



## CITY OF RICHMOND

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

**Ord. No. 2020-047** - To amend and reordain Ord. No. 2003-375-337, adopted Dec. 8, 2003, which authorized the special use of the property known as 1100-1102 West Cary Street and 20-22 South Harrison Street for the purpose of certain enumerated uses in accordance with such ordinance, to allow an outdoor pergola, upon certain terms and conditions.

---

**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** May 4, 2020

---

#### **PETITIONER**

Abigail Bishop

#### **LOCATION**

1100 West Cary Street

#### **PURPOSE**

To amend and reordain Ord. No. 2003-375-337, adopted Dec. 8, 2003, which authorized the special use of the property then known as 1100-1102 West Cary Street and 20-22 South Harrison Street (now known as 1100 West Cary Street) for the purpose of certain enumerated uses in accordance with such ordinance, to allow an outdoor pergola, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The subject property is subject to Ord. No. 2003-375-337, a special use permit authorizing certain enumerated uses. At the time of adoption, the property was permitted to include an outdoor dining area for the restaurant use but did not have an outdoor pergola. The property has subsequently been improved with an outdoor pergola in the existing outdoor dining area. As part of this proposal, Ord. No. 2003-375-337 would be amended to include authorization for the pergola as well as changes to the hours of operation and the restrictions pertaining to consumption of alcoholic beverages.

Staff finds the current special use permit is supported by the Master Plan and generally meets the intent of the R-63 District, which would continue if the proposed amendment is adopted.

Staff finds that the addition of a pergola to the outdoor dining area is an appropriate change to the property and will continue to support additional opportunities for activating this portion of Cary Street with additional "eyes on the street".

Staff finds that with the ordinance conditions the safeguards contained within the City Charter, relative to the granting of Special Use Permits, would continue to be met. Specifically, staff finds that the proposed amendment 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 amendment request.

---

---

---

## **FINDINGS OF FACT**

### **Site Description**

The subject property consists of a parcel totaling 4,598 SF or .10 acres of land improved with a mixed-use building, located at the northwest corner of the intersection of West Cary Street and South Harrison Street in the Fan neighborhood of the Near West Planning District, adjacent to the VCU Monroe Park Campus.

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

The special use permit ordinance adopted in 2003 allowed for a mix of uses on the property including residential and a restaurant with outdoor dining. The proposed amendment would authorize a pergola as part of the outdoor dining area, and would modify conditions regarding hours of operation and alcohol consumption.

### **Master Plan**

The City of Richmond's Master Plan designates the subject property for Single-Family Medium Density land use. "Primary uses 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."

Specifically for The Fan neighborhood, the Master Plan states "The Fan is a neighborhood which exists much as it has since the early 1900's. It is identified on the Land Use Plan map as appropriate for the continuation of a wide range of urban residential uses (with varying housing styles and residential densities) and commercial uses to serve the area. While the Land Use Plan map does not provide specific details regarding the exact location of each type and density of residential and commercial uses, it is intended to reflect the importance of maintaining such a mix in this urban residential neighborhood" (p. 233).

### **Zoning and Ordinance Conditions**

The zoning of the subject property is R-63 Multi-Family Urban Residential, which permits residential uses and corner commercial uses. The intent of the R-63 district is to encourage development of medium density neighborhoods comprised of a mix of residential uses and to promote a pedestrian oriented urban environment that is primarily residential in character, but that includes limited nonresidential uses that serve many of the day-to-day convenience needs of neighborhood residents and provide opportunities for residents to live and work within the neighborhood.

The district is intended to be applied within or in close proximity to areas of the City that reflect an urban scale of development and afford convenient access to major employment centers and community facilities, and to encompass undeveloped or underdeveloped properties comprising areas large enough and with sufficient residential density to enable establishment of a cohesive neighborhood. The district regulations permit corner commercial uses that are limited in location, type and scale and are 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.

The district regulations are also intended to promote a streetscape that is urban in character by requiring minimal building setbacks uninterrupted by parking areas along principal street frontages, and to enhance public safety and encourage an active pedestrian environment appropriate to the residential character of the district by providing for windows in building façades along street frontages.

