INTRODUCED: March 8, 2021

AN ORDINANCE No. 2021-075

To authorize the special use of the property known as 2410 Ownby Lane for the purpose of a mixed-use building, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: APR 12 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 2410 Ownby Lane, which is situated in a M-2 Heavy Industrial District, desires to use such property for the purpose of a mixed-use building, which use, among other things, is not currently allowed by section 30-710.1, concerning the number of parking spaces required for particular uses, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not

AYES:	8	NOES:	0	ABSTAIN:	
_					
ADOPTED:	APR 12 2021	REJECTED:		STRICKEN:	

tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be 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 overcrowding of land and cause 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.

§ 2. Grant of Special Use Permit.

- (a) Subject to the terms and conditions set forth in this ordinance, the property known as 2410 Ownby Lane and identified as Tax Parcel No. N000-1294/036 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled "Hardywood Brewery Renovation, Richmond, VA," prepared by SMBW PLLC, and dated August 14, 2020, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of a mixed-use building, hereinafter referred to as "the Special Use," substantially as shown on the survey entitled "Hardywood Brewery Renovation, Richmond, VA," prepared by SMBW PLLC, and dated August 14, 2020, hereinafter referred to as "the Plans," copies of which are attached to and made a part of this ordinance.
- (b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as "the Owner." The conditions contained in this ordinance shall be binding on the Owner.
- § 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:
- (a) The Special Use of the Property shall be as a mixed-use building containing uses permitted by the zoning regulations prescribed for the district in which the Property is situated
- (b) No fewer than 59 parking spaces shall be provided for use by the Property, within a radius of 750' from the Property, substantially as shown on the Plans. Up to 15 on-street parking spaces may be used to meet this requirement.

- (c) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- § 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:
- (a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.
- (b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.
- (c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.
- (d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.
- (e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.
- § 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

- (a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.
- (b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.
- (c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.
- (d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.
- (e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2004), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.
- (f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this

special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

{§ 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

A TRUE COPY:

TESTE:

City Clerk

RECEIVED
By CAD Office at 9:21 am, Feb 17, 2021

2021-244

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

City of Richmond

Item Request

File Number: PRE.2021.469

O & R Request

DATE:

February 8, 2021

EDITION: I

TO:

The Honorable Members of City Council

THROUGH:

The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)

(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH:

J.E. Lincoln Saunders, Acting Chief Administrative Officer DELS

THROUGH:

Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

FROM:

Kevin J. Vonck, Acting Director, Department of Planning and Development Review Kim J Vank

RE:

To authorize the special use of 2410 Ownby Lane for the reduction of required off-street parking

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of 2410 Ownby Lane for the reduction of required off-street parking

REASON: The building on the property is currently used as a warehouse. The proposal is to change the use to a restaurant which is permitted in the zoning district where it is located. However, the zoning ordinance requires the provision of 59 parking spaces in addition to the 104 parking spaces provided on site. There is no area on the subject property for the creation of additional parking spaces. Therefore a special use permit has been requested in order to provide relief from the parking requirement.

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 April 5, 2021, meeting.

BACKGROUND: The .951 acre subject property is located on the corner of Ownby Lane and Overbrook Road and is in the M-2 Heavy Industrial District. The property contains a 19,200 square foot building that contains a restaurant, offices, and a warehouse that are part of the Hardywood Brewery complex that extends to adjacent parcels. The warehouse area will be converted into a special events banquet hall area. This change of use increases the required parking for this floor space from one space to 52 spaces. In addition, the shared parking area located on the adjacent 2408 Ownby Road will no longer be available due to the redevelopment of this property.

To address the need for parking, the applicant requests that the parking requirements specified in the B-7 Mixed-Use Business District be applied to the property. Specifically, Section 30-710.2(4) of the zoning ordinance allows off-site parking to be provided within a 750 radius of the principal entrance to the subject building.

