

AN ORDINANCE No. 2014-121-201

As Amended

To authorize the special use of the property known as 1650 Overbrook Road for the purpose of [~~uses permitted in the B-7 Mixed Use Business District and~~] authorizing multifamily dwellings with up to [~~one hundred seventy three (173)] two hundred five (205) dwelling units and other site amenities, upon certain terms and conditions.~~

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 14 2014 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the property known as 1650 Overbrook Road and identified as Tax Parcel No. N000-1296/004 in the 2014 records of the City Assessor, being more particularly shown on a survey and site layout entitled “Plat Showing a 6.441 Acre Parcel of Land Situated at the Northeast Corner of the intersection of Overbrook Road and Hermitage Road & Being No. 1650 Overbrook Road as Located in the city of Richmond, VA,” prepared by Gene Watson & Associates, P.C., and dated December 28, 2012, a copy of which is attached to and made a part of this ordinance, is hereby permitted to be used for the purpose of uses permitted in the [~~B-7~~] B-6 Mixed-Use Business District and multifamily dwellings with up to [~~one hundred seventy three (173)] two hundred~~

AYES: 8 NOES: 1 ABSTAIN: _____

ADOPTED: NOV 10 2014 REJECTED: _____ STRICKEN: _____

five (205) dwelling units and other site amenities, substantially as shown on [page AS1.01, Sections A through C of page A1.01, Section A of page A1.02, Section B of page A1.03, Section B of pages A2.01 through A2.04, and Sections A and B of page A3.01 of] the plans entitled “Overbrook Lofts, Overbrook and Hermitage Roads, Richmond, Virginia,” prepared by SWA Architects-VA, Inc., and dated, [January 30, 2014] April 1, 2014, and revised October 6, 2014, copies of which are attached to and made a part of this ordinance.

§ 2. That the adoption of this ordinance shall constitute the granting of a special use permit for the property, which shall be transferable from the owner of the property to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and which shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of the property a building permit substantially in accordance with the plans referred to above for the aforementioned purposes, subject to the following terms and conditions:

(a) The owner of the property shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the property, except as otherwise provided in this ordinance.

(b) Application for a building permit for the plans referred to above shall be made within twenty-four (24) months from the effective date of this ordinance. This building permit shall expire and shall become null and void if any necessary construction has not commenced within one hundred eighty (180) days from the date of the building permit or if construction is suspended or abandoned for a period of one hundred eighty (180) days at any time after such construction has commenced, as provided in any applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within twenty-four (24) months after

the effective date of this ordinance or should the building permit expire and become null and void after the expiration of the twenty-four (24) month time period for making application for the building permit, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

(c) 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 subject property have been paid.

(d) All required final grading and drainage plans, together with all easements made necessary by such plans, shall be approved by the Director of Public Utilities prior to the issuance of building permits.

(e) 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 adjacent property or public streets and the use thereof.

(f) 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. The location of such facilities shall be subject to the approval of a detailed final plan by the Director of Planning and Development Review prior to the issuance of any building permit.

(g) Any encroachments existing, proposed on the plans attached to this ordinance 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 (2004), as amended.

(h) A multifamily dwelling with up to [~~one hundred eight (108)~~] two hundred five (205) dwelling units shall be permitted in the “Section A” [~~building~~] and “Section B” buildings, substantially as shown on the plans attached to this ordinance.

(i) [~~A multifamily dwelling with up to sixty five (65) dwelling units, substantially as shown on the plans attached to this ordinance, or principal uses permitted in the B-7 Mixed Use Business District shall be permitted in the “Section B” building.~~

(j) — [~~Principal~~] Office use accessory to the multifamily use and principal uses permitted in the [~~B-7~~] B-6 Mixed-Use Business District shall be permitted in the “Section C” building, substantially as shown on Sheet AS1.01 of the plans attached to this ordinance.

[~~(k)~~] (j) A minimum of one off-street parking space per dwelling unit shall be provided. Parking for any commercial use shall be provided in accordance with the requirements applicable in the [~~B-7~~] B-6 Mixed-Use Business District in section [~~114-710.2:3~~] 114-710.1 of the Code of the City of Richmond (2004), as amended.

[~~(l)~~] (k) Signs permitted on the property shall be governed by the sign regulations applicable in the [~~B-7~~] B-6 Mixed-Use Business District. Location and materials for all signs shall be subject to the approval of a detailed final plan by the Director of Planning and Development Review prior to the issuance of any building permit.

[~~(m)~~] (l) Landscaping shall be provided, substantially as depicted on the plans attached to this ordinance. Location and landscaping materials for all site amenities, including [~~any pool, basketball court, volleyball court and gazebo~~] the recreation area, shall be subject to the approval of a detailed final plan by the Director of Planning and Development Review prior to the issuance of any building permit.

~~[(#)]~~ (m) A lighting plan shall be approved by the Director of Planning and Development Review prior to the issuance of any building permit.