Finally, the district regulations are intended to ensure adequate accessible parking, safe vehicular and pedestrian circulation, and to provide for limited interruption by driveways and vehicular traffic across public sidewalk areas along principal street frontages.

The off-street parking requirements of one parking space per dwelling unit are not being met, and the underlying zoning of the property is superseded by special use permit Ord. No. 2003-375-337, which would be amended as follows as part of this proposal:

3(b) Application for a building permit or certificate of occupancy shall be made within ~~[twenty-four (24)]~~ 24 months from the effective date of this ordinance. This building permit shall expire and become null and void if any necessary construction has not commenced within ~~[one hundred eighty (180)]~~ 180 days from the date of the building permit or if construction is suspended or abandoned for a period of ~~[one hundred eighty (180)]~~ 180 days at any time after such construction has commenced, as provided in any applicable provisions of the Virginia Statewide Building Code. Should application for the building permit for any necessary construction not be made within ~~[twenty-four (24)]~~ 24 months after the effective date of this ordinance or should the building permit expire and become null and void after the expiration of the ~~[twenty-four (24)]~~ 24 month period for making application for the building permit, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

(e) 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.

(f) The use of the ground floor shall be limited to a restaurant and one ~~[(4)]~~ dwelling unit, substantially as depicted on the ~~[attached]~~ attached to Ordinance No. 2003-375-337, adopted December 8, 2003. The restaurant may have an accessory outdoor dining area, including a permanent pergola structure, substantially as depicted on the [attached] plans attached to Ordinance No. 2003-375-337, adopted December 8, 2003, and on sheets 1 through 7 of the plans entitled "Crazy Thai Restaurant," prepared by Abigail Bishop, and dated September 26, 2019, copies of which are attached to and made a part of this amendatory ordinance. Alternatively, the restaurant space of the ground floor may be used as a delicatessen, retail bakery, catering business or non-medical office. Neither more than two ~~[(2)]~~ delivery vehicles nor any vehicle exceeding an empty weight of ~~[six thousand five hundred (6,500)]~~ 6,500 pounds shall be used for the distribution of products off the premises. The commercial use of the ground floor shall be limited to no more than eight ~~[(8)]~~ persons employed on the premises at any one time. The use of the basement shall be limited to storage only. The second floor shall be limited to a maximum of three ~~[(3)]~~ dwelling units, substantially as shown on the attached plans.

(g) Hours of operation for the ground floor commercial use shall be limited to ~~[6:00 a.m. to 9:30 p.m., Sunday through Thursday, and 6:00 a.m. to 10:30 p.m. on Friday and Saturday]~~ 11:00 a.m. to 3:00 p.m. and 5:00 p.m. to 9:30 p.m., Monday through Thursday and Saturday; 11:00 a.m. to 3:00 p.m. and 5:00 p.m. to 10:30 p.m., on Fridays; and 12:00 p.m. to 3:00 p.m. and 5:00 p.m. to 9:30 p.m., on Sundays. The hours of use of the outdoor dining area shall be limited to 9:00 a.m. to 8:00 p.m.

(h) The consumption or sale of alcoholic beverages shall ~~[not be permitted outside of the fully enclosed building]~~ be permitted inside the restaurant during regular business hours and within the outdoor dining area from the hours of 9:00 a.m. to 8:00 p.m.

(i) There shall be no live music or entertainment on the premises at any time, and there shall be no amplified music outside of the fully enclosed building.

(j) No off-street parking shall be required for the uses of the property set forth in subsection (f) above.

(k) Signage shall be in accordance with the applicable underlying zoning regulations.

(l) The outdoor dining area shall be limited to a maximum of 32 patrons, provided that such maximum does not exceed the maximum capacity allowed by the Virginia Statewide Building Code.

### **Surrounding Area**

Properties to the west, north, and east are located in the same R-63 District as the subject property, with an UB Urban Business located to the south. A mix of single-family, two-family, and multi-family residential, institutional, commercial and office land uses are present in the vicinity.

### **Neighborhood Participation**

Staff notified area residents, property owners, and civic associations of the proposed amendment. Staff has received a letter of no objection to this application from the Fan Area Business Alliance and a letter of support from the Uptown Association.

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