



## CITY OF RICHMOND

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

**Ord. No. 2021-214:** To amend Ord. No. 2010-028-36, adopted Feb. 22, 2010, which authorized the special use of the property known as 5724 Patterson Avenue for the purpose of waiving certain yard requirements, to allow additional floor area within the shopping center for restaurant use, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** September 7, 2021

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#### **PETITIONER**

Harvey C. Johnson, III, Concierge Construction Consulting, LLC

#### **LOCATION**

5720 Patterson Avenue

#### **PURPOSE**

To amend Ord. No. 2010-028-36, adopted Feb. 22, 2010, which authorized the special use of the property known as 5724 Patterson Avenue for the purpose of waiving certain yard requirements, to allow additional floor area within the shopping center for restaurant use, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The applicant is requesting to amend the special use permit to authorize additional restaurant floor area within the shopping center, including additional area for outside dining. The existing special use permit authorized a waiver to the front yard (setback) requirement associated with an enclosed patio space for the restaurant, which at the time only occupied the tenant space with an address of 5724 Patterson Avenue. The restaurant has since expanded into the adjacent tenant space with an address of 5722 Patterson Avenue, and is now seeking to expand to the adjacent space with an address of 5720 Patterson Avenue. Only ten off street parking spaces exist within the shopping center, which does not satisfy the existing or proposed restaurant floor area.

Staff finds that the proposed use is consistent with the recommendations of Richmond 300. The proposed and existing uses within the shopping center are primary uses of the Community Mixed-Use land use category. The property is located within the Westhampton Neighborhood Node, which is envisioned as an area that provides retail and services to nearby residents and from across the region. The portion of Patterson Avenue that abuts the property is designated for enhanced transit on the Enhanced Transit Map of Richmond 300, which supports the requested reduction in the parking requirement.

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 the Special Use Permit Amendment.

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## **FINDINGS OF FACT**

### **Site Description**

The subject property consists of 13,076 square feet, or 0.30 acres, and is located within the Westhampton neighborhood.

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

The proposed Special Use Permit would allow for the construction of a new three story mixed-use building containing commercial uses and up to six dwelling units, while allowing for flexibility of future commercial uses by providing relief from current parking requirements.

### **Master Plan**

The City's Richmond 300 Master Plan designates the property as Community Mixed-Use. This land use category is described as a cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions.

**Development Style:** The 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.

**Ground Floor:** Ground floor uses engage with, and enliven, the street. Monolithic walls are discouraged, while windows, doors, storefronts, and other features that allow transparency and interaction between building and street are encouraged.

**Mobility:** Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. Driveway entrances are required to be off alleys whenever possible; new driveways are prohibited on priority and principal streets. Parking areas are located within the structure and to the rear of buildings and require screening; shared parking requirements are encouraged.

**Intensity:** Buildings generally ranging from two to six stories, based on street widths and depending on the historic context and stepping down in height adjacent to residential areas, as necessary. New buildings that are taller than historical buildings should step back from the build-to line after matching the height of the predominant cornice line of the block.

**Primary Uses:** Retail/office/personal service, multi-family residential, cultural, and open space.

**Secondary Uses:** Single-family houses, institutional, and government.

The property is also within the Westhampton Neighborhood Node, which is envisions new development on underdeveloped parcels to be in a manner that complements and enhances to existing village scale feel of the area. The portion of Patterson Avenue that this property fronts on is designated as a “Major Mixed Use Street” on Richmond 300’s “Great Streets and Street Typologies Map.”

**Zoning and Ordinance Conditions**

The subject property is located within the B-2 Community Business District. The parking area serving the shopping center does not satisfy the off-street parking requirements for the proposed use mix of the shopping center.

If adopted, the Special Use Permit Amendment would impose the following conditions on the properties:

- (a) That the owner of the property shall be bound by, shall observe and shall comply with all other laws, ordinances and rules and regulations applicable to the property, except as otherwise provided in this ordinance.
- (b) Application for a building permit for the alterations depicted on the plans referred to above shall be made within 730 calendar days from the effective date of this ordinance. This building permit shall expire and shall become null and void if any necessary construction has not commenced within 180 days from the date of the building permit or if construction is suspended or abandoned for a period of 180 days at any time after such construction has commenced, as provided in any applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within 730 calendar days after the effective date of this ordinance or should the building permit expire and become null and void after the expiration of the 730 calendar day time 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.
- (c) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the subject property have been paid.
- (d) Storm or surface water shall not be allowed to accumulate on the land. The owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the property so as not to adversely affect or damage adjacent property or public streets and the use thereof.

- (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 property and public streets.
- (f) ~~[Parking shall not be required for the restaurant patio]~~ A minimum of ten (10) off-street parking spaces must be provided on the Property as shown on the plans entitled "The Grill at Patterson & Libbie Avenues", prepared by R.F. Messer, P.E., and dated August 8, 2009, copies of which are attached to Ord. No. 2010-28-36. No additional parking shall be required for the Special Use.

### **Surrounding Area**

The subject property and properties to the east, west and south are located within the B-2 Community Business District. Properties to the north are located within the R-4 Single-Family Residential District.

Other commercial uses are located along Patterson Avenue to the west, east and south of the subject property. Single family are located to the north of the subject property.

### **Neighborhood Participation**

Staff notified area residents and property owners, The Westhampton Merchant's Association, The Westhampton Neighborhood Association at Granite, Libbie, Monument and Patterson Avenues, the Westhampton Citizens Association and the Libbie, Granite & Westview Avenues Neighborhood Association. Staff has received a letter of support from the Westhampton Merchant's Association.

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