~~[(#)]~~ (n) Exterior building design, materials and colors shall be as shown on the plans attached to this ordinance. Alternative design, materials, and colors may be used, subject to the approval of the Director of Planning and Development Review, prior to the issuance of a building permit.

~~[(#)]~~ (o) In all other respects, the use of the property shall be in accordance with the applicable underlying zoning regulations.

§ 4. That the privileges granted by this ordinance may under certain circumstances be revoked. Upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit pursuant to the provisions of sections 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), as amended, if (a) the property owner does not abate the violation within thirty (30) days of the issuance of the notice or (b) three (3) notices of violation are issued to the property owner within any twelve (12) month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 114-1080 of the Code of the City of Richmond (2004), as amended, or any other applicable laws or regulations.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the property is abandoned for a period of twenty-four

(24) consecutive months, use of the property shall be governed thereafter by the zoning regulations prescribed for the district in which the property is then situated.

§ 6. This ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND O & R REQUEST

INTRACITY CORRESPONDENCE

APR 21 2014

O&R REQUEST Chief Administration Office
City of Richmond

DATE: April 14, 2014

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Byron C. Marshall, Chief Administrative Officer

THROUGH: Peter H. Chapman, Deputy Chief Administrative Officer for Economic Development and Planning

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

SUBJECT: To authorize the special use of the property known as 1650 Overbrook Road for the purpose of a use(s) permitted in the B-7 Mixed-Use Business zoning district and up to one hundred and seventy-three multifamily (173) dwelling units and other site amenities, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 1650 Overbrook Road for the purpose of a use(s) permitted in the B-7 Mixed-Use Business zoning district and up to one hundred and seventy-three multifamily (173) dwelling units and other site amenities, upon certain terms and conditions.

The applicant is proposing to convert the existing primary structure into residential and possible commercial uses. Up to 173 total dwelling units could be developed in two sections of the building, "Section A" and "Section B" with "Section B" having the option to develop into 65 dwelling units or develop commercially. In addition, the smaller building at the corner of Overbrook Road and Hermitage Road is designated for commercial use.

REASON: The applicant is seeking permission to convert the existing primary structure into 173 dwelling uses. The M-1 Light Industrial District prohibits conversion of existing structures to residential use. Therefore, the applicant is requesting a special use permit.

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 June 2, 2014, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is an improved lot of 6.44 acres located on the block bounded by Overbrook Road to the south, Hermitage Road to the west, and a private alley running the length of the northern boundary. The primary masonry structure has a building footprint of 110,851 square feet and varies in building height between approximately 18 feet

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APR 30 2014
OFFICE OF CITY ATTORNEY

201404013

and 35 feet. A second masonry structure is located at the corner of Overbrook Road and Hermitage Road and it has a building footprint of 2,392 square feet. Located next to this building is one-story metal building 1,532 square feet in size.

The larger building was used historically as an old tobacco warehouse with interior columns and the applicant intends to preserve the building as recommended by the Department of Historical Resources. Using the Department of Historic Resource's preliminary recommendations, the applicant is proposing a renovation design for Section A that removes portions of the existing roof and decking but keeps the existing exterior masonry walls. New openings will be provided in the walls and an open air courtyard space will be created between the existing masonry walls and a new exterior wall to the dwelling units.

The applicant proposes developing up to 173 dwelling units and providing 296 total parking spaces, of which 24 would be designated for commercial uses. The development of the primary building would take place in two sections, "Section A" and "Section B," with "Section B" having the option to develop into 65 dwelling units or develop commercially. Site amenities include a swimming pool, fitness center, basketball court, and volleyball court. The one-story masonry building at the corner of Overbrook Road and Hermitage Road is designated for commercial use. The metal building would be removed.

The property is currently zoned M-1 Light Industrial, which does not permit the proposed multifamily use of the property. The City of Richmond's Master Plan, adopted in 2001, also designates the subject property for "industrial" development. In keeping with the industrial zoning and Master Plan land use designation, the property has most recently been used for furniture sales.

For the Near West Planning District, The Master Plan states that "There are a number of vacant industrial and commercial properties within the District, many of which are within or adjacent to residential neighborhoods. Creative reuse strategies for these buildings or sites are needed" (p. 229).

FISCAL IMPACT: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$2,400 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 12, 2014

CITY COUNCIL PUBLIC HEARING DATE: June 9, 2014

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission,
June 2, 2014

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Report, Draft Ordinance, Survey, Plan

STAFF: Willy Thompson, AICP, Senior Planner
Land Use Administration (Room 511)
646-6308

PDR O&R No. 14-16

O&R Request
August 7, 2012
Page 3 of 4

STAFF: Willy Thompson, AICP, Senior Planner
Land Use Administration (Room 511)
646-6308

PDR O&R No. 14-16

**Overbrook LLC
1553 East Main Street
Richmond, VA 23219
(804) 782-6802 Fax (804) 782-6810**

January 30, 2014

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, VA 23219

Re: Applicant's Report for Overbrook Lofts
1650 Overbrook Road
Richmond, VA 23220

To Whom It May Concern:

The proposed Use Permit contemplates the conversion of an old tobacco warehouse antiquated with interior columns in most cases only ten feet apart into modern larger apartments will well appeal to young professionals. The historical character of the building will be preserved as recommended by the Department of Historical Resources.

