



Application is hereby submitted for: (check one)

- special use permit, new**
- special use permit, plan amendment**
- special use permit, text only amendment**

**Project Name/Location**

Property Address: 3406 West Moore Street Date: April 23, 2018  
 Tax Map #: N000-1791/004 Fee: \$2400  
 Total area of affected site in acres: 0.62 acres

(See **page 6** for fee schedule, please make check payable to the "City of Richmond")

**Zoning**

Current Zoning: B-7

Existing Use: Shuffleboard Club (Entertainment, cultural and recreational use)

**Proposed Use**

(Please include a detailed description of the proposed use in the required applicant's report)

Shuffleboard Club operating according to the City definition of Night Club and additional signage  
 Existing Use: Shuffleboard Club

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** Andrew M. Condlin

Company: Roth Jackson Gibbons Condlin, PLC  
 Mailing Address: 11 South 12th Street, Suite 500  
 City: Richmond State: VA Zip Code: 23219  
 Telephone: ( 804 ) 977-3373 Fax: ( 804 ) 441-8438  
 Email: acondlin@rothjackson.com

**Property Owner:** 3406 Moore Street, LLC

If Business Entity, name and title of authorized signee: David Fratkin, Member

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 3200 Rockbridge Street, Suite 300  
 City: Richmond State: VA Zip Code: 23230  
 Telephone: ( 804 ) 977-6490 Fax: ( )  
 Email: snardo@tangandbiscuit.com

**Property Owner Signature:**

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

**NOTE:** Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

**ANDREW M. CONDLIN**

Richmond Office

(804) 977-3373

acondlin@rothjackson.com

May 8, 2018

**BY HAND DELIVERY**

Mr. Matthew Ebinger  
City of Richmond Department of Planning and Development Review  
Land Use Administration Division, Room 511  
City Hall, 900 East Broad Street  
Richmond, Virginia 23219

**Re: Special Use Permit: 3406 West Moore Street**

Dear Mr. Ebinger:

This letter shall serve as the Applicant's Report accompanying the application for a Special Use Permit (the "SUP") for the property known as 3406 West Moore Street (the "Property"). The SUP would authorize a shuffleboard club to operate as a nightclub, as that term is defined in the City Zoning Ordinance, during specified times. The SUP would also authorize an exception from the sign area permitted for the Property in order to permit a mural on the side of the building on the Property.

The Property is located on the north side of Moore Street between Roseneath Road and Belleville Street. The Property is occupied by a one-story commercial building which was constructed circa 1940. The building contains approximately 17,650 square feet of floor area. My client, 3406 Moore Street, LLC, is redeveloping the Property for use as a shuffleboard club that is the subject of this request.

**SIGNAGE**

The Property is zoned B-7 Mixed-Use Business, which permits two square feet of signage for each linear foot of lot frontage along West Moore Street. With 90 feet of lot frontage, the site can accommodate 180 square feet of sign area. The wall mounted signage proposed for the front of the building would fall well within the allotted area. However, a proposed wall mural, which would be painted on the eastern wall of the building perpendicular to West Moore Street, has been deemed to qualify as signage. This is a grey area requiring the interpretation of the Zoning Administrator. As proposed, the mural is not overt advertising – it

**RICHMOND**

919 East Main Street, Suite 2110, Richmond, VA 23219

P: 804-441-8440 F: 804-441-8438

**TYSONS CORNER**

8200 Greensboro Drive, Suite 820, McLean, VA 22102

P: 703-485-3535 F: 703-485-3525

would depict two opposing shuffleboard scoring triangles without any related text at either end of the building. Because the scoring triangles relate to a business/activity on the Property, they have been deemed to be signs. When included in the signage area calculation, the mural would cause the sign area to be exceeded. Therefore, special approval is required in order to have the mural as depicted.

