



CITY OF RICHMOND

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

Ord. No. 2014-221: To authorize the special use of the property known as 1600 Monument Avenue for the purpose of authorizing outdoor dining for an existing restaurant, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: July 6, 2015

PETITIONER

Michael Pellis
Michael Pellis Architecture, PLC
201 W. 7th Street
Richmond, VA, 23224

LOCATION

1600 Monument Avenue

PURPOSE

To authorize the special use of the property known as 1600 Monument Avenue for the purpose of authorizing outdoor dining for an existing restaurant, upon certain terms and conditions.

SUMMARY & RECOMMENDATION

The property is located in the R-6 Single-Family Attached Residential zoning district. It is also located within the Monument Avenue Old & Historic District. The property is currently improved by a multi-family apartment building containing sixty-three (63) dwelling units and a commercial (restaurant) space in a portion of the basement. Neither the multi-family dwelling use nor restaurant uses are permitted principal uses in the R-6 district. However, because the building was constructed in 1924 before the enactment of the existing Zoning Ordinance, and because the property was zoned F Multifamily District in 1947 which permitted apartment buildings that included "public dining rooms" (according to the City Attorney's interpretation of the Zoning Ordinance in 1949), the building is deemed to be nonconforming (grandfathered) in respect to the provision of multi-family dwelling units and a restaurant.

The Richmond Master Plan designates this property as Single-Family (Medium Density). Primary uses for the Single-Family designation are, "single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses" (p. 133). In addition, the Master Plan specifically addresses commercial uses in the Fan neighborhood stating, "Although no corner commercial uses are identified on the Land Use Plan Map, if the establishment legally existed upon adoption of this Master Plan then it is appropriate" (p. 236).

According to the Applicant's Report, the proposed outdoor dining area would be approximately 395 square feet in area and be open from 10:00 AM 10:00 PM, Monday through Sunday. The occupancy would be limited to 24 persons.

Regarding corner commercial uses, the Master Plan states, "Such uses should be restricted to neighborhood commercial uses with limitations on operating hours, number of employees, and signage" (p.236). The applicant has proposed to limit the hours, occupancy, and noise. Furthermore, the proposed outdoor area is 395 square feet and will be enclosed with fence.

Staff finds that the proposal does meet the City Charter criteria for the granting of special use permits. Specifically, the proposal would not be detrimental to the safety, health, morals and general welfare of the community established by the City's Master Plan and R-6 zoning district. Therefore, staff recommends approval of the special use permit request.

FINDINGS OF FACT

Site Description

The subject property is located on the block bounded by Monument Avenue to the south, North Allen Avenue to the west, West Grace Street to the north, and North Lombardy Street to the east. The property is occupied by a multi-family apartment building with 63 dwelling units and the My Noodle and Bar restaurant, for which the proposed outdoor dining area would serve.

Proposed Use of the Property

The proposed outdoor dining area would be approximately 395 square feet in area and be open from 10:00 AM 10:00 PM, Monday through Sunday. The occupancy would be limited to 24 persons.

Master Plan

The Richmond Master Plan designates this property as Single-Family (Medium Density). Primary uses for the Single-Family designation are, "single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses" (p. 133). In addition, the Master Plan specifically addresses commercial uses in the Fan neighborhood stating, "Although no corner commercial uses are identified on the Land Use Plan Map, if the establishment legally existed upon adoption of this Master Plan then it is appropriate" (p. 236).

Zoning & Ordinance Conditions

The property is located in the R-6 Single-Family Attached Residential zoning district. It is also located within the Monument Avenue Old & Historic District. The property is currently improved by a multi-family apartment building containing sixty-three (63) dwelling units and a commercial (restaurant) space in a portion of the basement. Neither the multi-family dwelling use nor restaurant uses are permitted principal uses in the R-6 district. However, because the building was constructed in 1924 before the enactment of the existing Zoning

Ordinance, and because the property was zoned F Multifamily District in 1947 which permitted apartment buildings that included “public dining rooms” (according to the City Attorney’s interpretation of the Zoning Ordinance in 1949), the building is deemed to be nonconforming (grandfathered) in respect to the provision of multi-family dwelling units and a restaurant.

The ordinance proposes that the hours of operation would be from 10:00 a.m. to 10:00 p.m. daily. In addition the occupancy of the outdoor dining area would be limited to 24 persons and no music or public address system shall be operated in the outdoor dining area.

The ordinance stipulates that no parking shall be required for the outdoor dining area.

Surrounding Area

The properties to the north are zoned R-48 Multi-Family Residential and are occupied by a mix of residential uses including one, two, three, and multi-family dwellings. The properties to the east, south, and west are zoned R-6 Single-Family Attached and are occupied by St. Johns United Church of Christ to the east, multi-family dwellings and First English Evangelical Lutheran Church to the south. To the west the properties are occupied by single-family attached dwellings.

Neighborhood Participation

Staff has received a letter of support from the Fan District Association and the Monument Avenue Preservation Society voted to not object the proposed SUP. Staff also received 4 letters of opposition and one letter of support.

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