

INTRODUCED: March 22, 2021

AN ORDINANCE No. 2021-084

As Amended

To authorize the special use of the property known as 520 North 25th Street for the purpose of a restaurant and beverage service establishment, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 26 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 520 North 25th Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of a restaurant and beverage service establishment, which use, among other things, is not currently allowed by section 30-419.3(b), concerning permitted principal uses on corner lots, 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 tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 24 2021 REJECTED: _____ STRICKEN: _____

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 520 North 25th Street and identified as Tax Parcel No. E000-0336/001 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Survey of 0.233 Acre of Land Known as 520 N. 25th Street, City of Richmond, Virginia,” prepared by Halder Surveys P.C., and dated October 1, 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 restaurant and beverage service establishment, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Site Plan: 520 N. 25th St., Richmond, VA 23223,” prepared by Zoe York, and dated February 25, 2021, and on the plans entitled “520 N. 25th St., Richmond, VA 23223,” prepared by Zoe York, and dated March 12, 2021, hereinafter referred to together 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 restaurant and beverage service establishment, substantially as shown on the Plans.

(b) The hours of operation for the Special Use, including the outdoor dining area, shall be 10:00 a.m. to 11:00 p.m., Monday through Sunday.

(c) The outdoor dining area may accommodate a maximum of 48 patrons.

(d) No more than ten employees shall be on the Property during the hours of operation.

(e) All building materials, elevations, and site improvements, including landscaping and fencing, shall be substantially as shown on the Plans unless otherwise approved by the Commission of Architectural Review prior to the issuance of a building permit for the Property.

(f) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(g) No off-street parking shall be required for the Special Use.

(h) No wholesale distribution of beer or alcohol shall occur on the Property.

(i) Live music shall not be permitted on the Property outside of the building.

(j) A bike rack for at least eight bicycles shall be provided on the Property in accordance with the requirements of Chapter 30, Article IX, Division 4 of the Code of the City of Richmond (2020), as amended.

(k) The capacity of the interior of the two-story building on the Property shall be limited to 200 patrons.

(l) The screening of mechanical equipment, as required by subsection (f) of this section 3, shall be in accordance with the requirements of Chapter 30, Article IX, Division 4 of the Code of the City of Richmond (2020), as amended. Any sheds on the Property shall be screened in accordance with the requirements of Chapter 30, Article IX, Division 4 of the Code of the City of Richmond (2020), as amended.

§ 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.

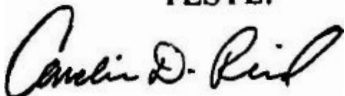
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute 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 Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the

application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, 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

City of Richmond

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

Item Request File Number: PRE.2021.450

O & R Request

DATE: January 11, 2021

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor.)



THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer *JELS*

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



FROM: Mark A. Olinger, Director, Department of Planning and Development Review



RE: To authorize the special use of the property known as 520 North 25th Street for the purpose of a restaurant, beverage establishment, and special event space, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 520 North 25th Street for the purpose of a restaurant, beverage establishment, and special event space, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit for the purpose of restaurant use within an R-63 Multi-Family Urban Residential Zoning District. The proposed use is not currently allowed by sections 30-419.3(b)1, 30-419.3(b)2, and 30-419.3(b)3, of the Code of the City of Richmond 2020, regarding permitted ground floor uses, total floor area of permitted principle uses, and permitted principal uses located on street corners. A Special Use Permit is therefore required.

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 March 1, 2021, meeting.

BACKGROUND: The property is located in the Church Hill neighborhood on the northwest corner of North 25th and East Leigh Streets. The property is currently improved with a 13,500 sq. ft. institutional building, constructed in 1927, situated on a 10,126 sq. ft. (.23 acre) parcel of land.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Community Mixed Use which is defined as a "Cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions."

Building sizes, "...density, and zoning districts for these areas may vary significantly depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Uses may be mixed horizontally in several buildings on a block or vertically within the same building. Developments continue or introduce a gridded street pattern to increase connectivity." Ground floor uses engage with, and enliven, the street. Monolithic walls are discouraged, while windows, doors, storefronts, and other features that allow transparency and interaction between building and street are encouraged. Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. Driveway entrances are required to be of alleys whenever possible; new driveways are prohibited on priority and principal streets. Parking areas are located within the structure and to the rear of buildings and require screening; shared parking requirements are encouraged. Buildings generally ranging from two to six stories, based on street widths and depending on the historic context and stepping down in height adjacent to residential areas, as necessary. New buildings that are taller than historical buildings should step back from the build-to-line after matching the height of the predominant cornice line of the block. (p. 58)

Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space.