The Richmond 300 Master Plan calls for a future land use recommendation for this property as Industrial Mixed-Use. This designation is described as formerly traditional industrial areas that are transitioning to mixed-use because of their proximity to growing neighborhoods and changes in market conditions. These areas may still retain some light industrial uses. It is also located in the Greater Scott's Addition Priority Growth Node which specifically notes dense mixed-use development for the Ownby District. The conversion of warehouse floor space to restaurant space increases the density of the land use and is in keeping with these designations.

FISCAL IMPACT / COST: The Department of 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: \$2,400 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: March 8, 2021

CITY COUNCIL PUBLIC HEARING DATE: April 12, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission

April 5, 2021

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: David Watson, Senior Planner, Land Use Administration. 804-646-1036

City of Richmond Page 2 Printed on 2/8/2021



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.richmondapy.com/

Application is hereby submitted for: (check one)		
✓ special use permit, new✓ special use permit, plan amendment		
special use permit, text only amendment		
Purio de Nicora /I a action		
Project Name/Location		Data: November 2, 2020
Property Address: <u>2410 Ownby Lane</u> , Richmond, Virginia <u>23220</u> Tax Map #: N0001294036 Fee: <u>\$2,400.00</u>		Date: November 2, 2020
Total area of affected site in acres: 0.951		_
Total area of affected site in acres. 6.551		_
(See page 6 for fee schedule, please make check payable to the "City of	f Richmond")	
Zoning		
Current Zoning: M-2		
Existing Use: Brewery Tasting Facility		
Proposed Use		
(Please include a detailed description of the proposed use in the required	applicant's report)	É
Restaurant Use		
Existing Use: Warehouse Use		
Is this property subject to any previous land use cases?		
Yes No		
Tres, please list the Ordinance Normbon.		
Applicant/Contact Person: T. Preston Lloyd, Jr., Esq.		
Company: Williams Mullen		
Mailing Address: 200 S. 10th Street, Suite 1600		
City: Richmond	State: VA	Zip Code: 23219
Telephone: _(804)420-6615	Fax: _(<u>804</u>) 420-6507
Email: plloyd@williamsmullen.com		
Property Owner: 2410 Ownby Lane, LLC		
If Business Entity, name and title of authorized signee: And	rew N. Basham, Man	ager
and the states Analysis		ting Comment of the board
(The person or persons executing or attesting the execution of this Applicable has or have been duly authorized and empowered to so execute or at		the Company certifies that he or
Site has of have been duty additionized and empowered to so execute or a	ccest,	
Mailing Address: 1310 Roseneath Road, Suite 200		
City: Richmond	State: VA	Zip Code: 23230
Telephone:(804)767-7567	Fax: _(
Email: andrew@spy-rock.com	7	
1/2/1/1/		
Property Owner Signature:	?	
T. Preston Lloyd, Jr., it's Attorne The names, addresses, telephone numbers and signatures of all owners o	y-in-Fact. Acting	Under Special Power of Attorney
The names, addresses, telephone numbers and signatures of all owners of sheets as needed. If a legal representative signs for a property owner, please.	the property are	required. Please attach additional
photocopied signatures will not be accepted.	בספה פנוסטון מוז פצפנ	ated power or attorney: raked or

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").



City of Richmond Department of Planning and Development Review November 2, 2020 Page 2

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 <u>warehouse use</u>, for special brewery events and therefore converting its classification to <u>restaurant use</u> 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, 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).

City of Richmond Department of Planning and Development Review November 2, 2020 Page 3

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 offstreet 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"). 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." 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.