At the corner of Overbrook and Hermitage Roads is a garage building which will be preserved for a future commercial use.


With respect to the six salient issues required for review:

1. The safety, health and general welfare of the community will be served by housing of a high quality.
2. The roads and public way will not be burdened by additional large trucks, and vehicular access to the interstate and Broad Street is easily accommodated by wide existing roads.
3. The fire hazard of the renovated buildings will be mitigated by sprinkler systems.
4. The large site with a predominately one-story building for most of the building creates a low population density.
5. Existing public facilities are adequate for schools, utilities, and all public uses.
6. The building has good access to light and air.

Of special significance is the pending potential for the major development of the Children's Hospital at Brookland Park Boulevard and Brook Roads and the commercial

potential of the Robin Hood Road acreage. Both developments will need substantial economical employee living accommodations. These apartments will serve the potential needs.

Sincerely,

A handwritten signature in black ink, appearing to read 'David S. White', written over a horizontal line.

David S. White
Manager of Its G.P., Overbrook LLC

**Overbrook LLC
1553 East Main Street
Richmond, VA 23219
(804) 782-6802 Fax (804) 782-6810**

January 30, 2014

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, VA 23219

Re: Applicant's Drawing Submission for Overbrook Lofts
1650 Overbrook Road
Richmond, VA 23220

To Whom It May Concern:

The submitted drawings provide sufficient detail for your staff to evaluate the proposed development. The issues of site lighting, drainage, signage will be developed and meet or exceed all local, state and federal requirements, as well as those of the City of Richmond Department of Planning and Development.

If any further clarification is required or requested we will submit as desired. Thank you for your consideration in this.

Sincerely,



Dennis Atkinson
SWA Architects
1553 E. Main Street
Richmond, VA 23219
(804) 237-8250
DAtkinson@swa-co.com



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) 848-6304
<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

Project Name: OVERBROOK LOFTS Date: 1.30.14

Property Address: 1650 OVERBROOK ROAD 23220 Tax Map #: N0001296004

Fee: \$2400 Total area of affected site in acres: 6.44 ACRES
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: M-1

Proposed Use

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

Existing Use: _____
Is this property subject to any previous land use cases?

- Yes
- No

If Yes, please list the Ordinance Number: _____

CONVERSION OF OLD WAREHOUSE BUILDING INTO APARTMENTS.

Applicant/Contact Person: H. L. SALOMONSKY

Company: OVERBROOK LLC

Mailing Address: 1553 E. MAIN STREET

City: RICHMOND

State: VA Zip Code: 23219

Telephone: (804) 2378247

Fax: (804) 7826810

Email: HL.SALOMONSKY@SWA-CO.COM

Property Owner: OVERBROOK LLC

If Business Entity, name and title of authorized signee: HL SALOMONSKY

Mailing Address: SAME AS ABOVE

City: _____ State: _____ Zip Code: _____

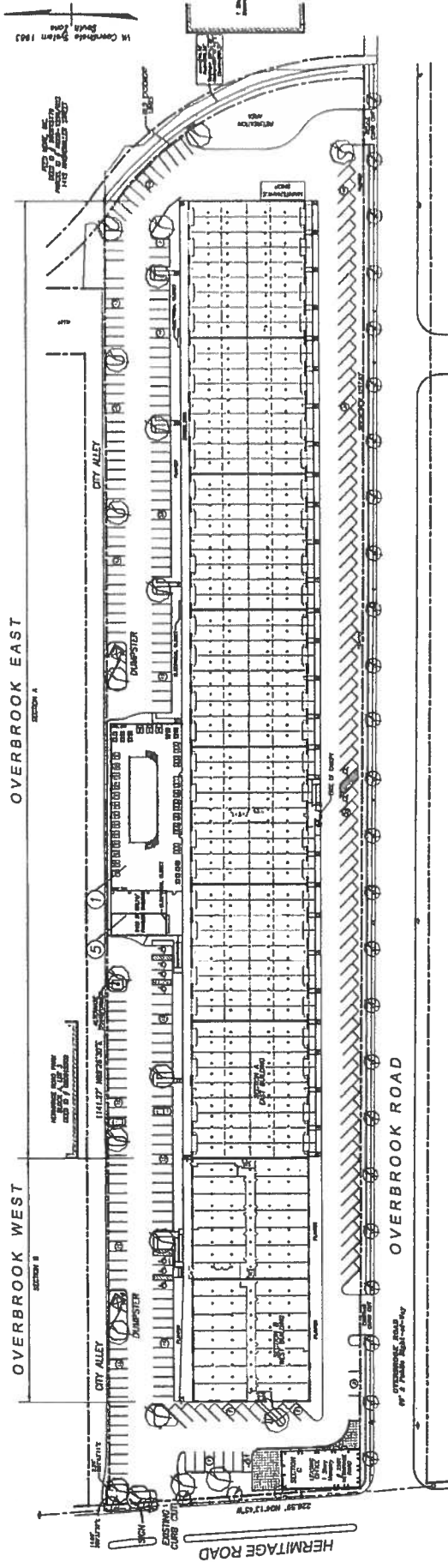
Telephone: (____) _____ Fax: (____) _____

