

INTRODUCED: November 14, 2016

AN ORDINANCE No. 2016-294

To rezone the property known as 3022 West Broad Street from the B-3 General Business District to the B-7 Mixed-Use Business District.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 12 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the survey entitled “ALTA/ACSM Land Title Survey Showing Existing Improvements to Three Parcels of Land Being #3022 W. Broad Street, #1216 Summit Avenue, #3101 W. Marshall Street, City of Richmond, Virginia,” prepared by Shadrach & Associates LLC, and dated February 9, 2015, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property known as 3022 West Broad Street, with Tax Parcel No. N000-1588/024 as shown in the 2016 records of the City Assessor, is excluded from the B-3 General Business District and shall no longer be subject to the provisions of sections 30-438.1 through 30-438.5 of the Code of the City of Richmond (2015), as amended, and that the

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 12 2016 REJECTED: _____ STRICKEN: _____

same is included in the B-7 Mixed-Use Business District and shall be subject to the provisions of sections 30-446.1 through 30-446.8 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2015), as amended.

§ 2. This ordinance shall be in force and effect upon adoption.



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.richmondgov.com

Intracity Correspondence

Pre Introduction to Council: PRE. 2016-272

File Number: PRE. 2016-272

To rezone the property known as 3022 West Broad Street from the B-3 General Business District to the B-7 Mixed-Use Business District.

O & R REQUEST

O & R Request

OCT 3 2016

4-5739

Chief Administration Office
City of Richmond

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (by request) *[Signature]*
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer *[Signature]*

THROUGH: Peter L. Downey, Jr., Deputy Chief Administrative Officer for Economic Development and Planning *[Signature]*

FROM: Mark A. Olinger, Director, Dept. of Planning and Development Review *[Signature]*

RE: Rezoning of 3022 West Broad Street from the B-3 General Business District to the B-7 Mixed-Use Business District.

ORD. OR RES. No.

RECEIVED

OCT 19 2016

PURPOSE: To rezone the property known as 3022 West Broad Street from the B-3 General Business District to the B-7 Mixed-Use Business District.

OFFICE OF CITY ATTORNEY

REASON: The applicant proposes to develop a brewery with an accompanying restaurant on the subject property. The B-3 district only permits small-scale breweries as an accessory use in conjunction with a restaurant, thus requiring parking at the same rate as a restaurant. The proposed brewery would be approximately 4,000 square feet. The proposed B-7 District permits breweries producing not more than 100,000 barrels of beer per year as a principal use, and as such, the brewery would be required to provide parking based on the number of employees and vehicles.

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 December 5, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is located on the north side of West Broad Street at the corner of Summit Avenue and contains 0.598 acres of lot area. The property is improved with an existing building just under 10,000 square feet in size and was most recently occupied by Suntrust Bank.

The applicant proposes to develop a brewery with an accompanying restaurant on the subject property. The B-3 district only permits small-scale breweries as an accessory use in conjunction with a restaurant, thus requiring parking at the same rate as a restaurant. The proposed brewery would be approximately 4,000 square feet. The proposed B-7 District permits breweries producing not more than 100,000 barrels of beer per year as a principal use, and as such, the brewery would be required to provide parking based on the number of employees and vehicles.

Under the B-7 district parking requirements, 1 space per 300 square feet of restaurant space would be required and 1 space per 2 employees would be required for the brewery operation.

The properties to the east, south and west are zoned B-3 General Business District and are occupied with a mix of commercial uses and surface parking lots. The properties to the north are zoned M-2 Light Industrial.

The subject property is located along the future route of the GRTC Pulse: Bus Rapid Transit (BRT) system. A Pulse station is planned at the nearby intersection of North Cleveland Street and West Broad Street. In addition, the City is currently undertaking a long-range planning process for the Broad and East Main Street corridors, which among other things, is focusing on transit-oriented design.

The Master Plan designates this area as General Commercial.

FISCAL IMPACT / COST: The Department 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: \$1,500.00 application fee.

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: November 14, 2016

CITY COUNCIL PUBLIC HEARING DATE: December 12, 2016

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission,
December 5, 2016.