City of Richmond Department of Planning and Development Review November 2, 2020 Page 4

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)

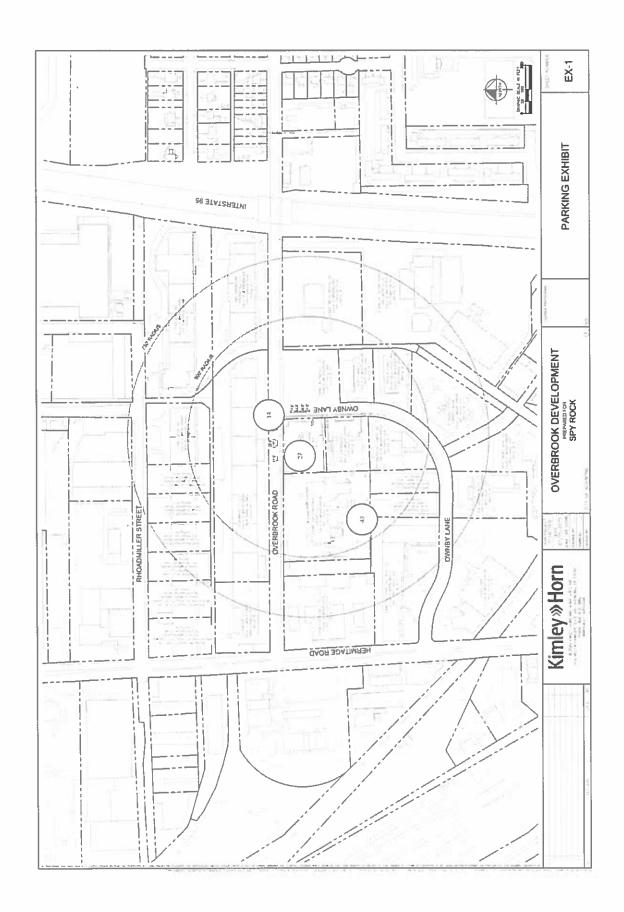
Enclosures

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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.



Hardywood - SUP Table

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Restaurant, Taproom, Or Similar, F&B Establishment	ilar.F&B Establishment	
	SF Parking Requirement	ant
Taprooms, Kitchen.		
Bathroom, BOH (Assembly)	3722 37	37.72
Courtyard (Assembly)	5405	54.05
	6	91.77
Parking Based Off Number of Employees	f Employees	
Barrel Room (Warehouse)		
Boiler Room and Mill Room		
Elec Room		-
вон		1
Storage		
Production		
	The state of the s	-
Office Use		Ш
Office, Bathrooms	3370	79.6
		9.67
		1
Total Parking Requirement	102.44	3
On Site Spaces	ji.	27
On Street Credit		T
1601 Overbrook		F
2408 Ownby		밁
Total Parking Provided		104

Proposed in SUP

Restaurant, I aproom, Or Juniar Feet Exercisionem. SP Parking Re Taprooms, Kitchen, Bathroom, BOH (Assembly) Courtyard (Assembly) 5405	roco catabasa	unamu
Taprooms, Kitchen, Bathroom, BOH (Assembly) Courtyard (Assembly)		
Taprooms, Kitchen, Baltwoon, BOH (Assembly) Courtyard (Assembly)	SF Park	Parking Requirement
BOH (Assembly) Courtyard (Assembly)		
Courtyard (Assembly)	3722	37.72
	5405	54.05
Barrel Room (Assembly)	5159	51.59
		143.36
Parking Based Off, Number of Employees	ployees	
Boiler Room and Mill Room		
Elec Room		
ВОН		1
Storage		
Production		
		1
Office Use		
Office, Bathrooms	3370	6.67
		29.6
Total Parking Requirement	154.03	155
On Site Spaces		27
On Street Credit		14
1601 Overbrook		£1
2408 Ownby		0
Total Parking Provided		84

Reduced Requirement (B-7)

	SF Parkin	Parking Requirement
Taprooms, Kitchen, Bathroom,		
BOH (Assembly)	3722	12.41
Courtyard (Assembly)	5405	18.02
Barrel Room (Assembly)	5159	17.2
		47.63
		37
Boiler Room and Mill Room		
Elec Room		
вон		1
Storage		
Production		
		1
Office, Bathrooms	3370	9.67
		9.67
Total Parking Requirement	58.3	59
On Site Spaces		27
On Street Credit		14
1601 Overbrook		43
2408 Ownby		0
Total Parking Provided		84

