



Application for **SPECIAL USE PERMIT**

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/>

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: _____ Date: _____

Tax Map #: _____ Fee: _____

Total area of affected site in acres: _____

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

Zoning

Current Zoning: _____

Existing Use: _____

Proposed Use

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

Existing Use: _____

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _(_____) _____ Fax: _(_____) _____

Email: _____

Property Owner: _____

If Business Entity, name and title of authorized signee: _____

(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: _____

City: _____ State: _____ Zip Code: _____

Telephone: _(_____) _____ Fax: _(_____) _____

Email: _____

Property Owner Signature:

T. Preston Lloyd, Jr., **Attorney-in-Fact, Acting Under Special Power of Attorney**

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)

WILLIAMS MULLEN

Direct Dial: 804.420.6615
plloyd@williamsmullen.com

November 2, 2020

VIA USPS AND E-MAIL

City of Richmond Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
Attn. Matthew Ebinger, Secretary, Planning Commission

**Re. Applicant's Report | Special Use Permit Application
2410 Ownby Lane, N0001294036**

Ladies and Gentlemen:

This firm is counsel to 2410 Ownby Lane, LLC (the "Applicant"), on whose behalf we submit the enclosed materials referenced on Exhibit A (collectively, the "Application") for authorization of the special use of certain property further described herein pursuant to Section 30-1050.1 *et seq.* of the Code of the City (the "Code"). This letter will serve as the Applicant's Report.

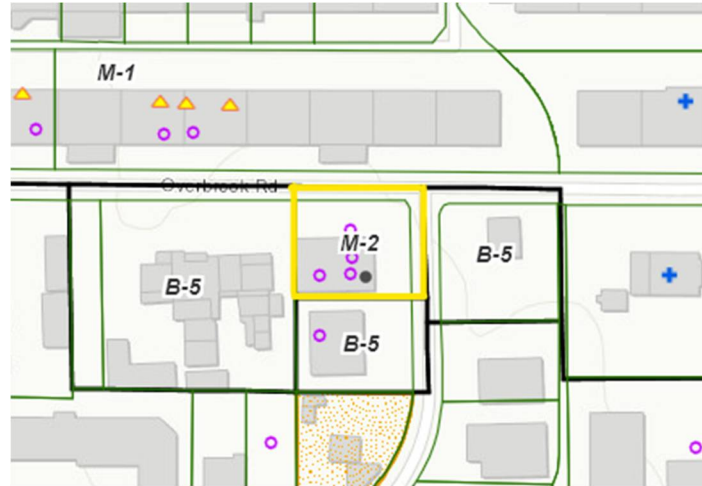
Subject Property

The subject property, presently owned by the Applicant, is 0.951 acres, more or less, known as 2410 Ownby Lane, located at the corner of Overbrook Road and Ownby Lane in the City of Richmond, Virginia, as depicted immediately below (the "Property").



Current Use & Zoning District Regulation

The Property, designated as M-2 Heavy Industrial District on the Zoning Map of the City, is currently improved for primary use as a brewery tasting facility operated by Hardywood Craft Brewery, together with various accessory uses, all as summarized on the parking matrix labeled “Table 1” and enclosed with this Application (the “Parking Matrix”). Surrounding properties are designated as B-5 and M-1, as shown on the Zoning Map excerpted immediately below.



The current building plans for the improvements on the Property, as approved by the City on September 28, 2020, provides a total of **104 parking spaces**. This satisfies the on- and off-site parking requirements imposed by the Zoning Ordinance as further summarized on the Parking Matrix.

Proposed Special Use

The Applicant proposes continuing the current use of the Property, subject to one change: converting use of the facility’s barrel room, currently classified as warehouse use, for special brewery events and therefore converting its classification to restaurant use under the City Code (the “Proposed Use”). While use of the Property for restaurant use presently is permitted as a matter of right by the Code of the City,¹ the Applicant requests approval of the special use of the property to modify the applicable parking regulations.

Specifically, the Applicant proposes to authorize the Proposed Use of the Property subject to the B-7 parking requirement that not less than 59 parking spaces be provided within a 750-foot radius of the Barrel Room.² The Applicant further proposes that the 59 parking spaces be required to be located on-site or off-site within the 750-foot radius pursuant to the regulations set forth in Section 30-710.2(4) of the Code of the City. The Applicant’s proposed compliance with these requirements is more particularly shown on sheet no. EX-1 of the drawing entitled “PARKING EXHIBIT” prepared by Kimley-Horn and Associates, Inc., dated July 15, 2020, enclosed with the Application.