Email: _____

Property Owner Signature: [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)



OVERBROOK ROAD SITE PLAN



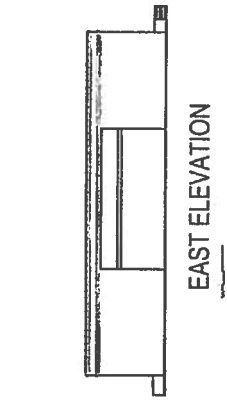
BUILDING SITE DATA	
TOTAL BUILDING FOOTPRINT	113,993 SF 2.62 ACRES
TOTAL LAND AREA	280,000 SF 6.44 ACRES
OPEN SPACE ON SITE	67,807 SF 1.56 ACRES
RATIO OPEN AREA TO SITE	1 : 4.127 24.25 %

- NOTES:**
- POOL COMPLEX SHALL BE RELIABLE ALONG LENGTH OF BUILDING.
 - TABULATION OF PROJECT DATA OF OVERBROOK LOFTS LOCATED ON 6.441 ACRES
- | | |
|---------------------|-----------------------|
| OVERBROOK WEST | OVERBROOK EAST |
| 81 ONE BEDROOM APTS | 124 TWO BEDROOM APTS |
| TOTALS | TOTALS |
| SUM OF NET RENTABLE | VALUE OF NET RENTABLE |
| BLDG OF GROSS | 122,226 SF GROSS |
- ALL SQUARE FOOTAGES ARE APPROXIMATE
 - TOTAL PARKING SPACES SHOWN = 282
 - PAVILION / UTILITY BUILDING SIZE SHALL BE OPTIONAL

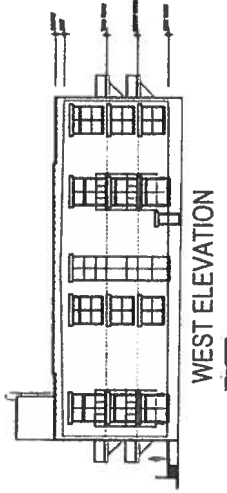


PROJECT MGR: DA
DATE: 10/06/14
PROJECT NO: Overbrook Lofts

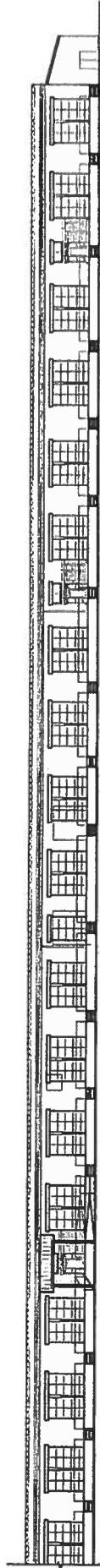
TITLE: **OVERBROOK LOFTS**
Overbrook and Hermitage Roads
Richmond, Virginia
Proposed Site Plan **S1.01**



