

MOTION

To amend Ordinance No. 2021-132 as follows:

Page 3, Line 17

After the period following the word “uses”, insert the text “However, the warehouse use of the Property shall be permitted only if a minimum of 1,000 square feet of the building on the Property is dedicated to another use permitted by this ordinance” followed by a period

INTRODUCED: May 10, 2021

AN ORDINANCE No. 2021-132

As Amended

To authorize the special use of the property known as 501 Oliver Hill Way for the purpose of warehouse, brewery, and food and beverage manufacturing uses, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: AT 6 P.M.

WHEREAS, the owner of the property known as 501 Oliver Hill Way, which is situated in a B-5C Central Business Conditional District, desires to use such property for the purpose of warehouse, brewery, and food and beverage manufacturing uses, which use, among other things, is not currently allowed by section 30-442.1 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

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

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 501 Oliver Hill Way and identified as Tax Parcel No. E000-0248/001 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “ALTA/ACSM Land Title Survey for: 501 Oliver Hill Way, City of Richmond, VA,” prepared by Nyfeler Associates, and dated June 13, 2013, 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 warehouse, brewery, and food and beverage manufacturing uses, hereinafter referred to as the “Special Use.”

(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 limited to warehouse, brewery, and food and beverage manufacturing uses. However, the warehouse use of the Property shall be permitted only if a minimum of 1,000 square feet of the building on the Property is dedicated to another use permitted by this ordinance.

(b) The warehouse, brewery, and food and beverage manufacturing uses shall be in accordance with sections 30-457.2(4) and 30-457.2 (14) of the Code of the City of Richmond (2020), as amended, shall meet the respective district requirements specified in Chapter 30, Article IV, Division 31 of the Code of the City of Richmond (2020), as amended, provided that that the

maximum floor area imposed in section 30-457.2 (14) of the Code of the City of Richmond (2020), as amended, shall not be required.

(c) Uses permitted in the B-5 Central Business District pursuant to Chapter 30, Article IV, Division 23 of the Code of the City of Richmond (2020), as amended, shall be permitted on the Property.

(d) Compliance with the specific proffered conditions shown in stricken text on a copy of the document entitled “Cold Storage Conditional Rezoning Proffers” and dated October 18, 2006, which copy is entitled “Excepted Proffers for SUP Application,” undated, and prepared by an unidentified preparer, on which Ordinance No. 2006-277-278, adopted November 27, 2006, conditioned the rezoning of the Property to the B-5 Central Business District (Conditional), shall not be required for the Special Use of the Property.

(e) No outside storage related to the Special Use is permitted.

(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) If five or more parking spaces are to be provided on the Property in a single parking area, then prior to the issuance of a final certificate of occupancy and any necessary certificate of zoning compliance for the Special Use, plans for all parking area improvements and parking area landscaping on the Property, including civil plans where necessary, must have been approved by the Zoning Administrator, and all such approved improvements and landscaping must be completed and compliant with the minimum dimension requirements of section 30-710.3:1 of the Code of the City of Richmond (2020), as amended, the minimum improvement requirements of section 30-710.12 of the Code of the City of Richmond (2020), as amended, and the minimum

perimeter buffer requirements of section 30-710.13 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 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 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.

City of Richmond

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

Item Request

File Number: PRE.2021.585

O & R Request

DATE: March 26, 2021

EDITION:1

TO: The Honorable Members of City Council

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



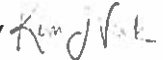
THROUGH: J.E. Lincoln Saunders, Acting Deputy Chief Administrative Officer



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



RE: To authorize the special use of the property known as 501 Oliver Hill Way for the purpose of warehouse use and/or uses permitted in Sec. 30-457.2 (4) and Sec. 30-457.2 (14) of the Zoning Ordinance, provided that there be no limitation on floor area, uses permitted in Sec. 30-442.1 of the Zoning Ordinance, and to except certain proffered conditions that were conditioned through the conditional rezoning of the property to B-5 Central Business District pursuant to Ordinance No. 2006-277-278, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 501 Oliver Hill Way for the purpose of warehouse use and/or uses permitted in Sec. 30-457.2 (4) and Sec. 30-457.2 (14) of the Zoning Ordinance, provided that there be no limitation on floor area, uses permitted in Sec. 30-442.1 of the Zoning Ordinance, and to except certain proffered conditions that were conditioned through the conditional rezoning of the property to B-5 Central Business District pursuant to Ordinance No. 2006-277-278, upon certain terms and conditions.