¹ See City Code Sec. 30-438.1(45), authorizing principal uses allowed in M-1 by reference to City Code Sec. 30-454.1(1), which in turn authorizes principal uses allowed in B-3 by reference to City Code Sec. 30-452.1(1).

² See City Code Sec. 30-710.4(2).

Justification

The proposed parking reduction is consistent with the parking regulations presently applicable under the B-7 Mixed-Use Business District parking regulations, which were designed in connection with the City-initiated rezoning of Scott's Addition.³ Were the Property presently subject to the off-street parking regulations applicable in the B-7 district, the total parking spaces required would be 59 spaces, as summarized in the third column of the Parking Matrix.

Conformance with Master Plan

The proposed special use of the Property conforms to the City's Master Plan, especially as currently proposed in the form of the Richmond 300 Master Plan (the "Master Plan").⁴ According to the Master Plan, Richmond 300 intends the Property to be treated as an extension of Greater Scott's Addition. As an emerging neighborhood, Scott's Addition has undergone a transformation from outmoded industrial uses into a vibrant, pedestrian-oriented urban community comprised of a diverse array of uses, including multifamily, office and retail, among others. Such uses are located within close proximity of the Property. The uses of the Property are complementary to and consistent with the surrounding properties and uses, and enhance the surrounding area in general. The neighborhood in the vicinity of the Property is undergoing a similar transformation, as evidenced by the designation of this area as "Greater Scotts Addition" on the future land use map of the Master Plan.

Due to the mixed-use nature of Greater Scott's Addition, streets are "designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists, and transit riders."⁵ The proposed application of B-7 district parking regulations advance this objective by encouraging walking and the use of alternative modes of transportation. If regulated in a like manner to Scott's Addition, the Property need only provide a significantly reduced number of parking spaces as would otherwise required under Section 30-710.1 of the Code.

Charter Requirements

Based on the foregoing, the proposed use on the Property meets the criteria set forth in as Section 17.11(b) of the Charter of the City that the Application is not (i) detrimental to the safety, health, morals and general welfare of the community involved; (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved; (iii) create hazards from fire, panic or other dangers; (iv) tend to cause overcrowding of land and an undue concentration of population; (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or (vi) interfere with adequate light and air.

³ See City Council Ord. no. 2017-151, creating the TOD-1 and B-7 districts.

⁴ On Monday, October 5, 2020, the City Planning Commission voted to recommend approval of the Richmond 300 Master Plan to City Council, final consideration and approval of which is currently pending but will likely be in effect upon consideration of this Application by each respective body.

⁵ Master Plan p. 37.

Conclusion

The proposed application of the B-7 parking regulations to the Property would further catalyze the significant growth and revitalization of Greater Scott's Addition and is consistent with the Master Plan. The regulations encourage walking and alternative modes of transportation, thus supporting increased pedestrian activity in this portion of the City. Lesser parking advances the land use policy priorities of City Council evidenced in the Master Plan, as authorized by the Charter of the City.

Thank you for your consideration of this matter. Please confirm your determination that the Application has been received and deemed complete by your office, and kindly contact us should you have any questions or require additional materials.

Very truly yours,

/s/

T. Preston Lloyd, Jr.

cc. The Hon. Kimberly Gray, Councilperson for 2nd District (via email)
Mark A. Olinger, Director, Department of Planning and Development Review (via email)
Spy Rock Real Estate Group (via email)

Enclosures

EXHIBIT A
APPLICATION MATERIALS

In connection with the proposed Special Use Permit Application for 2410 Ownby Lane (Tax Parcel No. N0001294036), the following materials are enclosed:

1. Special Use Permit Application form;
2. Survey of present conditions, entitled "OVERBROOK DEVELOPMENT PREPARED FOR SPY ROCK", prepared by Kimley-Horn & Associates, dated July 15, 2020;
3. Parking Matrix;
4. Land Use Special Power of Attorney from the Applicant and Owner; and
5. Check made payable to City of Richmond in the amount of \$2,400.00.