Secondary Uses: Single-family houses, institutional, and government.

The current zoning for this property is R-63 Multi-Family Urban Residential Zoning District. All adjacent properties are located within the same R-63 Multi-Family Urban Residential Zone with some UB Urban Business and R-8 Urban Residential Districts nearby.

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: February 8, 2021

CITY COUNCIL PUBLIC HEARING DATE: March 8, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
March 1, 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, Draft Ordinance, Plans, Survey, Map

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646-5734



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.richmondva.gov/

Application is hereby submitted for: (check one)

- [x] special use permit, new
[] special use permit, plan amendment
[] special use permit, text only amendment

Project Name/Location

Property Address 520 N. 25th St. Date: 10-7-2020
Tax Map #: E0000336001 Fee \$2,400
Total area of affected site in acres: 0.232

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

Zoning

Current Zoning: R-63

Existing Use: Masonic Lodge, Meeting Space

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
The proposed use is to convert the space into a small brewery and restaurant with on-site only retail. There is no distribution planned to take p

Existing Use: The building's most recent use was a Masonic Lodge, which primarily held member meetings.

Is this property subject to any previous land use cases?

Yes [] No [x] If Yes, please list the Ordinance Number:

Applicant/Contact Person: Zoe York

Company: Ninety Three LLC
Mailing Address: 245 E. Bank St.
City: Petersburg State: VA Zip Code: 23803
Telephone: (804) 510-6062 Fax:
Email: zoe@waukeshaw.com

Property Owner: Ninety Three LLC

If Business Entity, name and title of authorized signer: Zoe York, Project 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: 245 E. Bank St.
City: Petersburg State: VA Zip Code: 23803
Telephone: (804) 510-6062 Fax:
Email: zoe@waukeshaw.com

Property Owner Signature: [Handwritten 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)

520 N. 25th St. Special Use Application
Applicant's Report
Written by:
Zoe York
Project Manager

October 21, 2020

520 N. 25th St. is currently vacant. Until recently, it has been home to the Richmond Association of Masonic Lodges. It was primarily used as a meeting space.

Ninety Three LLC intends to convert this property into a small brewery and restaurant that offers retail for on-site consumption and take-home beer. The first floor will be used as the food preparation kitchen, dining area, and office operations area for the business. The second floor, which was used as meeting space, will become a flex space for special events. The basement will be used for storage and as the production/blending area for beer. There will be an outdoor seating area established in the greenspace adjacent to the building along E. Leigh St. A small shed will be erected on the opposite side of the building, adjacent to the existing HVAC equipment.

There is no intent to distribute beer commercially from this location. Rather than completing the full brewing process at this property, the facility will be used as a place to age beer that has been brewed elsewhere (off-site).

Between the brewery production and retail section of the space, the total operation will amount to over 5,000 square feet, which is why Ninety Three LLC is applying for a Special Use Permit. Current regulations permit restaurants up to 1,500 square feet, and restaurants up to 5,000 square feet require a conditional use permit. The entire building is over 10,000 square feet and offers plenty of room in the existing footprint for the planned project.

It is anticipated that the business will have a total of approximately 10 employees. It will operate during traditional business hours that are comparable to others in the neighborhood (between 10 AM-12 AM). As this property is located within a popular commercial district close to other successful food and beverage establishments, Ninety Three LLC does not anticipate a significant change in the vehicular traffic associated with this change of use.

The outdoor seating area will be able to accommodate a maximum of 72 patrons at a time seated at 12 picnic tables. The outdoor seating area is proposed to have a stone or gravel surface.

Ninety Three LLC has no intention of making any significant changes to the structure because this building is already extremely well-suited for the use of a brewery and small restaurant. It has large open spaces that will be easily converted into a dining room, event space, and blending area. It also has an existing commercial kitchen, and restroom facilities. The property

itself is located in an area slated for more commercial development, according to the Richmond 300 Plan. The plan establishes that 520 N. 25th St. lies within the "Corridor Mixed Use" area, which outlines the primary uses of office, retail, personal service, multi-family residential, and cultural uses.