### USE

The B-7 zoning district permits the shuffleboard club use as an entertainment, cultural and recreational use. Prior to January 14, 2013, these uses could be occupied as establishments with entertainment without restriction on hours of operation – meaning they could serve patrons and provide entertainment up until 2:00 AM. However, a zoning text amendment (Ordinance no. 2012-234-2013-2), adopted January 14, 2013, defined establishments as “Nightclubs” that operate after midnight, serve alcoholic beverages, provide floor space for dancing or standing in conjunction with an entertainment activity, and music is amplified through speakers for the purpose of entertaining patrons. Entertainment establishments and restaurants very commonly include these features in the City’s destination entertainment areas. However, to the extent that they do, they are likely considered nonconforming (grandfathered). As this use is being newly established, special approval is required in this specific case.

The nightclub use is enumerated as a principal use permitted by conditional use in the B-7 district. As such, the conditional use permit process would typically be utilized to authorize a nightclub in that district. However, in this case, because special approval for the proposed mural is also necessary, an SUP is requested. The conditional use permit process cannot be utilized to grant relief from requirements of the zoning ordinance. For efficiency, the requests have been combined as one SUP.

The shuffleboard club activity will be centered around 10 regulation floor shuffleboard courts. The space is designed for social interaction and team building, including league play, with dining intermingled with the shuffleboard activity. A full-scale kitchen and associated bar will provide food and beverage much in the same way that might be expected at an upscale bowling facility with restaurant and bar. An additional gaming space, which is contiguous with the main shuffleboard gaming and dining space, will be available from time-to-time for corporate rental, parties, weddings, and special occasions. An outdoor dining area would be located along the Moore Street frontage. The establishment is envisioned as a destination venue with strong day-time patronage as well an after-dinner evening crowd and related entertainment.

The business will be most often operated as a typical entertainment facility focused around the shuffleboard activity, similar to an upscale bowling alley, with background music playing through speakers. There is no stage or dance floor. The floor plan is focused on encouraging interaction with the shuffleboard courts. As a result, the entertainment activity will consist generally of background music to accompany that activity. On a less regular occurrence, the entertainment would be provided by a DJ. On select occasions, live music or other live entertainment would be provided. All of these activities are permitted as a matter of right throughout the day, every day, until 12:00 midnight. The characteristics of the use and proposed



#### **RICHMOND**

919 East Main Street, Suite 2110, Richmond, VA 23219  
P: 804-441-8440 F: 804-441-8438

#### **TYSONS CORNER**

8200 Greensboro Drive, Suite 820, McLean, VA 22102  
P: 703-485-3535 F: 703-485-3525

activities would not change after midnight. However, based on City Code, those same activities would automatically be deemed a nightclub after midnight. As a result, while not intuitively a nightclub with the absence of a dance floor or stage, the use of the Property including the service of alcohol associated with the provision of music through speakers for the patrons would not be permitted after 12:00 midnight. Because the facility would only be open for extended hours from 12:00 midnight until 2:00 AM, Thursday through Saturday, the use of the Property would only be deemed to be a nightclub for 6 hours a week. As such it is only these 6 hours a week for which special approval is requested/required in the form of a special use permit.

### STANDARD OF REVIEW

This request is consistent with the Pulse Corridor Plan recommendation for “Industrial Mixed-Use”. The Property was rezoned in 2017 to B-7 as part of an Pulse Corridor Plan-driven rezoning to ensure that consistency. The B-7 district contemplates the proposed use as being appropriate. The entertainment use is permitted by right and the limited proposal to operate that use after midnight as a nightclub is contemplated as a conditional use. The proposed redevelopment also meets a number of Pulse Corridor Plan Corridor Wide Recommendations including, but not limited to, the following:

CW.28 Preserve historic structures. The proposal would maintain and improve the existing circa 1940 industrial building, adding to a diversity of building type and style in the area.