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public
notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report and Survey

STAFF: Lory Markham, Principal Planner
Land Use Administration (Room 511)
804-646-6309

O&R 16-27



Application for **REZONING/CONDITIONAL REZONING**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

RECEIVED
SEP 16 2016

Project Name/Location LAND USE ADMINISTRATION RZON 006357-2016

Project Name: Statement Brewery Date: September 12, 2016

Property Address: 3022 West Broad Street Tax Map #: N000-1588/024

Fee: \$1,500.00 Total area of affected site in acres: 0.598 Acres
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning
Current Zoning: B-3 General Business

Proposed Zoning/Conditional Zoning
(Please include a detailed description of the proposed use and proffers in the required applicant's report)

Existing Use: Bank

Is this property subject to any previous land use cases? B-7 Mixed-Use Business
 Yes No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Andrew M. Condlin, Esquire

Company: Roth Doner Jackson Gibbons Condlin, PLC

Mailing Address: 919 East Main Street, Suite 2110

City: Richmond State: VA Zip Code: 23219-4625

Telephone: (804) 977-3373 Fax: (804) 441-8438

Email: acondlin@rothdonerjackson.com

Property Owner: Summitbrew LLC

If Business Entity, name and title of authorized signee: Jay Shah, Manager

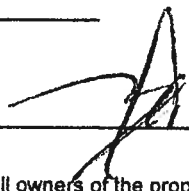
(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 2000 Ware Bottom Spring Road

City: Chester State: VA Zip Code: 23836

Telephone: (804) 777-9000 x109 Fax: ()

Email: jay@shaminhotels.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.)



roth doner jackson gibbons condlin, plc

attorneys at law

919 East Main Street, Suite 2110, Richmond, VA 23219-4625
(804) 441-8440 (main) - (804) 441-8438 (fax)
www.rothdonerjackson.com

Andrew M. Condlin
(804) 977-3373 (direct)
acondlin@rothdonerjackson.com

September 16, 2016

BY HAND DELIVERY

Ms. Lory Markham
City of Richmond Department of Community Development
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, Virginia 23219

Re: Rezoning: 3022 West Broad Street

Dear Lory:

This letter shall serve as the Applicant's Report accompanying the application for a rezoning from B-3 General Business to B-7 Mixed-Use Business in order to facilitate the development of a brewery with an accompanying restaurant use at 3022 West Broad Street (the "Property"). The Property is located on the north side of West Broad Street at the corner of Summit Avenue and contains 0.598 acres of lot area. The Property is occupied by a one story building containing approximately 9,980 square feet of floor area, with some accessory buildings. The building has been occupied as a bank since its construction in 1948.

The Property is zoned B-3 General Business, which only permits small-scale breweries as an accessory use in conjunction with a restaurant. As a result, parking is required for accessory breweries at the same rate as restaurants at one space per 100 square feet of floor area. While a restaurant is contemplated in conjunction with the proposed brewery in this instance, at over 4,000 square feet in floor area, the brewery would be rendered infeasible by that parking requirement. The proposed B-7 Mixed-Use Business District permits breweries producing not more than 100,000 barrels of beer per year as a principal use. As a principal use, the brewery would be required to provide parking based on the number of employees and vehicles used therewith – the same standard other breweries in the vicinity are required under the predominant M-1 Light Industrial zoning. Therefore, a rezoning to the B-7 Mixed-Use Business classification is requested.

The Master Plan recommends "General Commercial" for the Property, which suggests a broad range of office, retail and general commercial uses are appropriate. The B-7 district is consistent with this classification as its intent is to encourage a broad range of mixed land uses, including residential, commercial and compatible industrial and service uses. The B-7 district and proposed development are also consistent with the Master Plan land use goals and city-wide land use strategies which suggest, among other things, that vacant or underutilized sites should

{00505065;v2}

Ms. Lory Markham
September 16, 2016
Page 2

be developed with productive land uses of high quality, thereby enhancing commercial and economic development opportunities.

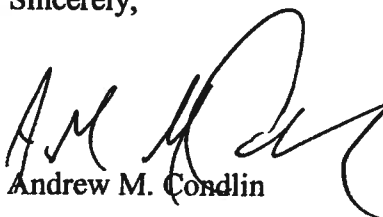
While not complete, it is anticipated that the long-range plan for the Broad and East Main Street corridors along the future route of the GRTC Pulse: Bus Rapid Transit (BRT) system will share elements that are consistent with the intent of the B-7 district while potentially permitting more intense development based on transit oriented design principals. Elements of the B-7 district intent including, but not limited to, promoting mixed-uses, encouraging an active and safe pedestrian environment, and ensuring an appropriate mixed-use character through fenestration requirements and certain form-based requirements, are likely to be reflected in the recommendations of the study. As a result, the proposed B-7 district will likely be more consistent with the findings of the study than the existing B-3 district, which is more suburban in character.