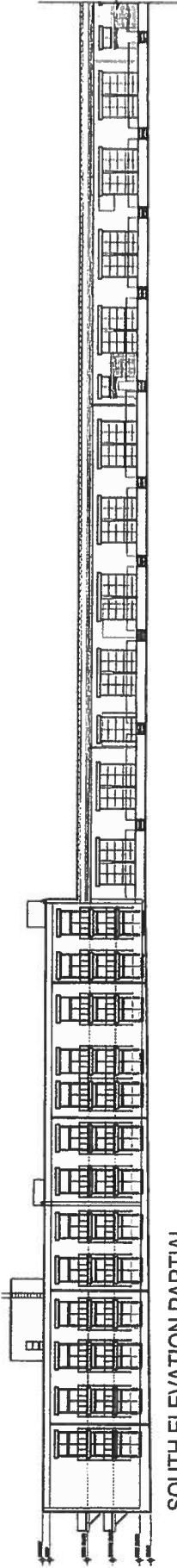
EAST ELEVATION



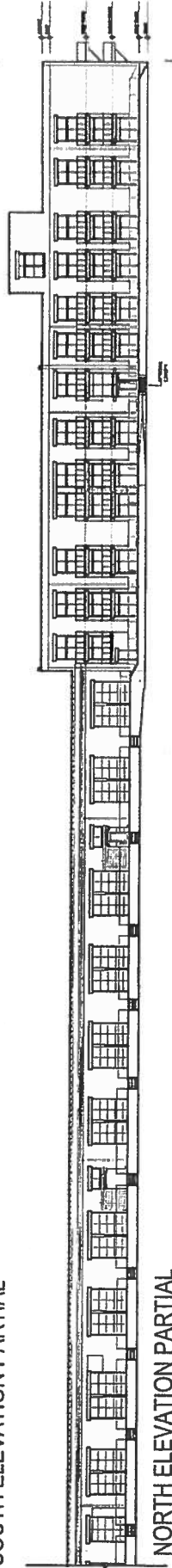
WEST ELEVATION



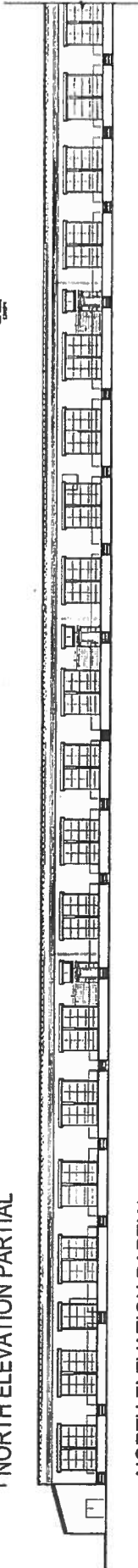
SOUTH ELEVATION PARTIAL



SOUTH ELEVATION PARTIAL



NORTH ELEVATION PARTIAL



NORTH ELEVATION PARTIAL



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PROJECT MGR:
KM

DATE:
04/01/14
REVISED 09/25/14

PROJECT NO:
Overbrook Lofts

OVERBROOK LOFTS

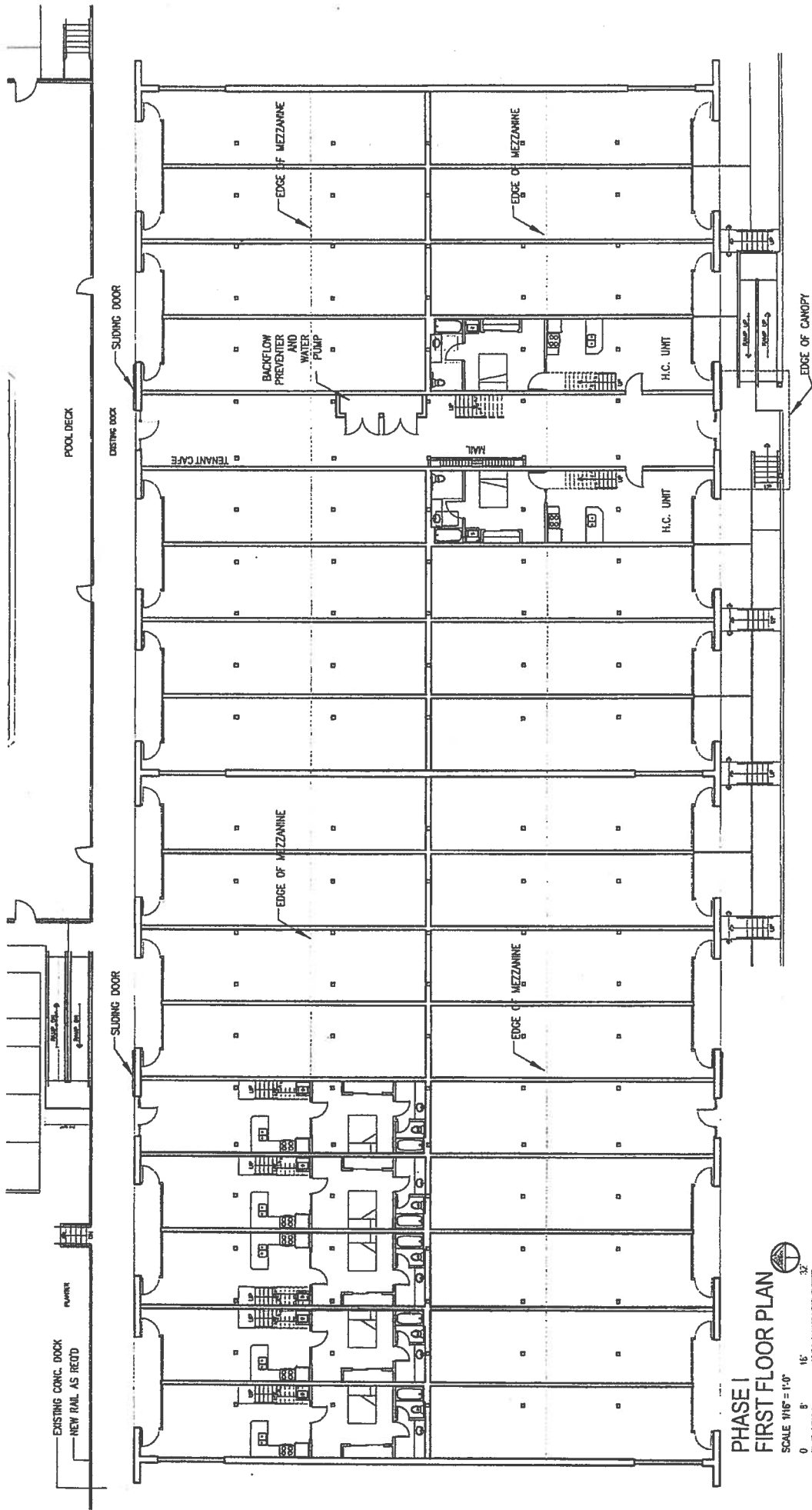
Overbrook and Hermitage Roads
Richmond, Virginia

