



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: 405 BROOK ROAD Date: JANUARY 22, 2021
Tax Map #: N000-0120 / 040 Fee: \$1,200
Total area of affected site in acres: 0.052

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

Zoning

Current Zoning: RO-2 (SPECIAL USE PERMIT 2011-9-23)

Existing Use: RESTAURANT

Proposed Use

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

A SMALL BATCH MICRO-BREW FACILITY CONNECTED TO EXISTING RESTAURANT. SEE ATTACHED FOR COMPLETE DETAIL.
Existing Use: TWO-CAR GARAGE AND STORAGE CONNECTED TO EXISTING RESTAURANT.

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: 2011 - 9 - 23

Applicant/Contact Person: MICHAEL WILBERT


Company: 405 BROOK RD RE LLC
Mailing Address: 405 BROOK ROAD
City: RICHMOND State: VA Zip Code: 23220
Telephone: (603) 315-8435 Fax: ()
Email: MICHAEL.T.WILBERT@GMAIL.COM

Property Owner: MICHAEL WILBERT

If Business Entity, name and title of authorized signer: 405 BROOK RD RE LLC, MICHAEL WILBERT, 100% OWNER

(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: 405 BROOK ROAD
City: RICHMOND State: VA Zip Code: 23220
Telephone: (603) 315-8435 Fax: ()
Email: MICHAEL.T.WILBERT@GMAIL.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)

Amendment to Existing Special Use Permit: Overview of Business Plan

Stoplight Gelato Café and Richmond Seltzer Company

January 27, 2021

Introduction

During this time when an unprecedented number of restaurants and small businesses have either closed or are barely breaking even, we hope to be an example of growth and creativity when navigating the “new normal.” The goal of this memo is to provide a summary of a proposed amendment to an existing Special Use Permit (SUP). This memo will address the following:

- Existing Use of Space
- Proposed Use of Space
- Proposed Amendment to Existing SUP
- Impact to Neighborhood
- Benefits to Neighborhood
- Social Impact
- Support from Neighborhood
- Signage
- Sidewalk
- ABC Controls

Existing Use of Space

Stoplight Gelato Café opened at 405 Brook Road in 2017 under the ownership of Barbara Given. A Special Use Permit was permitted in 2011 by the City of Richmond for the mixed-use space: café (commercial, food and beverage operation) on the ground floor, and residential on the second floor.

Stoplight Gelato Café continued in operation from the sale in 2019 through early 2020, until the COVID pandemic forced the business to close. Beginning in March and April 2020, the City of Richmond and the Commonwealth of Virginia placed restrictions on restaurants that limited operations. The café was no longer profitable and forced to close in March 2020.

The property has an existing Special Use Permit (SUP) for the operation of a food and beverage establishment on the first floor, and residential unit on the second floor. The property is in compliance with all City of Richmond building codes and is in “good standing” on all taxes and fees owed to the City and State. The property is current on all invoices.

Proposed Use of Space

As a result of the pandemic, Stoplight has been forced to close its current operation and re-evaluate its business plan. Stoplight, as a stand-alone operation, is no longer viable as a going-concern. The business can no longer support expenses or break even by itself.

Therefore, in order to cover the costs of operating an in-person and to-go food and beverage establishment, Stoplight is pursuing a partnership with a new concept to help increase business demand and share the cost.

Stoplight is pursuing a working partnership with Richmond Seltzer Company. Richmond Seltzer Company (RSC) is a start-up company that plans to specialize in making hard craft seltzers in the City of Richmond. RSC is looking to partner with Stoplight and share the space at 405 Brook Road to setup a micro-brewery and tasting room that will be eloquently paired with Stoplight's existing café. The environment and culture of the Jackson Ward and Arts District neighborhoods align well with the RSC vision and present the perfect opportunity for RSC to launch its brand and product to the community. See Appendix for more information on RSC.

Proposed Amendment to Existing SUP

We are seeking an amendment to the existing SUP. We propose that the production of beverages (small batch only) may be a permitted use in the un-occupied, excess storage and garage space connected to Stoplight Gelato Café.