The properties to the north are zoned M-1 Light Industrial and are designated "Industrial" in the Master Plan. Properties, to the east, west across Summit Avenue, and south across West Broad Street are zoned B-3 General Business and designated "General Commercial" in the Master Plan. The zoning designations for many of these properties will likely change as a result of the continued development of the long range planning process by the City and the BRT. This request will serve as a transition as well as set the standard for future development in the area.

The availability of tax credits for the renovation of the existing structure ensures that appropriate design control will be provided through the State and Federal review of tax credit applications. The B-7 district also includes "form-based" requirements, such as building façade fenestration, maximum setbacks, and restrictions on the location of parking areas, which address concerns over mixed-use design and character. To the extent that any portion of the Property may be redeveloped in the future, the B-7 district's additional design control requirements would be helpful in ensuring development that is of appropriate commercial/mixed-use character.

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 Charles R. Samuels

{00505065;v2}

Legal Description

PARCEL 1 (2022 West Broad Street)

All that certain lot, piece or parcel of real estate, siting and being in the City of Richmond, Virginia (hereinafter referred to as the "City of Richmond, Virginia"), on the northern line of Broad Street, being more particularly described as follows:

BEING the same real estate conveyed to John-Pauline Clark and Trust Company, a Virginia banking corporation, by deed from Hill D. Sims and John J. Sims, his wife, dated January 2, 1942, recorded in the Clerk's Office, Circuit Court, City of Richmond, Virginia, October 1, in Deed Book 622-4, page 17.

PARCEL 2 (1216 Summit Avenue)

All that certain lot, piece or parcel of land with all improvements thereon, siting 1216 Summit Avenue, being and being in the City of Richmond, Virginia, and more particularly described as follows:

BEING the same real estate conveyed to John-Pauline Clark and Trust Company, a Virginia banking corporation, by deed from Hill D. Sims and John J. Sims, his wife, dated January 2, 1942, recorded in the Clerk's Office, Circuit Court, City of Richmond, Virginia, October 1, in Deed Book 622-4, page 17.

PARCEL 3 (3101 West Marshall Street)

All that certain lot, piece or parcel of land with all improvements thereon, siting 3101 West Marshall Street, being and being in the City of Richmond, Virginia, and more particularly described as follows:

BEING the same real estate conveyed to John-Pauline Clark and Trust Company, a Virginia banking corporation, by deed from Hill D. Sims and John J. Sims, his wife, dated January 2, 1942, recorded in the Clerk's Office, Circuit Court, City of Richmond, Virginia, October 1, in Deed Book 622-4, page 14.

Flood Certification

I have examined the Flood Insurance Rate Map for the County of Spotsylvania, Virginia (hereinafter referred to as the "FIRM") and find that the subject property is not located in a Special Flood Hazard Area, and therefore is not located in an area (A) as determined by National Flood Insurance Program, Federal Emergency Management Agency, Department of Housing and Urban Development.

**Old Republic National Title Insurance Company
Schedule B - Commitment No. OCT:1511457**
(Referenced by corresponding number in Commitment)

- 3. Encroachments, easements, deficiencies in quantity of ground, boundary line disputes, easements, unrecorded easements and other matters which may be discovered by an accurate survey and inspection of the premises.
4. Description of plot of survey prepared by Chen, H. Field dated December 10, 1947, recorded in Deed Book 622-4, at page 14, showing the following:
(a) Encroachment upon Parcel 1 by the former school apparatus to Parcel 2.
(b) Encroachment upon Parcel 1 by the former school apparatus to Parcel 2.
(c) Encroachment upon Parcel 1 by the former school apparatus to Parcel 2.
NOTE: The above encroachments are no longer present on the subject property.
5. Description of plot of survey prepared by William H. Lamb dated August 27, 1950, recorded in Deed Book 622-4, at page 12, showing the following:
(a) Encroachment upon Parcel 1 by the former school apparatus to Parcel 2.
(b) Encroachment upon Parcel 1 by the former school apparatus to Parcel 2.
(c) Encroachment upon Parcel 1 by the former school apparatus to Parcel 2.
NOTE: The above encroachments are no longer present on the subject property.