TITLE:

PROPOSED
Elevations

Section A

A2.01



PHASE I
 FIRST FLOOR PLAN
 SCALE 1/8" = 1'-0"
 0 8' 16' 32'



PROJECT NO:
 Overbrook Lofts

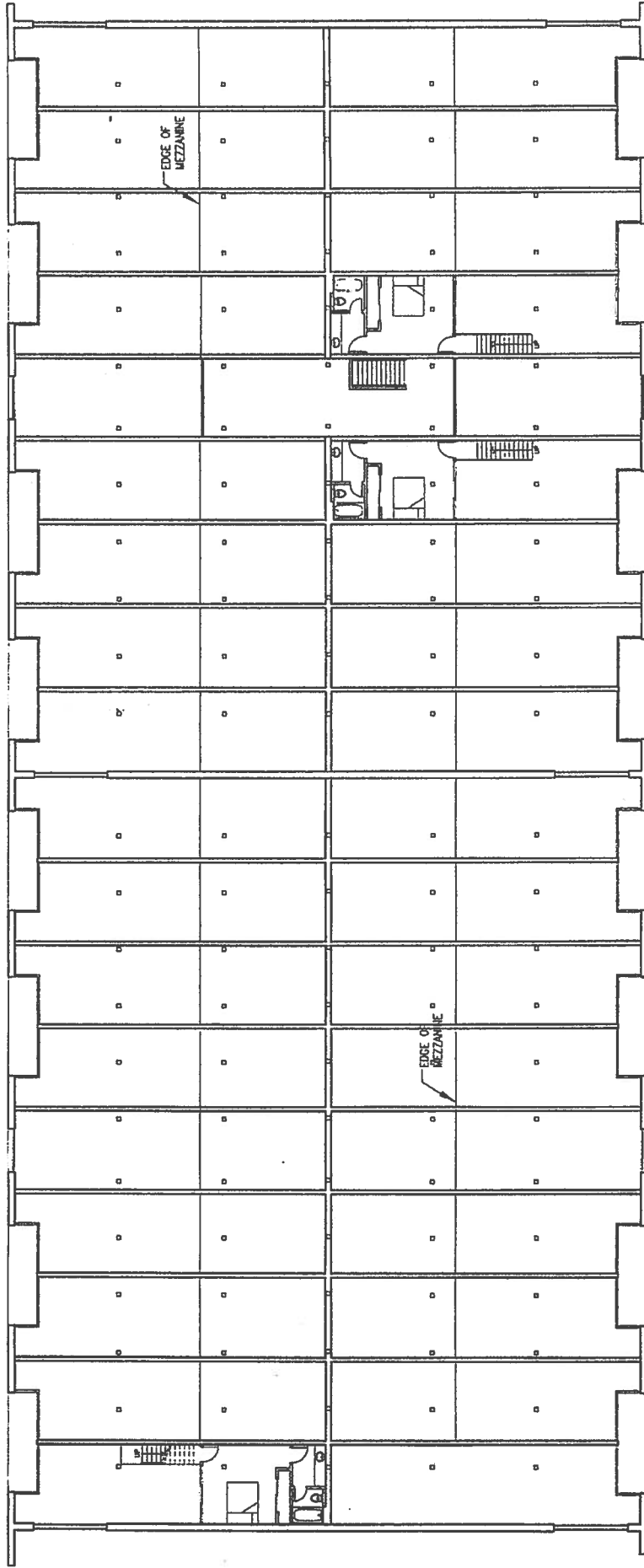
DATE:
 04/07/14
 REVISED 09/25/14

PROJECT MGR:
 KM

TITLE: **OVERBROOK EAST**
 First Floor Section A
 Plan **A1.01**

Overbrook and Heritage Roads
 Richmond, Virginia

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PHASE I

MEZZANINE PLAN

SCALE 1/8" = 1'-0"



