



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

Project Name: Bombolini Pasta Date: _____

Property Address: 1600 & 1608 W. Main Street Tax Map #: W000-0066/031 & /032

Fee: _____ Total area of affected site in acres: 0.15
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: UB/PO-3
Existing Use: production/storage; office; retail; restaurant

Proposed Use

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

Is this property subject to any previous land use cases?

- Yes** **No**
- If Yes, please list the Ordinance Number:

distillery, including on-site retail sale and wholesale of distillery products

Applicant/Contact Person: Jeffrey P. Geiger

Company: Hirschler Fleischer

Mailing Address: PO Box 500

City: Richmond State: VA Zip Code: 23218-0500

Telephone: (804) 771-9557 Fax: (804) 644-0957

Email: jgeiger@hf-law.com

Property Owner: Thorp Branch, LLC

If Business Entity, name and title of authorized signer: Paul W. Kreckman, 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: c/o John Kreckman, 1134 West Avenue

City: Richmond State: VA Zip Code: 23220

Telephone: (804) 380-6490 Fax: ()

Email: jlk@bombolinipasta.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)

SPECIAL LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I, Paul W. Kreckman, Manager of Thorp Branch, LLC, a Virginia limited liability company, (Telephone) (804) 338-5698, (Address) 1134 West Avenue, Richmond, Virginia 23220, as owner of the properties described as:

2. Parcels: W000-0066/031 (1600 West Main Street) and W000-0066/032 (1608 West Main Street) and authorized to take such action, do hereby make, constitute and appoint:

3. (Name) Jeffrey P. Geiger, James W. Theobald and Penny Giles, any one of whom may act (Telephone) 771.9557, 771.9513, 771-5613 (Address) Hirschler Fleischer, P. O. Box 500, Richmond, VA 23218-0500 to act as my true and lawful attorney-in-fact for and in my name, place and stead with full power and authority I would have if acting personally to seek rezoning, conditional use, special use permit and/or special exception, and to set forth and offer such legally acceptable voluntarily proffered conditions including any additions, amendments, modifications or deletions thereto that in his discretion are deemed reasonable, appropriate and necessary except as follows: None.

4. In witness thereof, I have hereto set my hand and seal this 30th day of September, 2016.

THORP BRANCH, LLC,
a Virginia limited liability company

By: [Signature]
Name: PAUL W. KRECKMAN
Title: MANAGER

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Richmond, to-wit:

The foregoing was acknowledged before me this 30th day of September, 2016 by Paul W. Kreckman, Manager of Thorp Branch, LLC, a Virginia limited liability company, on behalf of the company.

[Signature]
Notary Public

My registration number is: 7374420
Commission expires: 11-30-2018



October 4, 2016

APPLICANT'S REPORT

Special Use Permit

Addresses: 1600 and 1608 West Main Street

Map Reference Numbers: W000-0066/031 and W000-0066/032

Submitted to:	City of Richmond Department of Community Development Land Use Administration 900 East Broad Street, Suite 511 Richmond, Virginia 23219
Submitted by:	Thorp Branch, LLC 1134 West Avenue Richmond, Virginia 23220
Prepared by:	Hirschler Fleischer , Attorneys at Law 2100 East Cary Street Richmond, Virginia 23223

Introduction

The applicant, Thorp Branch, LLC (“Applicant”), owns the parcels located at 1600 and 1608 West Main Street (the “Property”). The parcel at 1608 West Main Street consists of a commercial building (the “Building”) that is used for a mixture of uses including production/storage, office, retail and restaurant. A neighborhood oriented business known as Bombolini Pasta operates in the Building. The parcel at 1600 West Main Street contains a parking area with six (6) parking spaces in support of the uses in the Building.