Surveyor's Certificate

I, SHADRACH & ASSOCIATES, LLC, a Virginia Limited Liability Company, do hereby certify that the foregoing is a true and correct copy of the original plat as recorded in the Clerk's Office, Circuit Court, City of Richmond, Virginia, on February 4, 2018.

Shadrach & Associates, LLC
Registered Surveyor No. 2774



Notes:

- 1. This survey plat represents a current and accurate field transit survey of the premises shown herein.
2. This survey was made with the benefit of a Title Report dated November 24, 2015, issued by Old Republic National Title Insurance Company (No. 8271511457).
3. There is no evidence of a conspiracy on the subject property.
4. There is no evidence of use of the Property as a child care center, camp or similar facility.
5. Parcel 1 has direct access to E. Broad Street, Summit Avenue and a public alley.
6. Parcel 2 has direct access to a public alley.
7. Parcel 3 has direct access to E. Marshall Street.

Parking Spaces

Table with 2 columns: Space Type and Count. Rows include Regular Spaces (30), Handicap Spaces (3), and Total (33).

Zoning

Current Zoning: B-3 (General Business District)

Very Near/Adjacent: Minimum Side Yard: 5.00 Feet, Minimum Rear Yard: 5.00 Feet, Minimum Height: 35.00 Feet

Current Zoning: M-1 (Light Industrial District)

Very Near/Adjacent: Minimum Side Yard: 5.00 Feet, Minimum Rear Yard: 5.00 Feet, Minimum Height: 35.00 Feet

For further information of Zoning Requirements - Contact: City of Richmond, Zoning Division, 500 E. Broad Street, Richmond, Virginia 23219, Phone: (804)646-3340, Fax: (804)646-8040

Statement of Encroachments

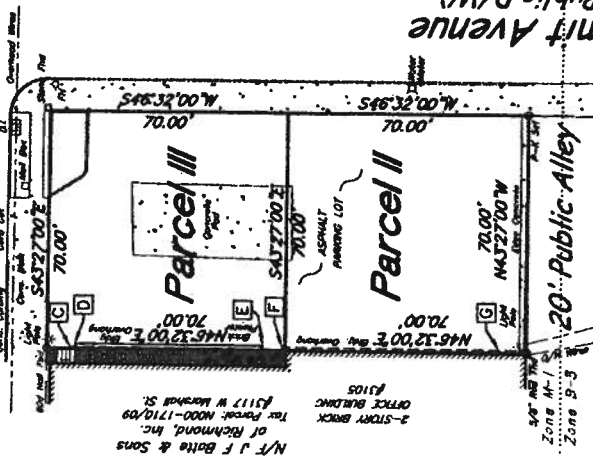
- A Fence Corner encroaches 1.45' onto subject property.
B Fence Corner encroaches 1.60' onto subject property.
C Building Overhang encroaches 0.67' onto subject property.
D Brick Plaster Corner encroaches 1.57' onto subject property.
E Brick Plaster Corner encroaches 1.49' onto subject property.
F Building Overhang encroaches 0.87' onto subject property.
G Building Overhang encroaches 0.78' onto subject property.



ALTA/ACSM LAND TITLE SURVEY
SHOWING EXISTING IMPROVEMENTS TO THREE PARCELS OF LAND BEING #3022 W. BROAD STREET #1216 SUMMIT AVENUE #3101 W. MARSHALL STREET
CITY OF RICHMOND, VIRGINIA
DATE: FEBRUARY 9, 2018
Scale: 1" = 25'

Shadrach & Associates LLC
LAND SURVEYING
130 S. Boulevard, Suite 104, Richmond, Virginia 23228
Phone: (804)771-2222 or Fax: (804)771-8001

W. Marshall Street
(60' Public R/W)



Summit Avenue
(60' Public R/W)

Legal References:

PARCEL I

Suntrust Bank
(formerly State-Planters Bank and Trust Company)
Deed Book 502-B, Page 17
Tax Parcel: N000-1588/024
#3022 West Broad Street

PARCEL II

Suntrust Bank
(formerly State-Planters Bank and Trust Company)
Deed Book 602-A, Page 11
Tax Parcel: N000-1710/011
#1216 Summit Avenue

