portion of a required front yard on a lot in any other district and situated within 50 feet of a lot in an R or RO district. The parking requirement is not met by the proposal.

*Parking:*

Twenty-nine (29) parking spaces are required to be provided. (29) are shown on the Plans.

*Signage:*

No sign information was submitted as part of this request. All signs on the subject property must comply with the underlying zoning regulations.

Conditions will be imposed by the special use permit ordinance, including:

(a) The Special Use of the Property shall be as an outdoor dining area to the rear of an existing building, substantially as shown on the Plans.

(b) No fewer than 27 off-street parking spaces shall be provided on the Property, substantially as shown on the Plans.

(c) All building materials, elevations, and site improvements shall be substantially as shown on the Plans.

(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) The Special Use shall only be operated between the hours of 7:00 a.m. through 10:00 p.m.

(f) Music shall only be permitted as part of the Special Use between the hours of 12:00 p.m. through 9:00 p.m., Friday and Saturday.

(g) Occupancy of the Special use at any time shall not exceed 44 persons or the maximum capacity allowed by the Virginia Uniform Statewide Building Code, whichever is less.

(h) No less than two covered trash containers shall be provided for the Special Use.

4(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.

### **Surrounding Area**

Surrounding properties are located in the same UB-PO1 and R-4 district as the properties in question with some Institutional and R-2 Single-family residential zones to the west and northwest of the property, respectively. A mix of commercial, residential, and institutional uses is present in the vicinity.

### **Neighborhood Participation**

Westhampton Village Preservation and the Westhampton Citizens Associations have been contacted about this application. Staff has not received any letters of support, nor opposition, for this application.

**Staff Contact:** Jonathan Brown, PDR, Land Use Administration, 804-646-5734