CW.29 Support new dense, vibrant developments in order to preserve existing historic buildings while increasing vitality at the street and neighborhood levels. The proposed use contributes to the vibrancy of the district by providing for a walkable entertainment destination and providing for outdoor dining in order to activate the street. The proposed mural is intended to be consistent with other wall murals in the area and throughout the City – it is intended to add visual interest and bolster the overall vibrancy of the district.

Because the nightclub use is a principal use permitted by conditional use in the B-7 district this application is intended to meet the related standards outlined in Sec. 30-1045.6. (6) as they pertain to that use and includes a management plan which outlines the operational characteristics and features of the proposed use. In addition, the request addresses the following factors indicted in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed SUP will not:

- *Be detrimental to the safety, health, morals and general welfare of the community involved.*

The proposed SUP will not impact the safety, health, morals and general welfare of the surrounding community. The proposed SUP is consistent with the recommendations of the Pulse Corridor Plan related to the Property. It would contribute to the general welfare of the community by, among other things, adding vitality at the street, preserving the existing building on the site, and providing vibrancy to the district with an active, walkable entertainment use.



#### **RICHMOND**

919 East Main Street, Suite 2110, Richmond, VA 23219  
P: 804-441-8440 F: 804-441-8438

#### **TYSONS CORNER**

8200 Greensboro Drive, Suite 820, McLean, VA 22102  
P: 703-485-3535 F: 703-485-3525

- ***Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.***

The proposed SUP will not result in significant traffic impacts in the area involved, again, owing to its consistency with the Pulse Corridor Plan and its transit-oriented design principals. Parking will be provided according to normal zoning requirements.

- ***Create hazards from fire, panic or other dangers.***

The Property is being rehabilitated in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- ***Tend to overcrowding of land and cause an undue concentration of population.***

The proposed SUP will not tend to over crowd the land or create an undue concentration population. The B-7 district would permit the property to be developed in a much denser fashion with greater building massing than the proposed as a matter of right.

- ***Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.***

The proposed SUP permit would not adversely affect the above referenced City services. To the contrary, the SUP would provide a positive fiscal (tax) benefit that would enhance the City's ability to provide these services to the surrounding community.

- ***Interfere with adequate light and air.***

The proposed SUP will not interfere with adequate light and air. While the B-7 district would allow greater building massing by right, this request would utilize the one-story building on the site which has existed in this general configuration since circa 1940.

The zoning nightclub definition is very loose and captures uses with varying operational characteristics. Some of those characteristics, such as permanent dance floors and stages and operation throughout the week might be more impactful than others. In this case, with a general limitation to Thursday through Saturday nights, the provision of a management plan, and the floor plan which is absent any dance floors or stages, the proposed operation of the Property as a nightclub would be limited in impact. Unlike many nightclub venues which might rely solely on late night patronage, the shuffleboard club would distinguish itself by attracting visitors to the area throughout the day as a unique and active entertainment option with full service kitchen. It would preserve the existing building on the site while activating the street with outdoor dining and increasing vitality in the district. Given the recommendations of the Pulse Corridor Plan, the



**RICHMOND**

919 East Main Street, Suite 2110, Richmond, VA 23219  
P: 804-441-8440 F: 804-441-8438

**TYSONS CORNER**

8200 Greensboro Drive, Suite 820, McLean, VA 22102  
P: 703-485-3535 F: 703-485-3525

specific details of this request, and the specific location and attributes of the Property, the proposed use is appropriate for the Property and it meets the criteria set forth in the Charter of the City of Richmond related to the approval of Special Use Permits.

Thank you for your time and consideration of this request, please let me know if you have any questions.

Sincerely,



Andrew M. Condlin

Enclosures

cc: The Honorable Kimberly B. Gray



**RICHMOND**

919 East Main Street, Suite 2110, Richmond, VA 23219  
P: 804-441-8440 F: 804-441-8438

**TYSONS CORNER**

8200 Greensboro Drive, Suite 820, McLean, VA 22102  
P: 703-485-3535 F: 703-485-3525