swa Architects-V.A., Inc.
1553 E. Main Street
Richmond, Va 23218

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PROJECT NO:
Overbrook Lofts

PROJECT MGR:
KM

DATE: 04/01/14
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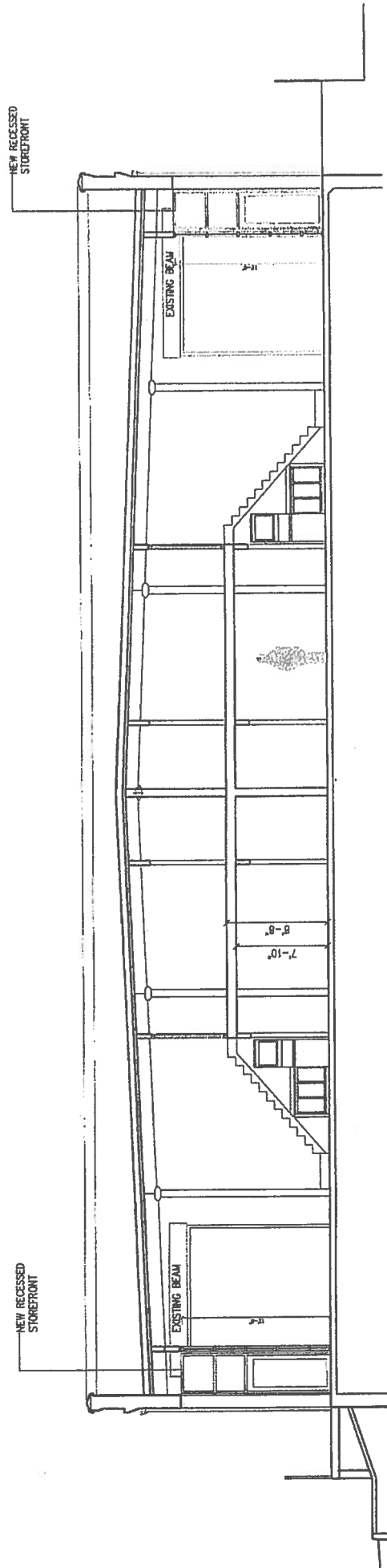
OVERBROOK EAST

Overbrook and Hermitage Roads

Richmond, Virginia

TITLE: Mezzanine Section A
Plan

A1.02



**PHASE I
BUILDING SECTION**

SCALE 1/8" = 1'-0"



SWA Architects-Va, Inc.
1553 E. Main Street
Richmond, Va 23218

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PROJECT MGR:
KPI

DATE:
01/30/14

REVISED 09/25/14

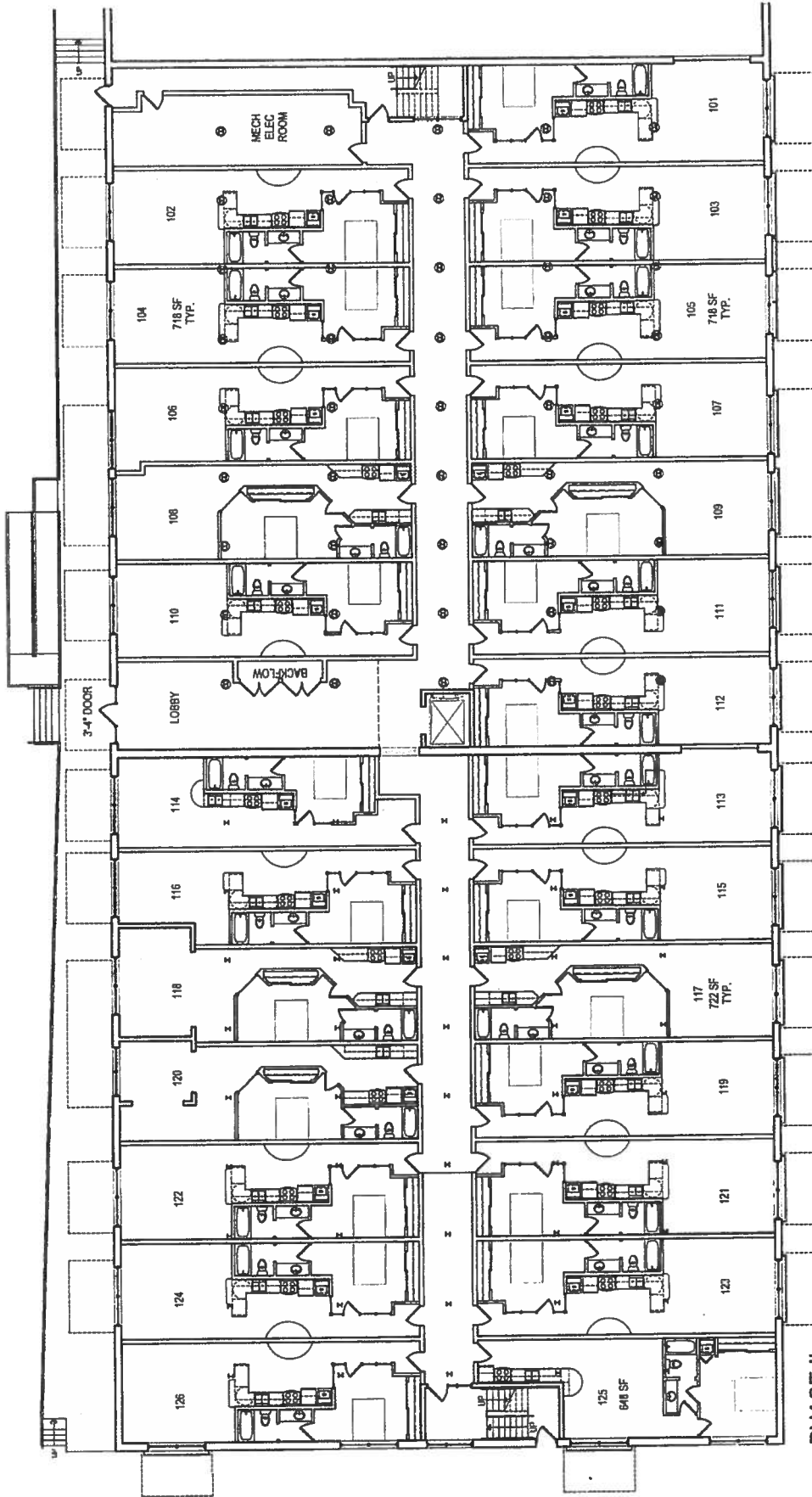
OVERBROOK EAST

Overbrook and Heritage Roads
Richmond, Virginia

TITLE

Building Section
Section A

A3.01



PHASE II
FIRST FLOOR PLAN

SCALE 1/16" = 1'-0"