As noted above, the building itself is in an area with a growing reputation for excellent food and beverage offerings. Located within just blocks of this property is Liberty Public House, Frontier by Alamo, Union Market, The Roosevelt, Sub Rosa Bakery, North End Juice Co., and more. A small, craft brewery focused on on-site sales is a completely natural fit and the perfect addition to the Church Hill business community.

In accordance with the City Charter, Ninety Three LLC verifies that this special use will not be detrimental to the safety, health, morals and general welfare of the Church Hill community. The City of Richmond has seen the benefits of the booming craft beer industry, which has proven to be extremely beneficial to the city as a whole, and each individual neighborhood. From Fulton Hill to Scott's Addition and beyond, new breweries have cropped up for the last five years and the economy and property values have soared. It is this neighborhood's turn to welcome its own craft beer establishment, and one that has as much personality and charm as the community itself. Ninety Three LLC recognizes that Church Hill values children and family, clean public spaces, and mutual respect for neighbors. Our company holds these same values and promises to uphold them throughout every facet of our business. It is our experience that breweries have broken the mold of the "bar" environment and become a community gathering place. We would be honored if Church Hill embraced us in such a way.

This special use will not create congestion in streets, roads, alleys and other public ways and places in the area. Most of the residences in the neighborhood have parking attached to their property, and therefore plenty of parking spaces are available remain for business patrons on E. Leigh St., N. 25th St., and the neighboring streets. It is also anticipated that a high number of customers will walk, bike, or take public transit to visit the brewery. The site in question is directly along the #12 GRTC bus route, which connects to the Pulse line at N. 25th Street and Main Street in Shockoe Bottom. Residents from all over the greater Richmond area have shown that they are excited to use the public transit system to get around the city, and the Richmond 300 Plan endorses further developments of this area as a "Neighborhood Node." The outdoor seating area will continue to be enclosed via a fence, ensuring that there is a division between the dining area and the sidewalk.

This special use will not create hazards from fire, panic, or other dangers. The building is already in very good and stable condition. Ninety Three LLC will ensure that all modifications required to bring the building up to current City construction code are made in advance of business operation. The brewery and restaurant will adhere to all density regulations while operating. There will not be any potential risk factors associated with the building or business.

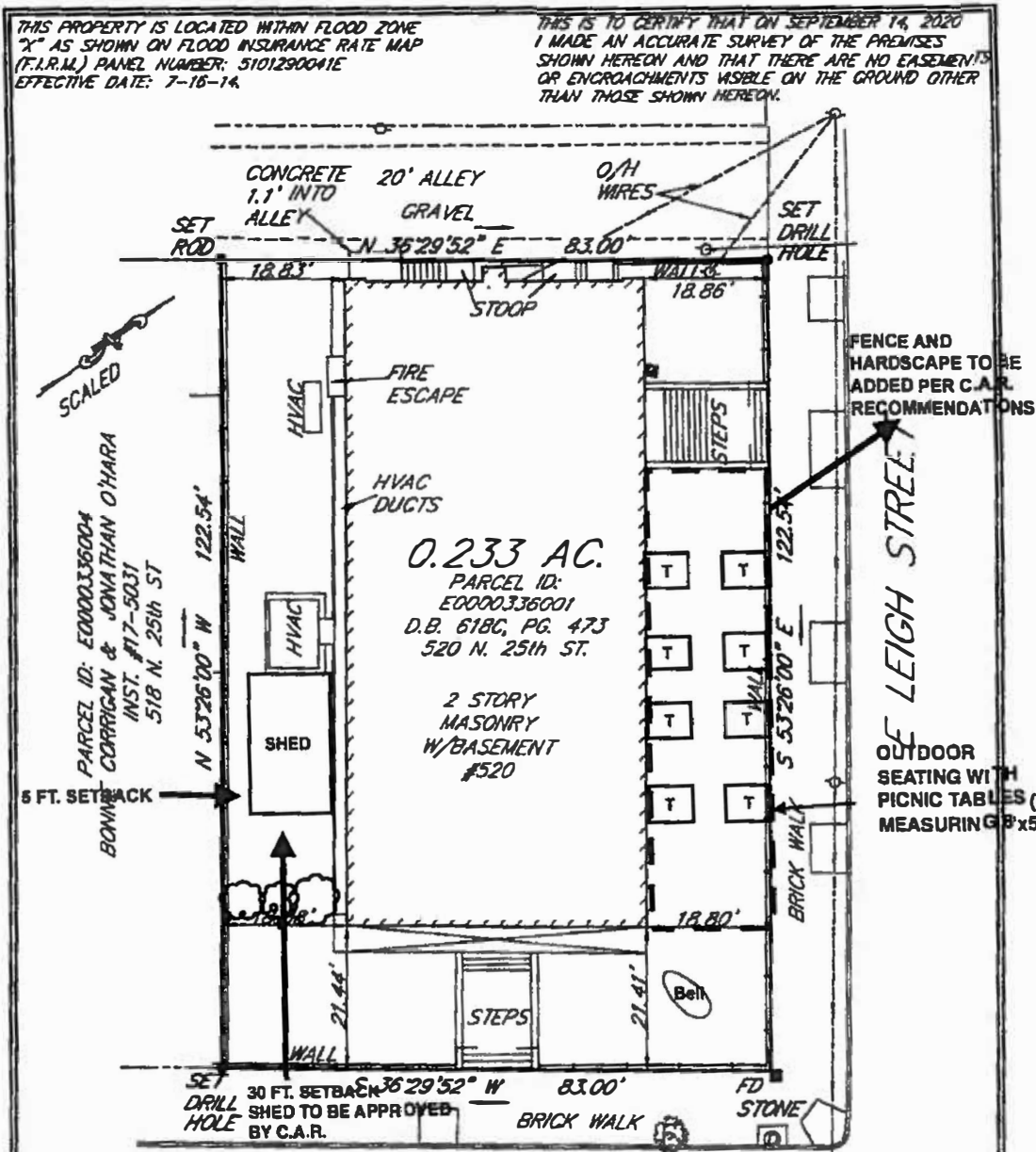
This special use will not cause overcrowding of land or an undue concentration of population. The building located at 520 N. 25th St. was a Masonic Lodge, which held large member meetings

