



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2014-191: To amend Ord. No. 96-17-34, adopted Mar. 11, 1996, which authorized the special use of the properties known as 510-520 West Broad Street, 517-519 West Marshall Street and 304 North Henry Street as a building for retail purposes with an accessory drive-up window and parking, to permit the sale of alcoholic beverages for off-premises consumption, in accordance with a Virginia Department of Alcoholic Beverage Control Wine and Beer Off-Premises license, at the existing retail drugstore, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: January 5, 2014

PETITIONER

Jim Akers
Rite Aid Licensing Department
PO Box 3165, Harrisburg, PA 17105

LOCATION

510-520 West Broad Street, 517-519 West Marshall Street and 304 North Henry Street

PURPOSE

To authorize the sale of beer and wine at the Rite Aid at the corner of East Broad Street and Belvidere

SUMMARY & RECOMMENDATION

The subject property is located at the northeast corner of West Broad Street and Belvidere Street and is located in the Broad Street Old and Historic Overlay District. The property is currently improved with a Rite Aid Retail store, 10,299 square feet in size, a drive-up window, and accessory parking. The property is located in the B-4 Central Business zoning district, which permits retail uses and the sale of alcohol. The B-4 district prohibits drive through windows associated with any use. A special use permit was approved in 1996 that authorized the drive-up window and restricted the sale of alcohol as a condition of the approval.

The petitioner proposes to amend the existing ordinance for the purposes of selling beer and wine to take off-premises. Since the proposed amendment to the original ordinance was introduced the petitioner has worked with the Historic Jackson Ward Association and would like to further amend the ordinance to impose additional conditions.

The additional amendments would require the property owner to request a public hearing before the Planning Commission one year after adoption. This hearing will allow the Planning Commission to review the special use permit to evaluate whether the special use of the property tends to be detrimental to the safety, health, morals and general welfare of the community. In addition, the ordinance requires the property owner to provide a detailed lighting plan to the Director of Planning and Development Review prior to the issuance of the required Certificate of Zoning Compliance.

The Richmond Downtown Master Plan designates this property as an Urban Center Area. The Urban Center Areas are characterized by higher density mixed-use development. These areas can have a dense mix of office space, apartments and retail located in four to six-story brick buildings that front the street.

Staff finds that the proposed sale of alcohol is consistent with Master Plan designation of Urban Center Area as this property is located along a major commercial corridor. In addition the sale of alcoholic beverages is a use permitted by-right in the underlying B-4 Central Business zoning district and is typically an incidental use with drugstores.

Staff finds that the City Charter conditions relative to the granting of special use permits has been met. Therefore, staff recommends approval of the special use permit subject to the following amendments proposed by the applicant:

1. The applicant shall request a public hearing before the Planning Commission to review the special use permit one year after its adoption; and
2. The applicant shall provide a detailed lighting plan for approval by the Director of Planning and Development Review prior to issuance of a Certificate of Zoning Compliance.

FINDINGS OF FACT

Site Description

The subject property is located at the northeast corner of West Broad Street and Belvidere Street and is located in the Broad Street Old and Historic Overlay District. The property is currently improved with a Rite Aid Retail store, 10,299 square feet in size, a drive up window, and accessory parking.

Proposed Use of the Property

The petitioner proposes to amend the existing ordinance for the purposes of selling beer and wine to take off-premises.

Master Plan

The Richmond Downtown Master Plan designates this property as an Urban Center Area. The Urban Center Areas are characterized by higher density mixed-use development. These areas can have a dense mix of office space, apartments and retail located in four to six-story brick buildings that front the street.

Zoning & Ordinance Conditions

The property is currently zoned B-4 Central Business District, which permits retail and convenience stores. The special use permit No. 96-17-34 was required for the purposes of authorizing the drive-up facility, and as part of the approval, a condition was added prohibiting the sale of alcohol. The applicant is requesting an amendment to the 1996 ordinance, which would amend the prohibition of alcohol sales.

The proposed amendment would authorize the sale of alcoholic beverages for off-premises consumption. As part of this authorization, all sales shall be permitted in accordance with a Virginia Department of Alcoholic Beverage Control Wine and Beer Off-Premises license, provided that the sale of fortified wines with sixteen (16) percent or more in alcohol content, the sale of beer or malt beverages in containers of forty-eight (48) ounces or less or in less than six-pack quantities, the sale of wine in less than 750 milliliter bottles or containers, the sale of wine cooler packages in aggregate volumes of less than 750 milliliters, and the sale of alcoholic beverages between midnight and 6:00 a.m. daily shall be prohibited.

The amended ordinance requires the property owner to request a public hearing before the Planning Commission one year after adoption. This hearing will allow the Planning Commission to review the special use permit to evaluate whether the special use of the property tends to be detrimental to the safety, health, morals and general welfare of the community.

In addition, the ordinance requires the property owner to provide a detailed lighting plan to the Director of Planning and Development Review prior to issuance of a Zoning Compliance Certificate.

Surrounding Area

The properties to the west, south and east are also zoned B-4 Central Business. Properties to the north along West Marshall Street are zoned R-6 Single-Family Attached Residential. To the west, across Belvidere Street are the Broad and Belvidere Student Apartments. To the south and to the east are a mix of commercial uses. Across the alley to the north are single and two-family dwellings.

Neighborhood Participation

Staff has contacted 2nd District Council Representative, Charles Samuels, the Carver Area Civic Improvement League, Historic Jackson Ward Association, and Downtown Neighborhood Association and has received no letters of opposition or support from the public.

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