Stoplight and RSC would both operate on the first floor of the building. The public-serving space ("front of house") is approximately 900 square feet of café space facing Brook Road and would be shared by Stoplight (operating a freezer display case where gelato will be served) and RSC (operating a tasting counter where beverages will served). The existing tables will provide seating for both operations. The existing kitchen will provide food service for both operations.

There will be no changes to:

- Occupancy Capacity (per City permit and existing Occupancy code)
- Parking (per existing SUP, we do not require dedicated parking)
- Building Structure (we are not changing the existing structure of the building)

See **Appendix A** for a preliminary floorplan and map.

Impact to Neighborhood

We do not anticipate any negative impacts to the neighborhood. We have thoughtfully addressed the following common concerns:

Occupancy Capacity: No changes or impact. We are not seeking an increase in Occupancy allowed in the café. Current Occupancy allows for 20 customers and we do not propose any changes to this. Stoplight has never had an issue with Occupancy.

Parking: No changes or impact. Under the existing SUP, we are not required to provide dedicated or off-street parking. The café has always been focused on serving the neighborhood and residents in the immediate area. Almost all customers walk to our café and we anticipate that staying the same when we re-open. Stoplight has never had an issue with parking.

Hours of Operation: No changes or impact. From opening in 2017 until 2019, Stoplight was open 8am until 10pm (on average; six days a week). Beginning in 2019 and through March 2020, Stoplight was open 12pm or 3pm until 10pm (on average; six days a week). With the new partnership between Stoplight and RSC, we anticipate operating under similar hours: 12pm or 3pm until 10pm (on average; six days a week). Stoplight has never had an issue with the neighborhood and hours of operation.

Noise: No changes or impact. Because we are not changing Occupancy, or Hours of Operation, we anticipate no changes to the current noise of the café operation. Any noise from beverage production will be absorbed by the garage space (designed for noise reduction). Stoplight has never received a complaint for noise.

Traffic, Deliveries, Logistics: No changes or impact. We do not anticipate increased traffic because we are not expanding Occupancy, or extending operating hours, or changing the parking environment (on-street only). All deliveries will be made either via the front of the café (Brook Road) or the alley way where the garage opens – whichever is least disruptive to the neighborhood. Stoplight has never had an issue with traffic, deliveries, or logistics.

Odor: No changes or impact. Brewing hard seltzer is a fairly odorless process compared to traditional brewery operations. We do not anticipate any odor issues with the neighborhood and will address with appropriate venting systems. Stoplight has never had an issue with odor.

Waste: No changes or impact. We do not anticipate any more waste (trash, recycling, etc.) than historically. Stoplight has never had an issue with waste.

Building Structure: No changes or impact. We are not making any changes to the physical building, except for a potential sign on the street-front that will comply with all codes, ordinances, and restrictions per the Neighborhood Associations, City, Historic District, and all other local jurisdictions.

Support from Neighborhood

We believe that being a good neighbor supersedes running a successful small business. Therefore, we will work diligently to ensure there is no negative impact to the neighborhood. We have shared our proposed plan with our community, and we plan to receive full support from the following associates:

- Councilwoman Katherine Jordan
- Former Councilwoman Kim Gray (neighbor)
- Historic Jackson Ward Association
- Downtown Neighborhood Association
- Richmond Arts District Association
- Gallery 5 (neighbor)

- Other neighbors in the area

With the support of our neighborhood, we look forward to a smooth transition with the re-opening of Stoplight in partnership with Richmond Seltzer Company.

Benefits to Neighborhood

During this time when an unprecedented number of restaurants and small businesses have either closed or are barely breaking even, we hope to be an example of growth and creativity when navigating the “new normal.” Existing businesses must adapt and realize we can no longer “go on our own.” Stoplight and RSC view this partnership as a win for all parties: the neighborhood benefits from the re-opening of a community-focused café rather than a closed business, and two small businesses operate with a higher likelihood of success. Both Stoplight and RSC share a love for the City of Richmond and want to use our cooperative business structure as an example to further advance Richmond’s diverse food and beverage market.

If either business were to operate on their own, they would likely not make it in today’s competitive market. The cross-selling of products, mutual promotion and marketing, and shared fixed expenses (overhead) will allow both businesses to thrive in the new environment.