and meals. The new use of a small brewery and restaurant will not create any new capacity for density at the building that has not already been used by the Masonic Lodge. The operation will be completely contained within the existing property boundaries, so there will not be any new cause for overcrowding or population concentration.

This special use will not adversely affect or interfered with schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences, and improvements. The building is not located adjacent to any schools, parks, or playgrounds. This facility will not have a higher public water or sewer requirement than the former operation as meeting space and therefore will not adversely affect the system. As noted earlier, there is an existing bus route that stops in front of the building. This business will not do anything to disrupt or interfere with GRTC service. It is Ninety Three LLC's hope that the new operation becomes a destination in the neighborhood and encourages increased ridership.

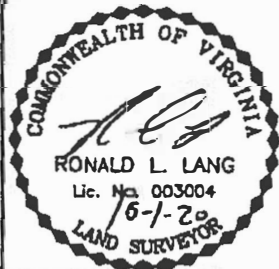
This special use will not interfere with adequate light and air. No changes will be made to the footprint or exterior of the structure, therefore all existing points of light will remain. There will not be any increase in air emissions coming from the building.

Site Plan:
 520 N. 25th St.
 Richmond, VA 23223
 Drawn By: Zoe York
 Title: Project Manager
 Date: February 25, 2021



PLAT SHOWING SURVEY OF
 0.233 ACRE OF LAND KNOWN AS
 520 N. 25th STREET
 CITY OF RICHMOND, VIRGINIA

THIS SURVEY IS SUBJECT TO ANY EASEMENTS OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE



