



Legislation Details (With Text)

File #: ORD. 2021-214 **Version:** 1 **Name:**
Type: Ordinance **Status:** Adopted
File created: 5/21/2021 **In control:** City Council
On agenda: 9/7/2021 **Final action:** 9/13/2021
Title: 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. (1st District)
Sponsors: Mayor Stoney (By Request)

Indexes:

Code sections:

Attachments: 1. Ord. No. 2021-214, 2. Staff Report 5724 Patterson Avenue, 3. Application Form, 4. Applicant's Report, 5. Agent Authorization, 6. Plans, 7. Map

Date	Ver.	Action By	Action	Result
9/13/2021	1	City Council	adopted	Pass
9/7/2021	1	Planning Commission	recommended for approval	
7/26/2021	1	City Council	introduced and referred	

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. (1st District)

I. That Ordinance No. 2010-028-36, adopted February 22, 2010, be and is hereby amended and reordained as follows:

§ 1. That the property known as 5724 Patterson Avenue, and identified as Tax Parcel No. W020-0073/014 in the ~~[2009]~~ 2021 records of the City Assessor, being more particularly shown on the survey entitled "Improvements on 2 Parcels of Land Located Along the North Line of Patterson Avenue," prepared by Balzer and Associates Inc., dated November 24, 2009, and last revised November 30, 2009, a copy of which is attached to and made a part of ~~[this ordinance]~~ Ordinance No. 2010-028-36, adopted February 22, 2010, is hereby permitted to encroach into the required front yard~~[, substantially as shown on the plans entitled "The Grill at Patterson & Grove Avenues", prepared by R.F. Messer, P.E., and dated August 8, 2009,]~~ and additional restaurant floor area is hereby permitted as shown on Sheet A1.0 of the plans entitled "The Grill - Expansion, 5720, 5722 & 5724 Patterson Avenue, Richmond, VA," prepared by Perretz & Young Architects, dated January 28, 2021, and last revised May 5, 2021, copies of which are attached to and made a

part of this amendatory ordinance.

§ 2. That adoption of this ordinance shall constitute the granting of a special use permit for the property, which shall be transferable from the owner of the real estate to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of the property a building permit in accordance with the plans referred to above for the aforementioned purpose, subject to the following terms and conditions:

(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 [~~twenty-four (24) months~~] 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 [~~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 construction has commenced, as provided in applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within [~~twenty-four (24) months~~] 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 [~~twenty-four (24) month~~] 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 drainage of storm or surface water from the property so as not to adversely affect or damage adjacent property or public streets and alleys 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 as not to be visible from adjacent properties and public streets;

(f) ~~[Parking shall not be required for the restaurant patio]~~ A minimum of ten off-street parking spaces shall be provided on the property as shown on the plans entitled "The Grill at Patterson & Grove Avenues," prepared by R.F. Messer, P.E., and dated August 8, 2009, copies of which are attached to Ordinance No. 2010-028-36, adopted February 22, 2010. No additional parking shall be required for the special use of the property.

§ 4. That the privileges granted by this ordinance may under certain circumstances be revoked. Upon noting that a condition of the special use permit has been violated, the Zoning Administrator, shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it will review the violation and special use permit pursuant to the provisions of sections [~~§ 114-1050.7~~] 30-1050.7 through [~~§ 114-1050.11~~] 30-1050.11 of the Code of the City of Richmond [~~2004~~] (2020), as amended, if (a) the property owner does not does abate the violation within [~~thirty (30)~~] 30 days of the issuance of the notice or (b) three [~~(3)~~] notices are issued to the property owner within any [~~twelve (12)~~] 12 month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section [~~114-1030.80~~] 30-1030.80 of the Code of the City of Richmond [~~(2004)~~] (2020), as amended, or any other applicable laws or regulations.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the [~~premises~~] property is abandoned for a period of [~~twenty-four~~] 24 consecutive months, use of the property shall be governed thereafter by the zoning regulations prescribed for the district in which the property is then situated.

§ 6. This ordinance shall be in force and affect upon adoption.

II. This amendatory ordinance shall be in force and effect upon adoption.

O & R Request

DATE: May 28, 2021

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Kevin J. Vonck, Acting Director, Dept. of Planning and Development Review

RE: To amend and reordain Ord. No. 2010-28-36, adopted February 22, 2010, which authorized the special use of the property known as 5724 Patterson Avenue for the purpose of waiving certain yard requirements and to authorize additional floor area within the shopping center for restaurant use, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend and reordain Ord. No. 2010-28-36, adopted February 22, 2010, which authorized the special use of the property known as 5724 Patterson Avenue for the purpose of waiving certain yard requirements and to authorize additional floor area within the shopping center for restaurant use, upon certain terms and conditions.

REASON: 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 that 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.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its July 19, 2021, meeting.

BACKGROUND: The subject property consists of multiple parcels that have a total lot area of 13,076 square feet (0.3 acres) and is improved with a shopping center containing five tenant spaces that include restaurant, personal service and retail uses. The property is located in the Westhampton neighborhood.

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.

Richmond 300 recommends a future land use of “Community Mixed-Use” for the property. The development style recommended for Community Mixed-Use is development that generally complements the existing context with continuance or enhancement of the gridded street pattern to increase connectivity. The intensity recommended for Community Mixed-Use is two to six story buildings, 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 historic buildings should stepback from the build-to line after matching the height of the predominant cornice line of the block. Ground

floor uses should engage and enliven the street, with windows, doors, storefronts and other features that allow transparency and interaction between the building and the street. The primary uses recommended for Community Mixed-Use are retail/office/personal service, multi-family residential, cultural, and open space. Pedestrian, bicycle, and transit access must be prioritized and bike parking should be provided.

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.”

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.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City’s budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$1,200 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: June 28, 2021

CITY COUNCIL PUBLIC HEARING DATE: July 26, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
July 19, 2021

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: Amend Ord. No. 2010-28-36

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant’s Report, Plans, Map

STAFF: Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646-5648

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

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