



## 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:** Cory Weiner

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

*September 14<sup>th</sup>, 2022*

*Special Use Permit*

*310 W Brookland Park Boulevard, Richmond, Virginia*

*Map Reference Number: N000-0971/016*

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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

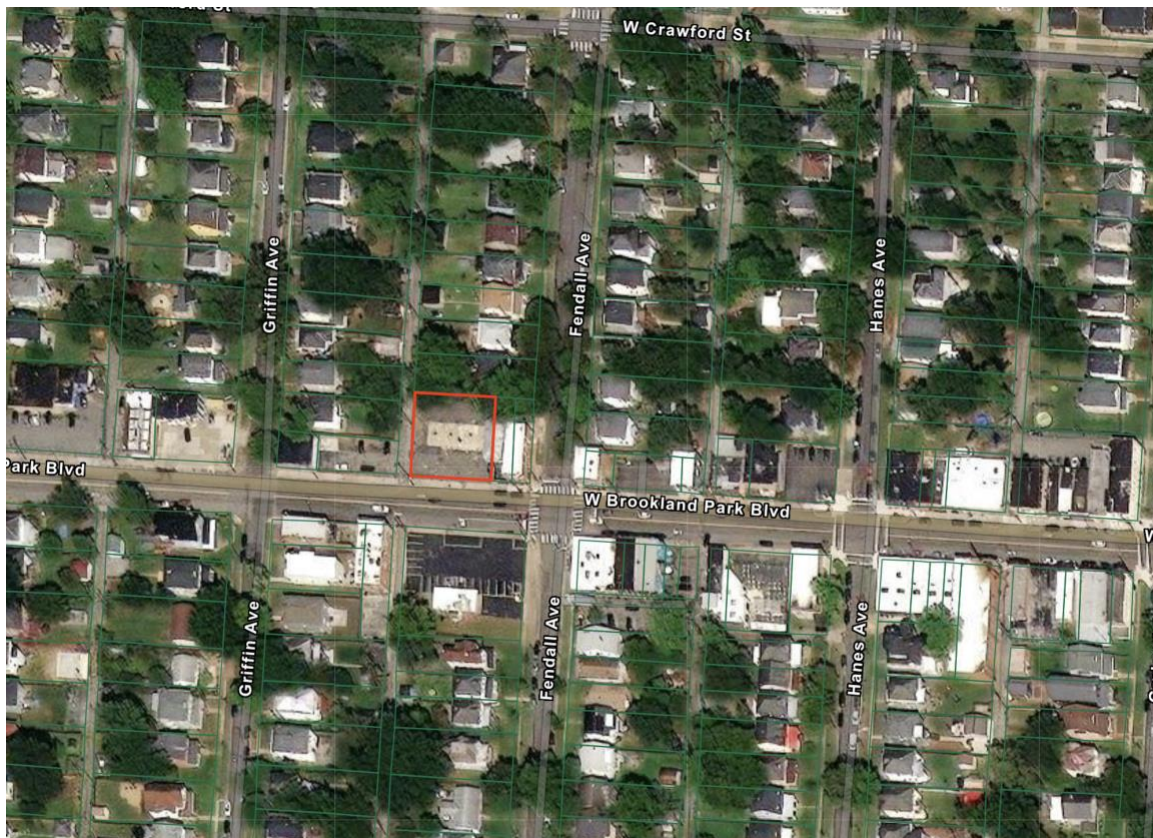
## Introduction

The property owner is requesting a special use permit (the "SUP") for 310 W Brookland Park Boulevard (the "Property"). The 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 configuration of uses/tenants within the building, the SUP would authorize relief from several UB feature requirements, including: (1) a partial parking waiver and (2) a partial waiver of the radius requirement associated with outdoor dining.

## Existing Conditions

### SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the northern line of W Brookland Park Boulevard between Griffin and Fendall Avenues and is referenced by the City Assessor as N000-0971/016. The property is 90 feet in width and 95 feet deep and contains of 8,550 square feet of area. Access is provided along W Brookland Park Blvd and by an alley located along the western edge of the parcel.



This area is characterized by a mix of uses with a variety of commercial, retail, and residential uses of varying intensities and scales in the immediate vicinity. Properties fronting Brookland Park Blvd

are primarily a commercial in nature while properties located along nearby cross streets are primarily one- and two-family dwellings interspersed with commercial and multifamily uses.

## **EXISTING ZONING**

The Property is zoned UB Urban Business which permits small, neighborhood serving businesses with pedestrian-oriented character. The UB zoned properties in the area generally form a commercial district fronting on or oriented toward Brookland Park Blvd. The surrounding properties to the east and north are zoned R-6 Single-Family Attached Residential. Further to the west are properties zoned R-5 Single-Family Residential.

