



## 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: \_\_\_\_\_ Date: \_\_\_\_\_

Tax Map #: \_\_\_\_\_ Fee: \_\_\_\_\_

Total area of affected site in acres: \_\_\_\_\_

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

### Zoning

Current Zoning: \_\_\_\_\_

Existing Use: \_\_\_\_\_

### Proposed Use

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

Existing Use: \_\_\_\_\_

Is this property subject to any previous land use cases?

Yes

No

☐☐

If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_(\_\_\_\_\_) \_\_\_\_\_ Fax: \_(\_\_\_\_\_) \_\_\_\_\_

Email: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_

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: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_(\_\_\_\_\_) \_\_\_\_\_ Fax: \_(\_\_\_\_\_) \_\_\_\_\_

Email: \_\_\_\_\_

**Property Owner Signature:** *Derek Jordan*

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

*December 7, 2021*

Revised: May 1, 2020

*Special Use Permit Request*

*401 S Stafford Street, Richmond, Virginia*

*Map Reference Number: W000-1031/033*

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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

Submitted by:

**Baker Development Resources**

530 East Main Street, Suite 730

Richmond, Virginia 23219

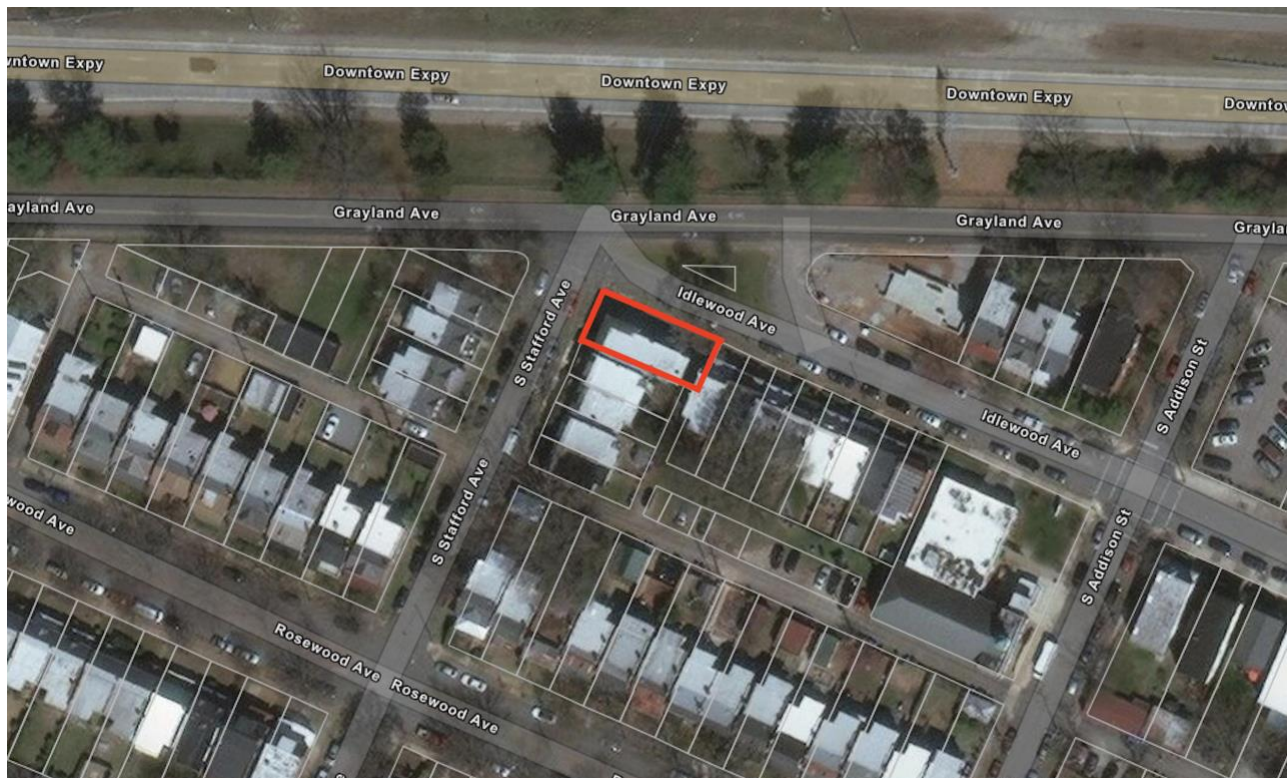
## Introduction

The property owner is requesting a special use permit (the “SUP”) for 401 S Stafford Street (the “Property”). The SUP would authorize the reuse of a mixed-use building which does not conform to the underlying R-6 Single-Family Attached Residential district zoning requirements applicable to the Property.

## Existing Conditions

### SITE DESCRIPTION AND EXISTING LAND USE

The Property is located at the southeast corner of S Stafford Avenue and Idlewood Avenue and is referenced by the City Assessor as tax parcel W000-1031/033. The Property is roughly 35 feet wide by 81 feet in depth and contains approximately 2,835 square feet of lot area.



*Figure 1: Map of existing parcels in the area with the subject property highlighted*

The Property is improved with a two-story, masonry mixed-use structure originally constructed in 1920. According to City Assessor's records, the building contains 2,047 square feet of finished floor area and includes a first floor designed for commercial use and a second floor occupied by a dwelling unit. The City of Richmond Assessor's card for the Property indicates the first floor was previously occupied as an “owner-occupied grill” though by 1999. The first-floor commercial space is now vacant.



*Figure 2: Image of the historical use of the Property from the Assessor's Card*

