



Legislation Details (With Text)

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Type: Ordinance **Status:** Adopted

File created: 3/24/2021 **In control:** City Council

On agenda: 7/26/2021 **Final action:** 7/26/2021

Title: 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. (As Amended) (7th District)

Sponsors: Mayor Stoney (By Request)

Indexes:

Code sections:

Attachments: 1. Ord. No. 2021-132 - Amended 20210628, 2. Staff Report, 3. Application Form, 4. Applicant's Report, 5. Plans, 6. Survey, 7. Map, 8. Excepted Proffers for SUP Application, 9. Letter of Support - Shockoe Partnership, 10. 20210628 Amendment of Ord. No. 2021-132

Date	Ver.	Action By	Action	Result
7/26/2021	1	City Council	adopted	Pass
6/28/2021	1	City Council	amended and continued	
6/14/2021	1	City Council	continued	
6/7/2021	1	Planning Commission	recommended for approval with amendments	
5/10/2021	1	City Council	introduced and referred	

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. (As Amended) (7th District)

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 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.

(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.

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

Key Issues:
Retain on Consent Agenda
Move to Regular Agenda
Refer Back to Committee
Remove from Council Agenda
Strike Withdrawn Continue to: