

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date: February 21, 2023  
Action Required: Resolution Approval  
Presenter: Carrie Rainey, Urban Designer/City Planner  
Staff Contacts: Carrie Rainey, Urban Designer/City Planner  
**Title: Considering a Special Use Permit for the Three Notch'd Brewery Expansion (1 reading)**

**Background**

Scott Roth, Three Notch'd Brewing Company, LLC, acting as agent for Monticello Associates, LLC, owners of 522 2nd Street SE, Tax Map 28 Parcel 208.1 ("Subject Property") has requested a Special Use Permit on the Subject Property to establish a small brewery. The applicant currently operates a microbrewery on the Subject Property. Microbreweries are permitted to produce 15,000 barrels per year and small breweries are permitted to produce 30,000 barrels per year per Section 34-1200. The Subject Property is currently zoned DE Downtown Extended Mixed Use Corridor.

**Discussion**

The Planning Commission considered this application at their meeting on January 10, 2023. The Commission requested additional information on the term "biological oxygen demand" discussed in the staff report. Staff clarified biological oxygen demand is a water quality parameter measuring the amount of oxygen required to break down organic matter entering the sanitary sewer treatment facility. Uses such as breweries may increase organic matter. The Utilities Department is currently performing testing on the treatment facility to determine any potential issues with expanding the Three Notch'd Brewery from microbrewery to small brewery. The Commission also asked if the brewery expansion would result in increased odors, and the applicant confirmed the intensity of odors would not increase but may be present on additional days with increased production. The Planning Commission recommended approval of the Special Use Permit with the condition provided by staff to ensure brewery production is not expanded until either i. The Utilities Department confirms existing sanitary sewer facilities can adequately handle the increased biological oxygen demand generated by the expansion in brewery production, or ii. Facilities on the subject property are upgraded to address the increased biological oxygen demand, and the Utility Department confirms the upgraded facilities will adequately handle the increased demand.

The staff report and supporting documentation presented to the Planning Commission can be found starting at page 6 at the following link:

<https://civicclerk.blob.core.windows.net/stream/CHARLOTTESVILLEVA/be83a68f-2a65-43c7-b7d0-b9ce7543b4df.pdf?sv=2015-12-11&sr=b&sig=V97KC%2FZo7vLmliiUI%2BKxJP6qpId%2FJBs9QJVFdTdloPs%3D&st=2023-01->

### **Alignment with City Council's Vision and Strategic Plan**

The proposal aligns with the City Council Vision Statement of Economic Sustainability.

The proposal aligns with City Council Strategic Plan Goal 3: A Beautiful and Sustainable Natural and Built Environment through Strategy 3.1 Engage in robust and context sensitive urban planning and implementation. The proposal aligns with City Council Strategic Plan Goal 4: A Strong, Creative and Diversified Economy through Strategy 4.2 Attract and cultivate a variety of businesses and Strategy 4.3 Grow and retain viable businesses.

### **Community Engagement**

Per Section 34-41(c)(2), the applicant held a community meeting on October 26, 2022. (The Zoning Administrator was able to attend as a NDS representative). No members of the public attended the meeting.

The Planning Commission held a joint public hearing with City Council on this matter on January 10, 2023. One member of the public spoke on the application. The member of the public raised concerns regarding potential issues during droughts and suggested hemp filters are available to limit potential smells.

### **Budgetary Impact**

No direct budgetary impact is anticipated as a direct result of this Special Use Permit.

### **Recommendation**

The Planning Commission voted 7-0 to recommend the application be approved with the condition provided by staff.

### **Alternatives**

City Council has several alternatives:

(1) by motion, approve the requested Special Use Permit as recommended by the Planning Commission with the following suggested motion;

“I move the adoption of the Resolution included in our agenda materials, granting this Special Use Permit within SP22-00011, based on a finding that the proposed permit is required by public necessity, convenience, general welfare, and good zoning practice”

(2) by motion, request changes to the attached resolution, and then approve the Special Use Permit;

(3) by motion, take action to deny the Special Use Permit;

Or

(4) by motion, defer action on the Special Use Permit.

### **Attachments**

1. 522 2nd Street SE Small Brewery SUP Resolution