To the north of the Property lies the right-of-way of the downtown Expressway. Properties to the east, south, and west in the immediate vicinity area are generally developed with single-family dwellings. At the eastern end of the block lies the Sixth Baptist Church. There are a range of other uses within a two-block radius including several multi-family dwellings to the west toward Byrd Park, the sixth Baptist Church to the east within the block, and a mixed-use building with corner commercial uses authorized by special use permit at 2200 Idlewood Avenue.

## **TRANSPORTATION**

The Property is located less than ½ mile from bus stops which access the 77 and 78 bus lines along with the 5 bus line which is considered a “high-frequency” line which runs every 15 minutes. The Property has a Walk Score of 85 out of 100, indicating it is “Very Walkable”, allowing most errands to be accomplished on foot. The Property has a Bike Score rating of 77 out of 100, suggesting that biking is convenient for most trips. Walkability and Bikeability are Property’s location in close proximity to two bridges providing convenient connectivity to the Robinson Street/Carry Street Corridors and the Fan District to the north.

## **EXISTING ZONING**

The Property is currently zoned R-6 Single-Family Attached Residential. The surrounding properties are also zoned R-6 with properties to the east, along Grayland and S Davis Avenue, being zoned R-53 Multifamily Residential. To the north, across the Downtown Expressway, properties are zoned B-6 and R-63.

## **MASTER PLAN DESIGNATION**

The Richmond 300 Master Plan (the “Master Plan”) recommends “Neighborhood Mixed-Use” for the Property. This land use category is described 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.” Most importantly, where this request is concerned, this designation specifically recommends that “In historic neighborhoods, small-scale commercial uses should be allowed to reestablish.”

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

- Historic Preservation, Objective 3.1, Preserve culturally, historically, and architecturally significant buildings, sites, structures, neighborhoods, cemeteries, and landscapes that contribute to Richmond's authenticity.
- High Quality Places, 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**

## **PROJECT SUMMARY**

The SUP would authorize the use of the Property as a mixed-use building with a corner commercial use and one dwelling unit, consistent with the original use of the property. The proposed commercial use does not conform to the underlying R-6 Single-Family Attached Residential district zoning requirements applicable to the Property.

## **PURPOSE OF REQUEST**

The Property was originally developed in 1920, prior to zoning, with a ground floor commercial use and one dwelling unit. The Property functioned as a small-scale corner commercial use, serving the needs of nearby residences for years. Over the years, the property was rezoned and the current R-6 zoning no longer permits the original and proposed use of the Property. Because the building has been vacant for well over two years, any nonconforming (grandfathered) rights associated with the corner commercial use have been lost.