REASON: The applicant is proposing to use the existing two-story building for warehouse use, breweries producing not more than 10,000 barrels of beer per year, distilleries producing not more than 25,000 cases of liquor per year, and for manufacturing, warehouse and distribution of certain food and beverages as specified in Sec. 30-457.2 (14) of the Zoning Ordinance. Additionally, the applicant is proposing to except certain proffered conditions that were conditioned through the zoning of the property to B-5C Central Business District (Conditional) as Ordinance No. 2006-277-278. The special use permit is necessary because the proposed uses are

not permitted in the B-5C and nonconforming use rights have expired. The special use permit is also necessary because certain conditions proffered as part of the current B-5C zoning designation cannot be satisfied in using the property as proposed.

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 May 17, 2021 meeting.

BACKGROUND:

The subject property has a lot area of 37,113 SF, or 0.852 acres, and is improved with a two-story building containing 38,796 SF of floor area that was last used for manufacturing purposes. The property is part of the Upper Shockoe Valley neighborhood.

The property was rezoned, conditionally, to B-5C (Central Business) on November 27th, 2006, at the request of the owner at that time with the intention to renovate the existing building for mixed-use. Proffers were offered from the applicant that included requiring the use of the existing buildings to be mixed-use, requiring a parking minimum of one space per dwelling unit, requiring screening for exterior parking areas, requiring sidewalk repair, imposing yard (setback) and height limitations, and a streetscape plan. The building was never renovated and has been vacant for more than two years, therefore the nonconforming rights to use the property as manufacturing or warehouse have expired.

The Richmond 300 Master Plan recommends a future land use of "Destination Mixed-Use" for the property. The primary uses recommended for Destination Mixed-Use are retail/office/personal service, multi-family residential, cultural, and open space. The property is also located within the "Downtown-Shockoe" priority growth node, which envisions the Shockoe area in and around the property as a national destination for historic tourism, education, and interpretation as well as a regional and neighborhood destination.

The applicant ultimately intends to redevelop the property for a higher density mixed-use development, however does not intend to pursue redevelopment until the Shockoe Valley Street Improvements project has been completed. The Public Works Department estimates that the project will be fully completed in October 2025.

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: April 26, 2021

CITY COUNCIL PUBLIC HEARING DATE: May 24, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
May 17, 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: Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

STAFF: Richard Saunders, Senior Planner
Land Use Administration (Room 511) 646-5648



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 531
Richmond, Virginia 23210
(804) 648-6304
<http://www.richmond.gov/>

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: 501 Oliver Hill Way Date 12/2/2020
 Tax Map #: E0000248001 Fee 2400
 Total area of affected site in acres: 0.852

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

Zoning

Current Zoning: B-5 Conditional

Existing Use: Vacant warehouse / manufacturing facility

Proposed Use

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

Warehouse use & TOD-1 uses related to breweries & manufacturing, warehouse & distribution of food & beverages Section 30-457.2 (4)(14)

Existing Use: Vacant warehouse / manufacturing facility

Is this property subject to any previous land use cases?

Yes No
 If Yes, please list the Ordinance Number: Ordinance # 2006-277-278

Applicant/Contact Person: Mark Baker / Charlie Wilson

Company: Baker Development Resources
 Mailing Address: 1519 Summit Avenue, Suite 102
 City: Richmond State: VA Zip Code: 23230
 Telephone: (804) 8746275 Fax: ()
 Email: markbaker@bakerdevelopmentresources.com, charlie@bakerdevelopmentresources.com

Property Owner: OH HAT LLC

If Business Entity, name and title of authorized signer: _____

(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: 269 FINIAL AVE
 City: RICHMOND State: VA Zip Code: 23226
 Telephone: (804) 3392358 Fax: ()
 Email: jc@paretolc.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)



December 2, 2020

Mr. Matthew Ebinger
City of Richmond, Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 E Broad Street
Richmond, Virginia 23219

Re: Special Use Permit: 501 Oliver Hill Way (E0000248001)

