



## CITY OF RICHMOND

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

**Ord. No. 2021-192:** To authorize the special use of the property known as 205 West Brookland Park Boulevard for the purpose of art gallery, artist studio, outdoor entertainment, and outdoor retail uses, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** July 19, 2021

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#### **PETITIONER**

Richmond Art Garage, LLC

#### **LOCATION**

205 West Brookland Park Boulevard

#### **PURPOSE**

To authorize the special use of the property known as 205 West Brookland Park Boulevard for the purpose of art gallery, artist studio, outdoor entertainment, and outdoor retail uses, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The subject property is located in the UB-PE7 Urban Business District where art galleries are a permitted use. However, the proposal calls for encroachment into required setbacks as well as live outdoor entertainment, which is not a permitted use in this district. Therefore a special use permit amendment is required.

Staff finds that the proposed project is generally consistent with the Richmond 300 Master Plan designation of Neighborhood Mixed-Use, and would contribute to the revitalization of the Brookland Park Boulevard corridor and to the realization of the vision for the Brookland Park Node.

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 this special use permit request.

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#### **FINDINGS OF FACT**

##### **Site Description**

The subject property is located on the southern side of Brookland Park Boulevard near the intersection with Hanes Avenue. It is 72 feet wide, 90 feet deep and contains 6,480 square feet in

area. The improvements consist of a 1,212 square foot single-story structure build in 1964 that is a repurposed garage.

### **Proposed Use of Property**

The proposal will authorize the construction of an addition utilizing shipping containers in order to expand the existing gallery. The footprint of the addition is within the required 20-foot rear yard setback. A portion of the existing building also encroaches into this setback and is a legally nonconforming structure. The proposed addition in conjunction with the existing structure will form a courtyard open toward West Brookland Park Boulevard and providing screening for the residential uses located across the alley in the rear.

### **MASTER PLAN**

The Richmond 300 Master Plan designates the subject property for Neighborhood Mixed-Uses. Primary uses are single-family houses, accessory dwelling units, duplexes, small multi-family buildings and open space. Secondary uses include retail, office, and personal services.

**Development Style:** These areas feature a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Setbacks, plazas, and parks create a sense of place and community gathering areas. New developments on larger parcels continue or introduce a gridded street pattern to increase connectivity within the neighborhood and to adjacent neighborhoods. In historic neighborhoods, small-scale commercial uses exist today or should be allowed to reestablish. In new neighborhoods, small scale commercial buildings should be introduced.

**Ground Floor:** Regardless of use, buildings should engage the street with features such as street oriented façades with windows and door openings along street frontages. Appropriate setbacks, open space, front porches, elevated ground floors, and other features that provide a sense of privacy should be provided for residential uses.

**Mobility:** Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. New driveways are prohibited on Priority and Principal Street frontages. Vehicular access to parcels should use alleys wherever possible. Parking areas should be located to the rear of street-facing buildings.

**Intensity:** Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets (see Street Typologies Map). Parcels are generally between 1,500 and 5,000 sq. ft.

**Primary Uses:** single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

**Secondary Uses:** Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.

The subject property is also located within the Brookland Park Node. The vision for the node is: Today Historic Brookland Park Boulevard is home to some local businesses that receive

customers from all over the city; however, many storefronts are vacant and dilapidated. Brookland Park was developed when streetcars ran up North Avenue. In 2037, Brookland Park Boulevard will continue to feature long-term businesses, but as the adjacent residential neighborhoods continue to regain population, the empty storefronts will fill with neighborhood-serving businesses. Street landscaping will grow and new public art will recognize the unique character of this commercial corridor.

### **Zoning and Ordinance Conditions**

The subject property is zoned in the UB-PE7 Urban Business district. The property is also located within a Parking Exempt Overlay district.

Zoning Administration provided the following comments:

*The subject property is zoned in the UB-PE7 Urban Business district. The property is also located within a Parking Exempt Overlay district. The proposal consists of constructing an addition onto an existing art gallery. A portion of the proposed addition will consist of an existing shipping container placed on the property without authorization within the required rear yard. The parking requirement is not being met by the proposal. Additional proposed uses such as outdoor market and live music are not permitted in the district. A Special Use Permit is required to be adopted by City Council to authorize this use*

#### **UB Feature Requirements:**

*(1) Front yard. No front yard shall be required, except that 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.*

***This requirement is met.***

*(2) Side yards. No side yards shall be required, except that where a side lot line abuts property in an R or RO district, there shall be a side yard of not less than ten feet in width.*

***This requirement is met.***

*(3) Rear yard. No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district, there shall be a rear yard of not less than 20 feet in depth. The rear property line of 205 W. Brookland Park Boulevard is situated across and alley from property in an R-6 zoning district, a rear yard of 20 feet is required. **The SUP will need to waive this requirement.***

**Screening Requirements:** *Outdoor areas used for the collection of refuse must be screened as required by Sec. 30-660.*

**Building Height:** *no building or structure shall exceed 28 feet in height. Proposed building height on revised plans is 19'. This requirement is met*

**Parking:** *Using the provided square footage in note #7. No parking would be required for the existing building. Four (4) spaces would be required for the remaining 800 square feet where parking is required to be provided at a rate of 1 space per 200 square feet. The remaining 1,668 square feet require parking at a rate of 1 space per 300 square feet of floor area. A total of six (6) additional spaces are required. Based on these calculations ten (10) off-street parking spaces would need to be waived through this SUP. However, there are areas on the floor plans*

*with no square footage provided, so this number may not be accurate. See additional comments section. Parking Improvements: No parking details were provided with the submittal. No proposed on-site parking. All required parking to be waived by SUP.*

**Mechanical Equipment:** *Any outdoor mechanical equipment 36" above grade or taller must meet all setback requirements for the zoning district where it is located. The submitted plans show the HVAC area within the required rear yard. If any of the units are 36" or taller the SUP will need to waive their required yard (setback) requirement.*

**Signage:** *There are no specifications proposed with the signs shown on the plans. The U-B zoning district permits the following types of signs: wall signs, projecting signs, suspended signs, awning signs, canopy signs, and freestanding signs shall be permitted, subject to the restrictions set forth in this section. The aggregate area of all signs located on a lot shall not exceed one square foot for each linear foot of street frontage nor in any case 100 square feet*

*No projecting sign shall exceed 24 square feet in area or be located within*

If approved, the special use permit will impose conditions on the property, including:

- (a) The Special Use of the Property shall be as art gallery and artist studio uses, substantially as shown on the Plans, as well as outdoor entertainment and outdoor retail uses.
- (b) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans.
- (c) All building materials and elevations shall be substantially as shown on the Plans.
- (d) No off-street parking shall be required for the Special Use.
- (e) No outdoor entertainment use or outdoor retail use of the Property shall occur after 10:00 p.m.

### **Surrounding Area**

The adjacent properties to the east and west, as well as the properties across W. Brookland Park Boulevard are located in the same UB-PE7 Urban Business District as the subject property. These properties contain a mix of office, retail and restaurants. To the south, across the alley, are properties located in the R-6 Single-Family Attached zoning district that contain single and two-family detached dwellings.

### **Neighborhood Participation**

Staff notified the Brookland Park Area Business Association, the Battery Park Civic Association, as well as area property owners and residents. Letters of support have been received from the Historic Brookland Park Collective (formerly Brookland Park Area Association) and North Barton Heights Civic Association.

### **Staff Contact**

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