HALDER SURVEYS
 12108 WERTH STREET
 CHESTER, VA 23831
 PHONE: 804-748-8707

DATE: OCTOBER 1, 2020 SCALE: 1"=20'
 DRAWN BY: RLL
 CHECKED BY: RLL
 DWG NAME: 520 N 25TH ST

Second Floor

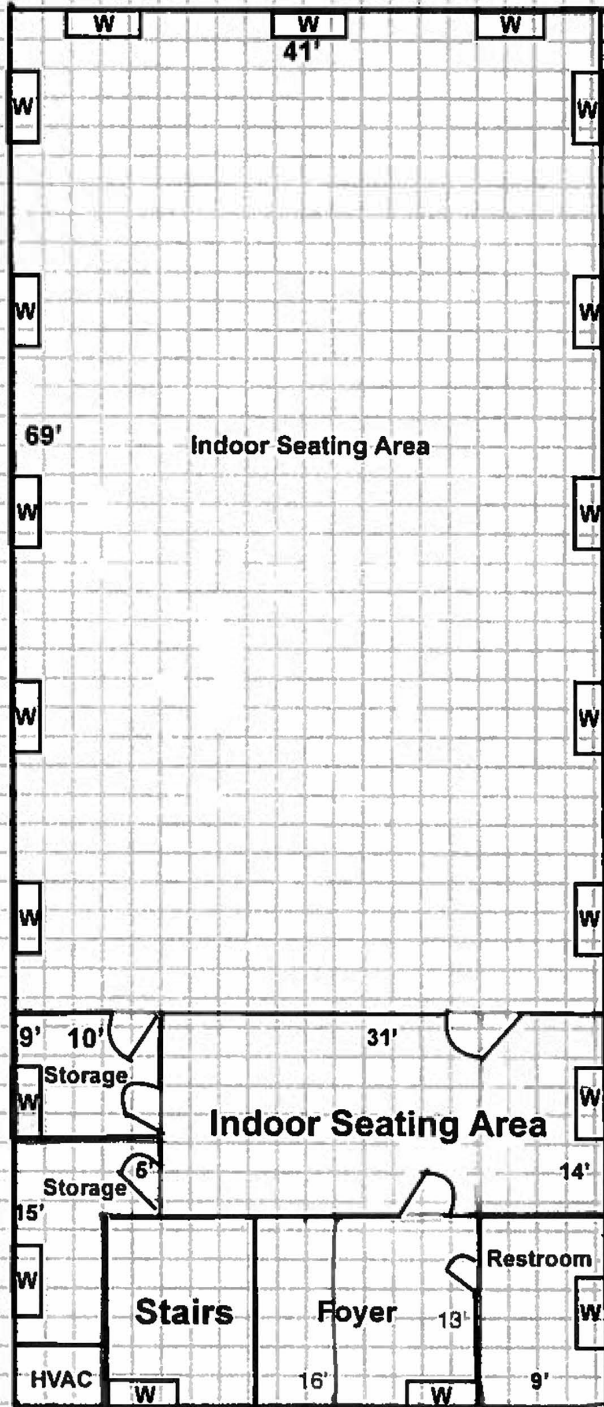
Scale:

1 square (printed on graph paper) = 2 feet

w = 5 ft. wide window

N. 25TH ST.

E. LEIGH ST.



Project Title:

520 N. 25th St, Richmond, VA 23223

Drawn By:

Zoe York, Project Manager
245 E. Bank St., Petersburg, VA 23803


Date: March 12, 2021

First Floor

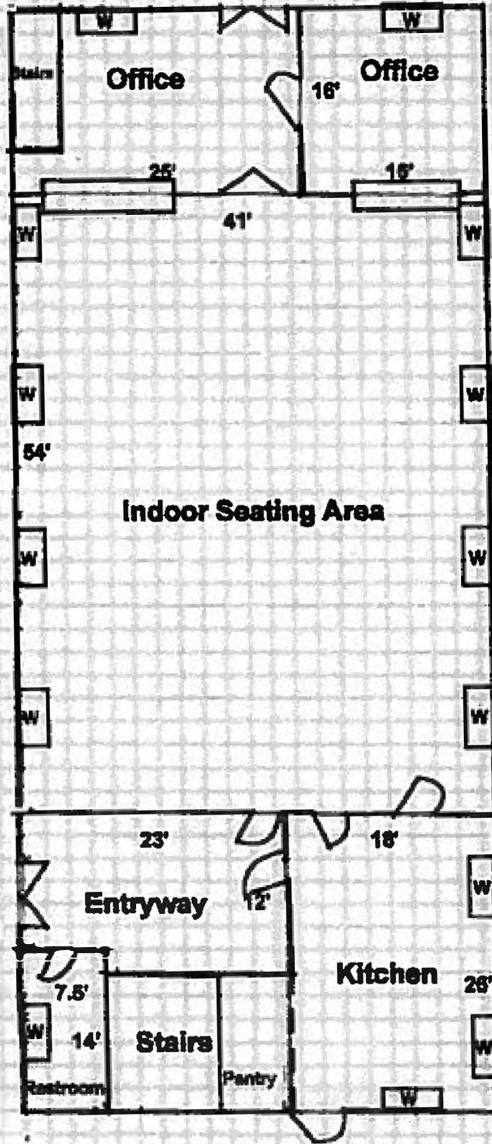
N. 25TH ST.