Mr. Ebinger,

This letter shall serve as the Applicant's Report accompanying the application for a special use permit (the "SUP") for the property known as 501 Oliver Hill Way, identified as Tax Parcel E-000-248/001 (the "Property"). The Property is located on the east side of Oliver Hill Way between Venable Street and Clay Street. The Property consists of an irregularly-shaped lot that contains approximately 0.852 acres of lot area, and is occupied by a two-story building containing 38,796 square feet of floor area. The building was built in 1965, and was last utilized as a manufacturing use. The SUP would permit the use of the existing building on the Property as a warehouse and/or uses related to breweries & manufacturing, warehouse & distribution of food & beverages as defined in the Zoning Ordinance TOD-1 District Regulations, Section 30-457.2 (4)(14).

The Property was rezoned to B-5 conditional (Ordinance 2006-277-278) by a previous owner in 2006. That rezoning was one of four companion rezonings that collectively rezoned the former Cold Storage complex in the vicinity in order to allow for its redevelopment, consisting of the adaptive reuse of existing historic structures utilizing historic tax credits. The redevelopment of the Property originally contemplated never occurred for a variety of reasons, including the inability to utilize historic tax credits for building conversion and the unfortunate timing of the rezoning as related to the economic downturn in 2008. The existing building remains vacant.

The current economic context may now support redevelopment of the Property in a way that is consistent with master plan guidance and the original B-5 conditional rezoning. However, the City's Shockoe Valley Street Improvements Plan now proposes substantial right-of-way (ROW) changes in the area, which will not be complete until 2025 at the earliest. While these changes will likely result in a better context for the Property's redevelopment, they also cause a timing issue for the property owner. No redevelopment of the Property can be pursued in the short-term as the Property's street frontage and access will likely change substantially. Once the proposed ROW changes are complete, future redevelopment of the Property, including potential adaptive reuse of the current structure, will better support the City's goals for the area and optimize the potential of an important corner in this reconfigured corridor. In the meantime, the ROW changes will push the development of the Property out several years and prevent any redevelopment consistent with the rezoning until that time.

The SUP request is made in this context. With the delay of any future redevelopment of the Property, the property owner would like to utilize the building consistent with its past use until such time

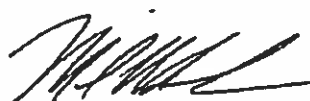
that the Property can be redeveloped. As a result, the SUP request is not about the final goal of redeveloping the Property. Instead, it is about deriving near-term benefit from the Property, largely in its extant condition, until such time that the redevelopment context is clearer based on the timing of planned City improvements. A future redevelopment of the Property in the context of planned ROW improvements will better achieve the goals of the City in this area. In the meantime, the owner can help mitigate losses due to the ROW improvement timing by occupying the existing building with a use generally consistent with the original use of the building.

The SUP would authorize the Property to be utilized as a warehouse as well as uses related to breweries and manufacturing, and the warehouse and distribution of food and beverages as described in the Zoning Ordinance TOD-1 District Regulations, Section 30-457.1 paragraphs (4) and (14). The requested uses would provide near-term utility of the building until such time that redevelopment options can be considered in the context of the new, improved streets configuration.

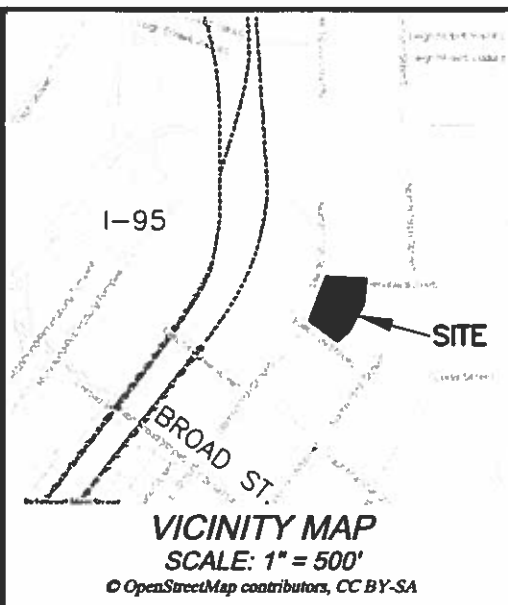
The request is respectful of future land use guidance applicable to the Property. The Richmond 300 Plan suggests the "Destination Mixed Use" future land use designation for the Property. That designation entails that retail/office/personal service, multifamily residential, cultural, and open-space uses are appropriate primary uses. Furthermore, in the "Streets, Connections, Interchanges, and Bridges" section of the Richmond 300 Plan, the immediate area is recognized for the upcoming right of way improvements as being critical to helping the City achieve Goal 9: to build and improve streets and bridges to expand connectivity to all users. Understanding the connection of land use to transportation infrastructure, this request is respectful of future land use guidance in that it defers redevelopment of the Property until the new right of way pattern is established. In doing so, future redevelopment can occur in a manner that is most complimentary of the new infrastructure improvements—thereby bolstering placemaking and better addressing the new street network. Lastly, this request addresses the various factors indicated in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council.