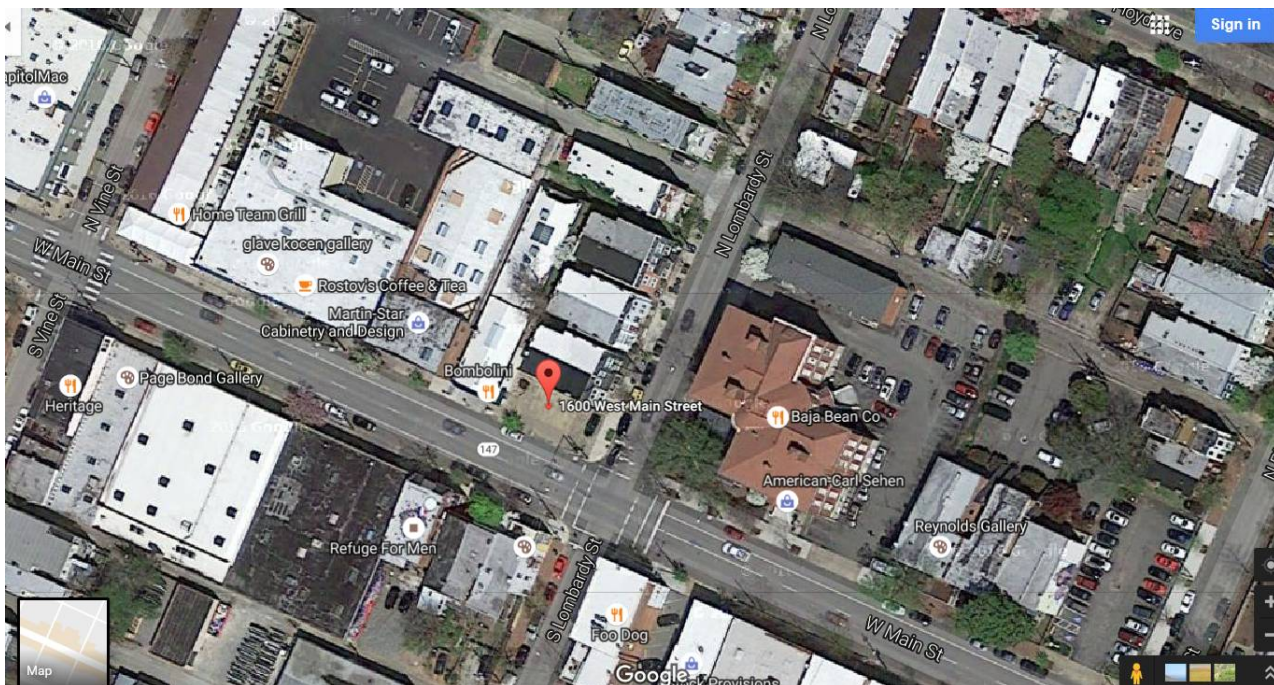
The Applicant requests a special use permit (“SUP”) to authorize the use of an inside portion of the Building for a distillery including on-site retail sale and wholesale of the distillery’s products. The distilling operations would be located within a 512 square foot portion of the Building. A small area near the front of the Building would be dedicated for the retail sale of the distillery’s products. This retail area would also include an area for tasting the distillery’s products. Virginia’s ABC laws were updated last year to permit distilleries to sell their own products on-site and to have a tasting area. Fellow business owners on Main Street signed a petition in support of the distillery request, as well as approximately 150 area residents.

The Applicant also requests authorization in the SUP (i) for outdoor seating and dining on the sidewalk in front of the Building and west of the main entrance, and (ii) for the six (6) parking spaces located on the Property to be all of the necessary parking spaces for the mixture of uses in the Building.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is referenced by the City Assessor as two tax parcels, 1600 West Main Street and 1608 West Main Street and are located at the northwest corner of West Main and North Lombardy Streets. The one-story commercial Building originally constructed in 1930 is located on 1608 West Main Street, and the six (6) parking spaces are on 1600 West Main Street. The Property contains a total of approximately .15 acre of land area. The surrounding uses are a mixture of retail, business, and residential uses.



EXISTING ZONING

The Property's underlying zoning classification is UB (Urban Business)/PO-3 (Main Street/Uptown Parking Overlay), which does not permit the requested distillery use and wholesale use. The retail sales of liquor is permitted with a conditional use permit.

The surrounding properties are generally zoned UB/PO-3 and R-6 Residential Single Family Attached.

MASTER PLAN DESIGNATION

The Master Plan recommends “Community Commercial” for the Property, which includes a combination of office, retail, personal service, and other commercial and services uses. Typical zoning classifications that may accommodate this land use category includes UB. The existing and proposed uses, and the parking proposal, are in keeping with the UB suggestion of encouraging businesses within densely developed pedestrian-oriented areas. Taken with the uses in the area, the existing and proposed uses and parking proposal are in keeping with the Master Plan designation and the intent of the UB District.