The Jackson Ward and Arts District neighborhoods will benefit from the amenity of a family friendly environment and forward-thinking concept. Ms. Given established Stoplight as a place that was welcoming to all; which we have carried on, and will continue to do so. But in order to offer this environment, we must support the business with another product and offering that fits with our culture and neighborhood.

Neighborhood benefits include:

- The re-opening of a downtown storefront with high visibility
- A new demand generator for the area
- An amenity to nearby residents and visitors of downtown
- A contributor and active participant in local groups (ie Jackson Ward Neighborhood Association, Downtown Neighborhood Association, Richmond Arts District Association, Jackson Ward Youth Peace Team, etc.)
- One of the first craft seltzer brewing concepts in the United States and Richmond.
- A re-energized gathering space for community events and discussions.

Social Impact

In addition to the many benefits to the immediate neighborhood, RSC and Stoplight believe in actively supporting positive social impact in the greater Richmond area. As such, RSC plans on hosting community events and will engage in service projects within the neighborhood. RSC has always had a strong focus on environmental and socioeconomic stewardship and therefore a portion of our company’s profits will be reinvested into the community via projects and initiatives that align with these values.

When the BLM protests occurred in Richmond during the summer of 2020, the owners of RSC made a decision to ensure that our micro-brewery and tasting room would be an inclusive space where patrons can feel comfortable knowing they are in a safe environment. Our hiring practices and profit distributions to the community will also reflect these values and will maintain a focus on improving the socioeconomic and racial equality of Jackson Ward.

Signage

We plan to pursue installing a new, street-front, small sign for both businesses: Stoplight Gelato Café and Richmond Seltzer Co. The sign will conform with all codes, ordinances, and restrictions per Neighborhood, City, Historic District, and all other local jurisdictions. See **Appendix B** for a sample design.

Sidewalk

We plan to operate a small sidewalk patio, in compliance with City code, as a temporary amenity. The sidewalk tables, chairs, umbrellas, and low fencing will be set up and removed from the sidewalk each day. The sidewalk operation is not permanent and will adhere to all codes and restrictions for the Neighborhood, City, Historic District, and all other local jurisdictions.

ABC, TTB, & Regulatory Compliance

As a new business operation, RSC will ensure it acquires and maintains compliance with all city, state and federal laws and regulations regarding the production and sale of alcoholic beverages. This includes TTB, ABC, local ordinances, and any other current or future regulations governing the craft beverage industry.

Stoplight currently operates with an approved ABC license for on-premise and off-premise sales of beer and wine. Stoplight is in “good standing” with ABC, and has never had a violation or infraction of any rule or regulation.

Conclusion

Our hope is that our neighborhood and the City of Richmond will view this application for an amendment to the Special Use Permit as an opportunity to bring new life to Jackson Ward and the Arts District in an inclusive and wholistic manner. We will work with all parties (Associations, neighbors, regulatory bodies, small businesses, etc.) to ensure all questions and concerns are addressed. With input and guidance from the community, we will work diligently to bring our concept to life.

Appendix A: Floorplan

Appendix B: Signage

SAMPLES / PLACEHOLDERS



Appendix C: Nearby Restaurants

We believe it is important to take an inventory of the existing neighborhood restaurants. Below is a sampling, sorted by distance from Stoplight.

- **Saison:** full-service restaurant, full bar, and to-go market. Located ½ block from Stoplight.
- **GWAR Bar:** full-service restaurant and full bar. Located ½ block from Stoplight.
- **Max's on Broad:** full-service restaurant and full bar. Located ½ block from Stoplight.
- **Quirk Hotel, Lobby:** full-service restaurant and full bar. Located one block from Stoplight.
- **Bar Solita:** full-service restaurant and full bar. Located one block from Stoplight.
- **Lift:** coffee shop, food service, and full bar. Located one block from Stoplight.
- **Bistro 27:** closed. Located one block from Stoplight.
- **Comfort:** closed. Located one block from Stoplight. Now "CM Chicken" restaurant.
- **Nama:** full-service restaurant and full bar. Located 1.5 blocks from Stoplight.
- **Tarrant's:** full-service restaurant and full bar. Located 2 blocks from Stoplight.