Thank you for your time and consideration of this request. Please let me know if you have any questions.

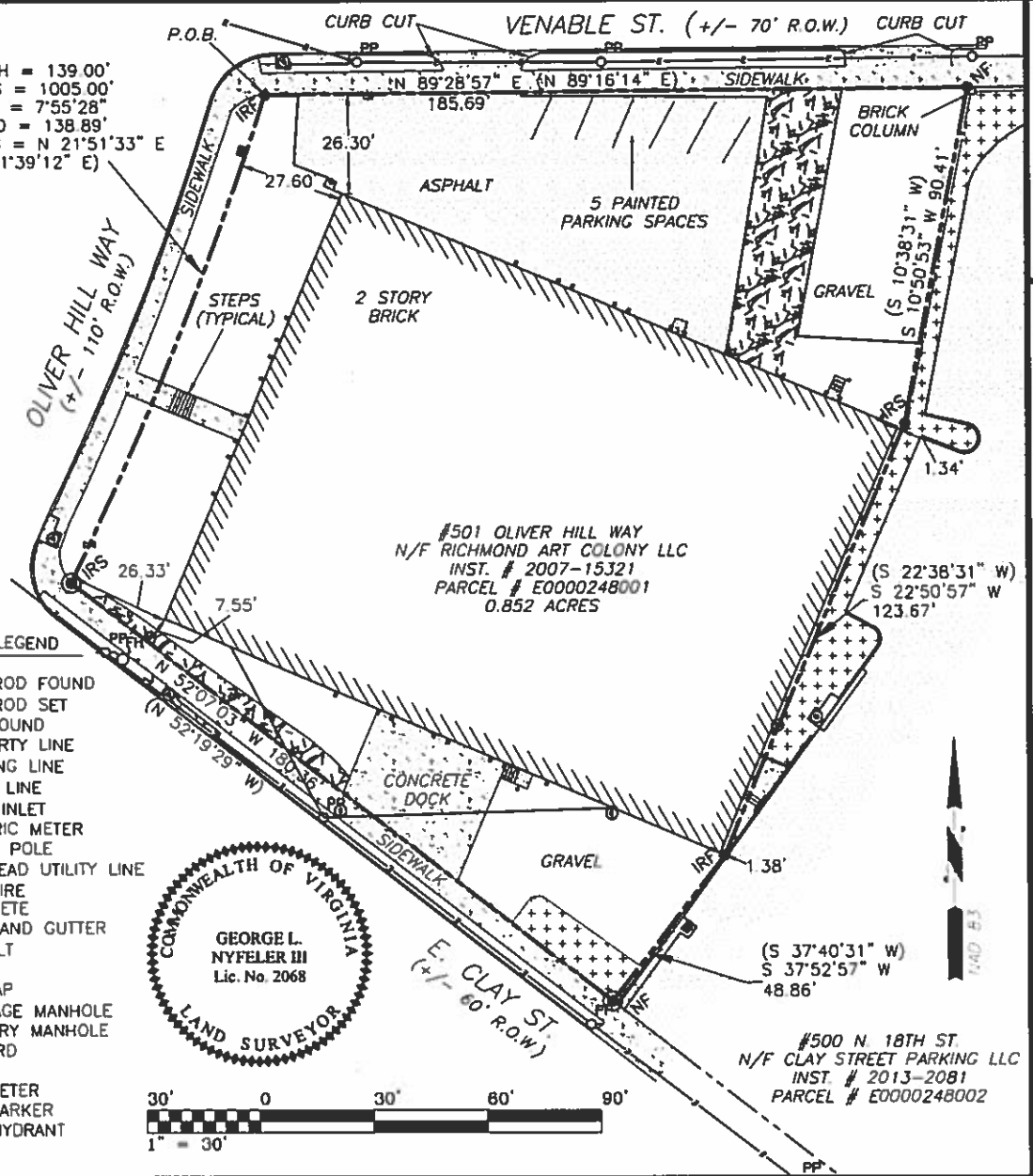
Sincerely,



Mark R. Baker
Baker Development Resources, LLC



LENGTH = 139.00'
RADIUS = 1005.00'
DELTA = 7°55'28"
CHORD = 138.89'
CH. BEARING = N 21°51'33" E
(N 21°39'12" E)



FEMA FLOOD ZONE "X" ON MAP
5101290041D, REVISED APRIL 2,
2009

ZONING: B-5 BUSINESS PER CITY
WEBSITE

ZONING SETBACKS: TO BE PROVIDED
BY TITLE COMPANY

ALTA CERTIFICATION

To ROWVA Properties, LLC and Safe
Harbor Title Company

This is to certify that this map or
plat and the survey on which it is
based were made in accordance with
the 2011 Minimum Standard Detail
Requirements for ALTA/ACSM Land Title
Surveys, jointly established and
adopted by ALTA and NSPS and
includes Items 1, 2, 3, 4, 6a, 6b, 8,
9, 11a & 13 of Table A thereof. The
field work was completed on
06/05/2013

Date of Plat or Map: 06/13/2013

ALTA/ACSM LAND TITLE SURVEY

FOR: **501 OLIVER HILL WAY**
CITY OF RICHMOND, VA

Nyfelers Associates
SITE PLANNING & DESIGN,
LAND SURVEYING
619 W CARY ST. RICHMOND, VA 23220
804-277-4231
www.NyfelersAssociates.com

SCALE: 1" = 30'	DRAWN BY: JRW	APPROVED BY: GLN
DATE: 06-13-2013	JOB NUMBER: 13040	

Excepted Proffers for SUP Application

Cold Storage Conditional Rezoning Proffers
October 18, 2006

~~Proffer: The existing historic structures will be developed as a building of mixed use. If residential units are included in this project, the average square footage of all residential units shall be no less than 650 square feet. Square footage shall be measured to the center line of an apartments enclosing walls). All residential units shall have windows or access to natural daylight coming through skylights or/and court yards located in the interior of the building. A maximum of eight apartments without said natural daylight access shall be allowed in buildings 1 and 3 each.~~