Scale:
1 Square = 2 feet

 = Accordion-style doors

 = 8 ft. wide window

E. LEIGH ST.



Project Title: 520 N. 25th St, Richmond, VA 23223

Drawn By:
Zoe York, Project Manager
245 E. Bank St., Petersburg, VA 23803

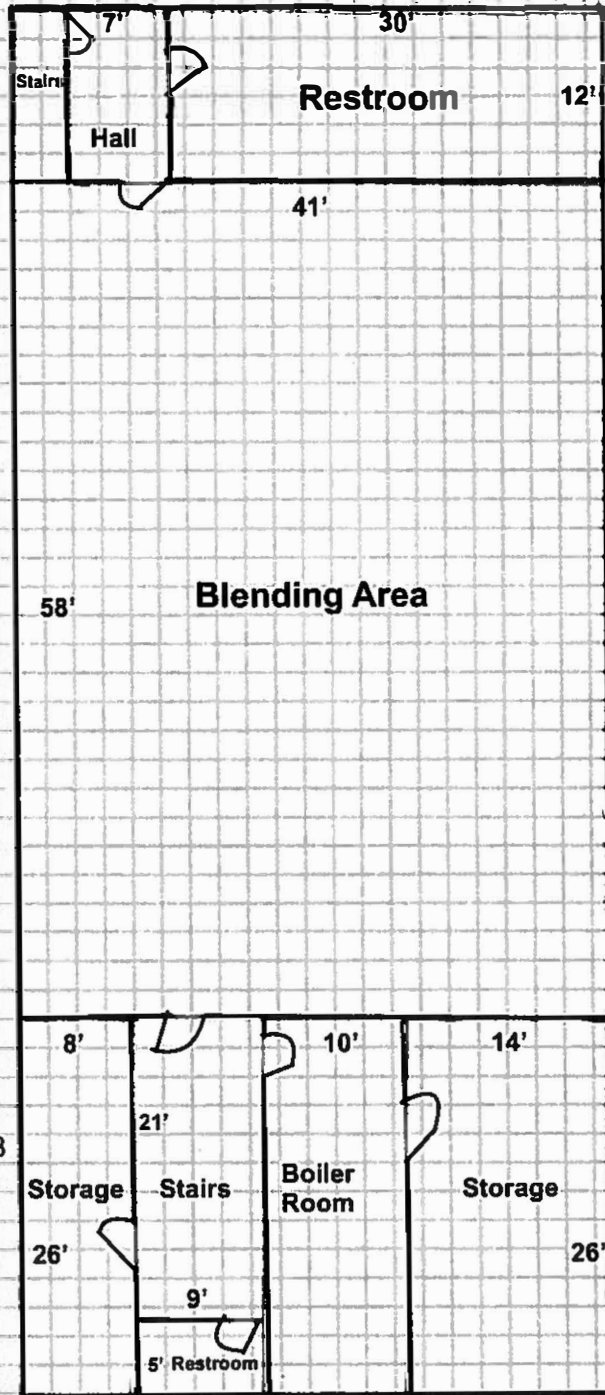
Date: March 12, 2021

Basement

N. 25TH ST.

**Scale:
1 Square = 2 feet**

E. LEIGH ST.



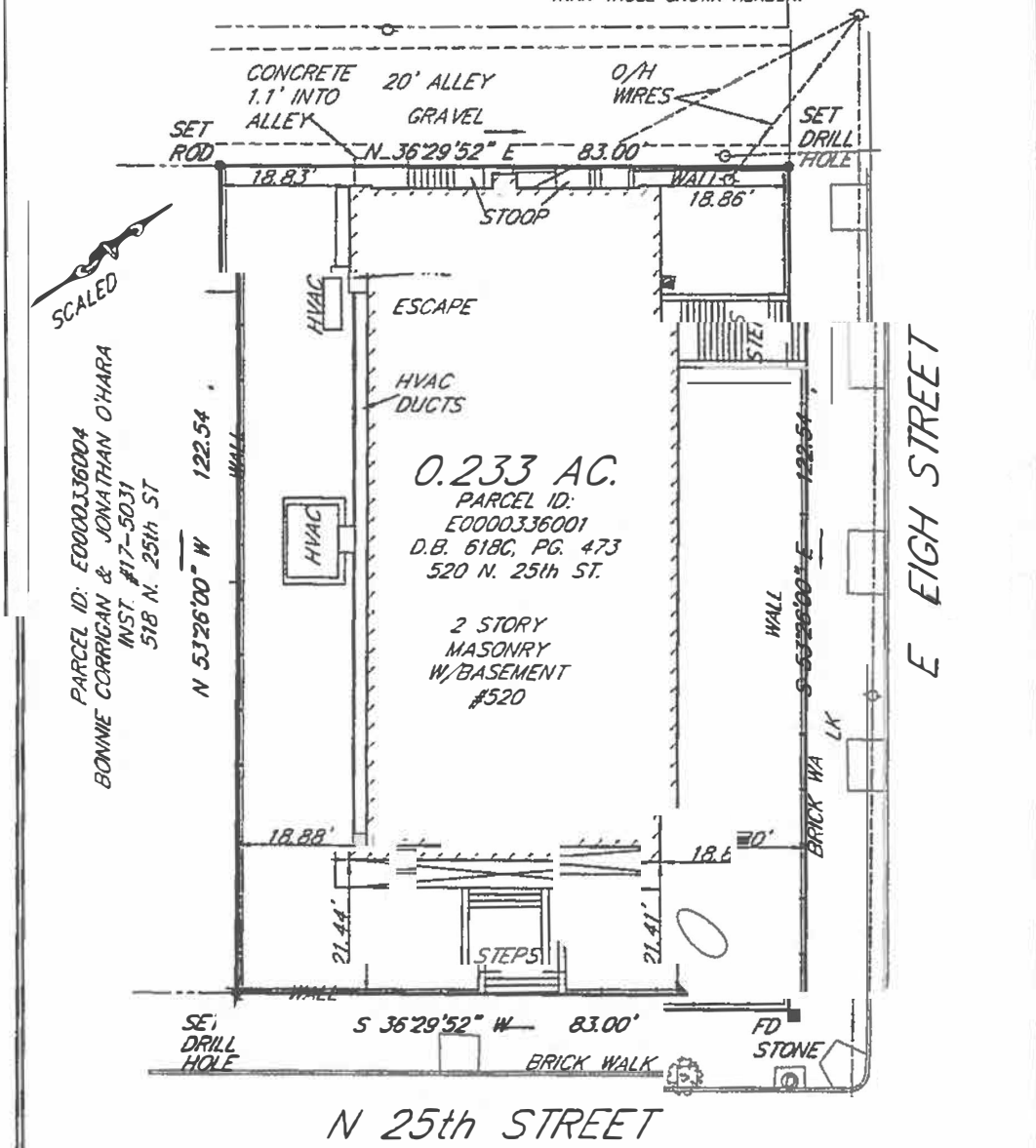
Project Title: 520 N. 25th St, Richmond, VA 23223

Drawn By:
Zoe York, Project Manager
245 E. Bank St., Petersburg, VA 23803

Date: March 12, 2021

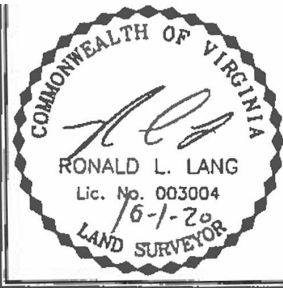
THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "X" AS SHOWN ON FLOOD INSURANCE RATE MAP (F.I.R.M.) PANEL NUMBER: 5101290041E EFFECTIVE DATE: 7-16-14.

THIS IS TO CERTIFY THAT ON SEPTEMBER 14, 2020 I MADE AN ACCURATE SURVEY OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO EASEMENT, OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.



PLAT SHOWING SURVEY OF
0.233 ACRE OF LAND KNOWN AS
520 N. 25th STREET
CITY OF RICHMOND, VIRGINIA

THIS SURVEY IS SUBJECT TO ANY EASEMENTS OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.



HALDER SURVEYS
12108 WERTH STREET
CHESTER, VA. 23831
PHONE: 804-748-8888

DATE: OCTOBER 1, 2020 SCALE: 1"=20'

DRAWN BY: RLL
CHECKED BY: RLL
DWC NAME: 520 N. 25TH ST