## **MASTER PLAN DESIGNATION**

The Richmond 300 establishes a "Community Mixed-Use" land use designation for the Property. This land use is described as a "cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities[.]" The development style for the Community Mixed-Use designation is described as "building size, 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." Retail uses are considered a primary use within this land use designation.

The Property is also located within the "Brookland Park Neighborhood Node." The Richmond 300 plan describes nodes generally as "places in Richmond where people and jobs are today and continue to grow into the future. Nodes are the places of convergence of many uses and include offices, shopping, housing, and/or public gathering places as well as access to multiple modes of transportation." Neighborhood nodes, like Brookland Park, are further described as "a local crossroads typically within or next to larger residential areas that offers goods and services to nearby residents, employees, and visitors."

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:

- 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 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 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).

## Proposal

### PURPOSE OF REQUEST

The construction of the proposed mixed-use building has been authorized for the Property pursuant to the POD (POD-084785-2021) which was approved in 2021. This request would permit a mix of uses within that building that are permitted within the UB District, but which cannot meet some of the UB feature requirements related to them. Specifically, the SUP would authorize the following relief: (1) a partial parking waiver; and (2) a partial waiver of the radius requirement associated with outdoor dining.

### PROJECT SUMMARY

The proposed building would include approximately 6,089 square feet of residential floor area and 3,209 square feet of first-floor commercial area. The programming follows a typical urban model with the building's first floor containing the commercial space fronting W Brookland Park Blvd along with one residential dwelling unit. The remainder of the building features the additional eight dwelling units located on the upper floor.

#### *Parking*

The POD authorized the construction of a mixed-use building meeting the requirement for the provision of permitted principal uses (commercial uses) along the principal street frontage. That approval relied on the use of on-street parking in order to satisfy the parking requirements for the Property, including the commercial space. There are 4 parking spaces that can be provided in portions of the right-of-way abutting the Property's frontage on W Brookland Park Boulevard. Section 30-710.2:3(d) of the zoning ordinance permits those spaces to be credited toward required parking as though they were off street spaces located on the premises.

The 10 total available parking spaces would limit the occupancy of the commercial space to a less intense use such as office. This request would vary the parking requirement in order to allow flexibility in the permitted uses which could occupy the commercial space. The requested relief would encourage the development of the commercial space with neighborhood-serving uses that are more likely to generate the desired pedestrian traffic and activity within this corridor. It is requested that the overall parking requirement is fixed at 10 parking spaces with any resulting deficiency based on final occupancy being varied by the special use permit.

There is some precedent and recognition of the practical difficulties related to redeveloping property in this older urban commercial district with the implementation of the PE-7 Parking Exempt District. While this exemption is only applicable to existing buildings, and therefore not applicable for the proposed development, the same concern holds true. The goal of achieving a

“densely developed pedestrian-oriented urban shopping character” is challenged when significant amounts of off-street parking must be provided. This would prevent the desired continuity of storefront character along the principal street frontage and reduce the overall area available to neighborhood serving uses which is required to make this urban commercial area successful.

A reduced parking requirement would allow the development to better address the goals of the Master Plan while remaining consistent with the intent of the UB District and compatible with nearby properties. It would provide active first floor uses, a better pedestrian experience, enhanced pedestrian connections within the district and to nearby neighborhoods, and fewer opportunities for conflict between vehicles and pedestrians.

#### *Radius Requirement for Outdoor Dining*

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”. A patio is proposed at the rear of the building which could be utilized for the purpose of outdoor dining. This patio is adjacent to property located within an R district. The requested waiver of the radius requirement would allow for the development to better serve patrons and provide outdoor dining space which has become significantly more important to commercial business following the COVID-19 pandemic.

## **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 needed 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. The existing street grid will tend to minimize any traffic impacts. Further, the Property owner has contacted the City of Richmond regarding out of use parking regulation signs in the neighborhood which, after being removed by the City of Richmond, has created additional parking for the neighborhood.



- ***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 overcrowd the land or create an undue concentration of population. The proposed density and urban form is 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, taxes related to the commercial use of the first floor and the anticipated absence of school-age children residing within the complex, who require substantial City spending in schools and playground facilities.

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

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

## Summary

In summary, the development as proposed is substantially permitted by-right and the applicant is only seeking relief from parking requirements and radius requirements relating to outdoor dining for the Property. This proposal represents an ideal, small-scale urban infill development for this location. The SUP is consistent with current planning guidance applicable to the neighborhood and the City at large. 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 within the district. This would better address the goals of the Master Plan while remaining consistent with the intent of the UB District.