Proffer: Parking will be provided at the rate of one parking space per dwelling use. These parking spaces will be subject to our intention that up to 75% of these same parking spaces will be "shared" with "non-dwelling uses" between the hours of 8:00 A.M. and 6 P.M. Spaces for residential units, as required by the zoning ordinance would be located within the minimum radius of 500 feet, as outlined. Residential parking spaces exceeding the required would be located within a 750 foot radius.

~~Proffer: All ground level exterior parking areas screened by a minimum 4' high ornamental metal and brick pier combination fence matching City of Richmond buffer alternative "J". Evergreen vegetation and ornamental street trees to be added on property in parking area, where possible. Parking area to be paved. Ornamental parking lot lighting to be added for non daylight parking use, with minimum 1 foot candle, not exceeding .5 foot candles crossing property line.~~

Proffer: Existing concrete sidewalks bordering our property will be repaired in order to allow clear and safe passage.

Proffer: In regards to the future potential development of new buildings, the following yard setbacks and height restriction will apply:

1. No front yard shall be required, except where adjacent buildings are located on the same street frontage. In that case, the building would line up with the existing building. In no case would the front yard exceed 10 feet.
2. Building entrance features, or other architectural detail may be setback not more than 10 feet from the street line.
3. Side and rear yards will be in accordance with the underlying zoning.
4. New buildings shall not exceed 60' in height and shall not be less than 24' feet in height at the street line.
5. The parking will continue to be provided as proffered above."

~~Proffer: Streetscape plan to include trees will be submitted to the Director of Community Development within 180 days of the issuance of the building permit. The approved streetscape plan shall be installed by the date of the issuance of the final certificate of occupancy. Because the project will be completed in phases, a different streetscape plan shall be submitted for each phase.~~