Proposal

PROJECT SUMMARY

The Building is used currently for a mixture of uses including production/storage, retail, restaurant, and office. Bombolini Pasta operates in the Building. Bombolini Past offers retail sales of the pasta it makes on site, along with the retail sale of other convenience products. Bombolini also offers a carry-out restaurant menu that includes its pasta products with limited indoor seating. Customers are primarily neighbors or people living in the surrounding area. Bombolini Pasta also sells the pasta it produces wholesale to markets and grocery stores in Virginia and the Mid-Atlantic area. Its administrative offices are also located in the Building.

The owner of Bombolini Pasta would like to add a distillery within the Building to produce craft liquor for sale to customers. The owner would like the ability to sell the craft liquor on a wholesale basis to Virginia’s ABC. Two rooms in the Building, consisting of a total of 512 square feet, would be dedicated to the distillery use.

A retail area for the retail sale of the craft liquor would be set up at the front of the building. This retail area would include a tasting area for the craft liquor produced by the distillery. Customers will be able to taste limited quantities/portions of liquor on-site. This retail area and tasting area are permitted under Virginia’s ABC regulations as a result of a change in the law and regulations last year. In accordance with these new regulations, *any liquor purchase must be carried out and may not be opened on-site.*

The Applicant includes a floor plan showing the general location of the mixture of uses within the Building, including the requested distillery use and the location of the retail area and tasting area for the distillery’s products. The Applicant requests the flexibility to adjust locations and the square footage of the mixture of uses in the Building over time.

The Applicant also requests that the SUP permit outdoor seating and dining on the sidewalk in front of the Building and west of the main entrance. This location is generally shown in the included floor plan. The Applicant believes this location will allow the Building to screen the outdoor area from the adjacent residential neighbors to the east, while further activating this section of Main Street to further encourage pedestrian activity. The UB District permits outside restaurant areas, but they must be located at least 100 feet from any property in a R district. By the Applicant’s estimation, the requested outdoor area would be about 50 feet on a straight-line basis from the nearest property in a R district.

Lastly, the Applicant requests that the SUP permit the six (6) parking spaces located on the Property to be all of the necessary parking spaces for the mixture of uses on the Property.

The proposal is in keeping with the Master Plan recommendation of “Community Commercial”, as well as the intent of the UB District. Fellow business owners on Main Street signed a petition in support of the distillery use, as well as approximately 150 area residents.

Findings of Fact

The following are factors indicated in Section 17.11 of the Charter and Section 114-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

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

The proposed SUP will not negatively impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed additional use as a distillery, along with the existing pasta manufacture and sale, the retail sale, and carry-out restaurant uses are in keeping with the Master Plan and the intent of the UB District which encourages businesses within densely developed pedestrian-oriented areas. The distillery use, retail sale and wholesale are regulated by the Virginia ABC ensure the safety, health, morals and general welfare of the surrounding area.

The requested outside seating and dining area will use the Building to screen the adjacent residential uses and will further encourage pedestrian activity along this section of Main Street. Permitting the outside seating and dining area will not be detrimental to the safety, health, morals and general welfare.

Most customers frequent the Building on foot. The existing six parking spaces and available on-street parking have provided ample parking for those customers who do not walk. Permitting the six existing parking spaces to support the mixture of uses in the Building will not be detrimental to the safety, health, morals and general welfare in this pedestrian-oriented area.

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

The requested SUP will have little traffic impact on the area. There is a lot of pedestrian traffic in the area utilizing the business, and the six parking spaces have been more than sufficient to serve the business' needs in the past and will continue to do so.

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

The property is and will be improved 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 Building are designed to eliminate such hazards. The entire structure is protected by an approved automatic fire suppression system and fire alarm system.

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

The requested SUP will not tend to overcrowd the land or create an undue concentration of land. No expansion of the building footprint is proposed. No dwelling units are proposed. The addition of the outside seating and dining area will further activate this area of Main Street.

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

The requested SUP would not adversely affect the above-referenced City services. The existing and proposed use will have no impact on these City services. Utilities are already provided. There are no school-age children generated.

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

The light and air available to the subject and adjacent properties will not be affected. The existing building is not being expanded. No improvements are proposed for the parking area that would impact light or air.

Very truly yours,



Jeffrey P. Geiger

JPG/pg