The owner now proposes to renovate the existing commercial portion of the building and to occupy it with a restaurant (sandwich shop) with outdoor dining along with incidental take-out and retail. This request has been revised in order to only permit this use for the commercial space. This is consistent with the original use of the Property and the use of the Property at the time it became nonconforming. As the proposed commercial use is not permitted by the underlying R-6 zoning regulations, and the building has been vacant for more than two years, a SUP is required in order to permit the proposed development.

## **PROPOSED RESTRICTIONS**

- Commercial Space Hours of Operation -
  - Hours of operation limited to 7:30 AM to 10 PM

- The outdoor patio would close no later than 9 PM
- No outdoor music would be permitted outside (at any time)
- No accessory entertainment use, such as live music or DJs, would be permitted
- Internally illuminated or neon signs that may cast light toward neighboring residential properties would not be permitted
- The range of uses would be limited to the proposed restaurant use with indoor and outdoor dining and incidental retail uses
- Alcohol Sales (ABC OFF) -
  - No beer or wine coolers shall be sold as singles in individual containers of 40 or fewer fluid ounces.
  - Beer or wine coolers in containers of 40 or fewer ounces shall only be sold in packs with a minimum of 4 units.
  - Wine shall be sold only in bottles of at least 750 ml or 25.4 ounces.
  - Fortified wine (wine with an alcohol content of 14% or more by volume) shall not be sold.

In exchange for the SUP, the intent of this request is to provide a high-quality dwelling and a neighborhood-serving commercial use. The proposal would remain consistent with historical use of the property while allowing for the rehabilitation of a vacant structure which is part of the neighborhood fabric. The quality assurances conditioned through the SUP would guarantee a high-quality development and ensure an appropriately scaled commercial use that is compatible with and complementary to the surrounding residential neighborhood.

## PROJECT DETAILS

The existing two-story structure would be renovated, including the original storefront area, to establish a first-floor commercial use and a second-floor dwelling.

The commercial tenant space would be upgraded to meet the expectations of high-quality commercial tenant in today's market. The space is intended to be occupied as a restaurant with limited indoor and outdoor dining areas. This use would be limited in scale and would be intended to provide for the convenience of neighborhood residents within walking distance, to respect the primary residential character of the neighborhood and to avoid traffic, parking, noise, and other impacts that typically result from uses that draw patrons from outside a neighborhood. At roughly 1,022 square feet the proposed commercial space would be scaled down significantly and even less impactful when compared to the 1,500 square foot corner commercial uses that are permitted in the R-63 district, where these uses are first permitted in a residential district as a matter of right.

## Findings of Fact

The following are factors included in Section 17.11 of the Charter and Section 114-1050.1 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.

- ***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 proposed commercial uses would be limited in size, type and scale and would be intended to provide for the convenience of neighborhood residents within walking distance and to avoid any traffic or parking concerns.

- ***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.

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

The proposed 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.

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

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

## Summary

In summary we are enthusiastically seeking approval for this SUP, which would permit the re-use of the existing building. The proposed uses would respectfully revive this significant piece of the existing neighborhood fabric which is currently vacant. This request is a preferable alternative to continued underutilization of the Property.

The request offers compatibility with goals contained within the City's Master Plan and is consistent with the historic use of the property. The request would contribute to the ongoing revitalization of the neighborhood, upgrading the Property while: contributing to a desirable variation in housing style and density in the vicinity; providing for continued economic diversity in housing options within the neighborhood; and allowing for a walkable neighborhood serving commercial use as a compliment to surrounding residential uses. It will help encourage a pedestrian friendly urban streetscape in the vicinity. This would contribute to the vibrancy of the block through the provision of addition street life in the form of pedestrian traffic and restored pedestrian-scaled store-front fenestration. Finally, the quality assurances

and improvements and conditions related to the renovation and commercial tenant space as defined by the SUP would guarantee a higher quality development than might otherwise be developed by right and would ensure a modern and appropriately scaled neighborhood-serving commercial use.