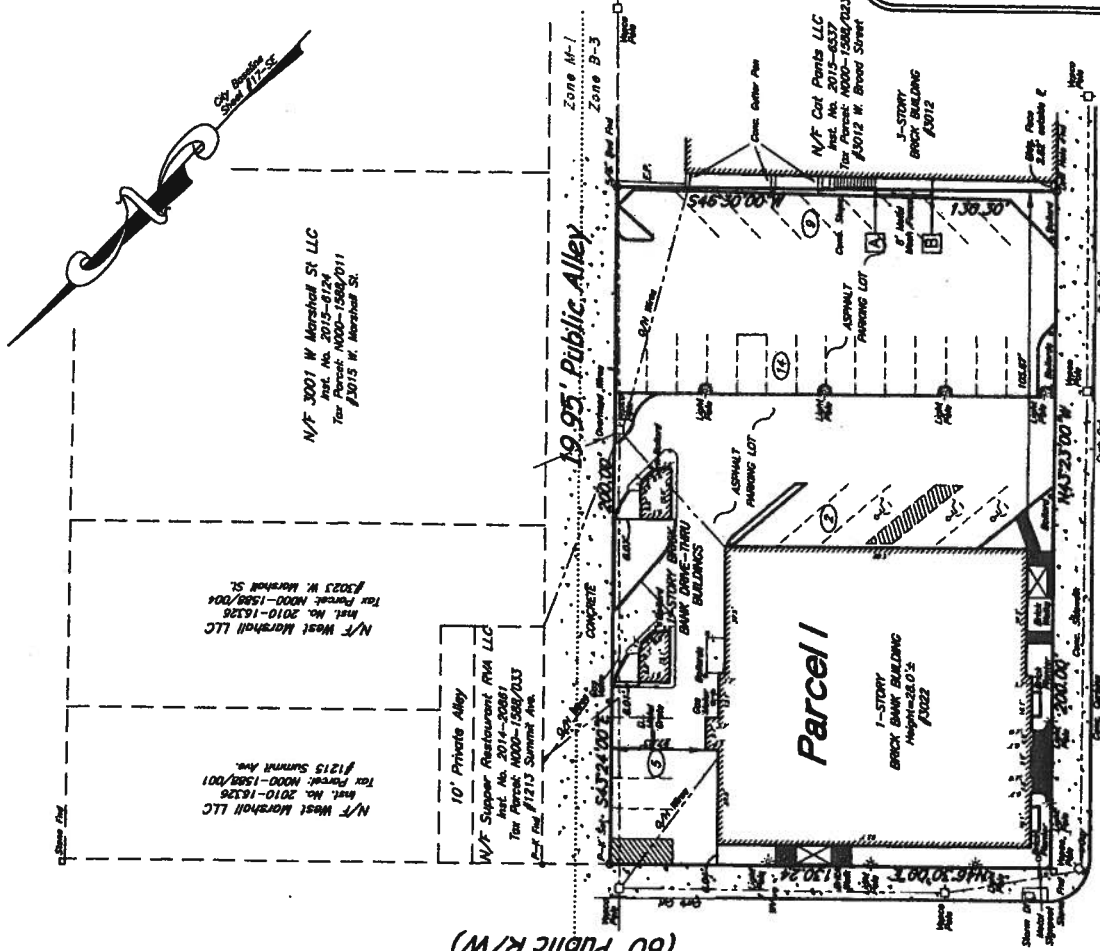
PARCEL III

Suntrust Bank
(formerly State-Planters Bank and Trust Company)
Deed Book 602-A, Page 14
Tax Parcel: N000-1710/010
#3101 West Marshall Street

Parcel I
0.598 Acres
26,053.76 Sq.Ft.

Parcel II
0.112 Acres
4,900.00 Sq.Ft.

Parcel III
0.112 Acres
4,900.00 Sq.Ft.



W. Broad Street
(Var. Width Public R/W)

Sheet 2 of 2

ALTA/ACSM LAND TITLE SURVEY
SHOWING EXISTING IMPROVEMENTS TO
THREE PARCELS OF LAND BEING
#3022 W. BROAD STREET
#1216 SUMMIT AVENUE
#3101 W. MARSHALL STREET
CITY OF RICHMOND, VIRGINIA
DATE: FEBRUARY 9, 2015



Shadrach & Associates LLC
LAND SURVEYING
435 Southside Blvd., Suite 10-20 Richmond, Virginia 23220
Phone: (804)378-4000 or Fax: (804)378-3001