Section B
Proposed
First Floor
Plan

OVERBROOK WEST

Overbrook and Hermitage Roads

Richmond, Virginia

PROJECT MGR:
DA

DATE:

10/06/14

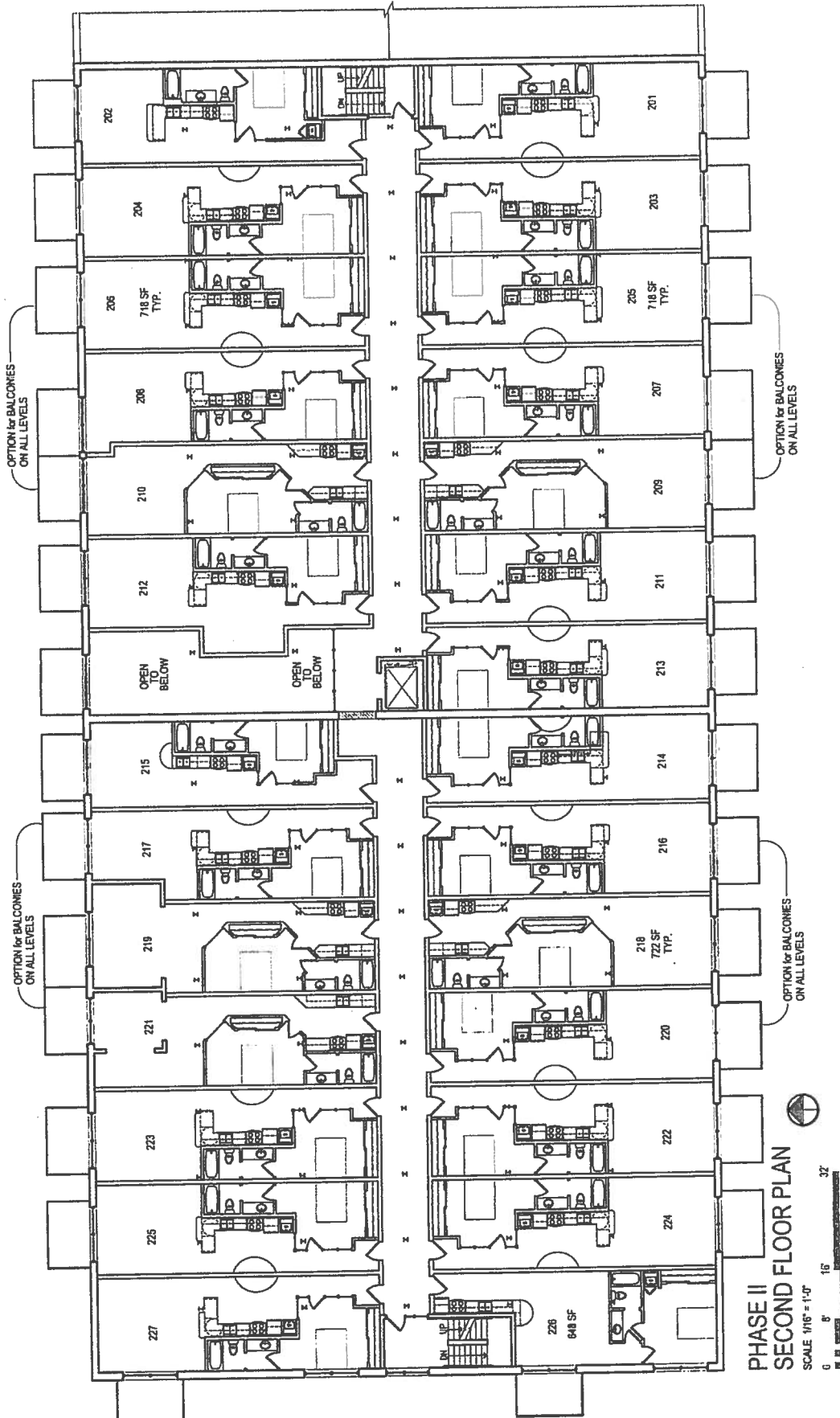
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PROJECT NO:

Overbrook Lofts



swa Architects-VA, Inc.
1553 E. Main Street Richmond, Va 23219



**PHASE II
SECOND FLOOR PLAN**
SCALE 1/16" = 1'-0"

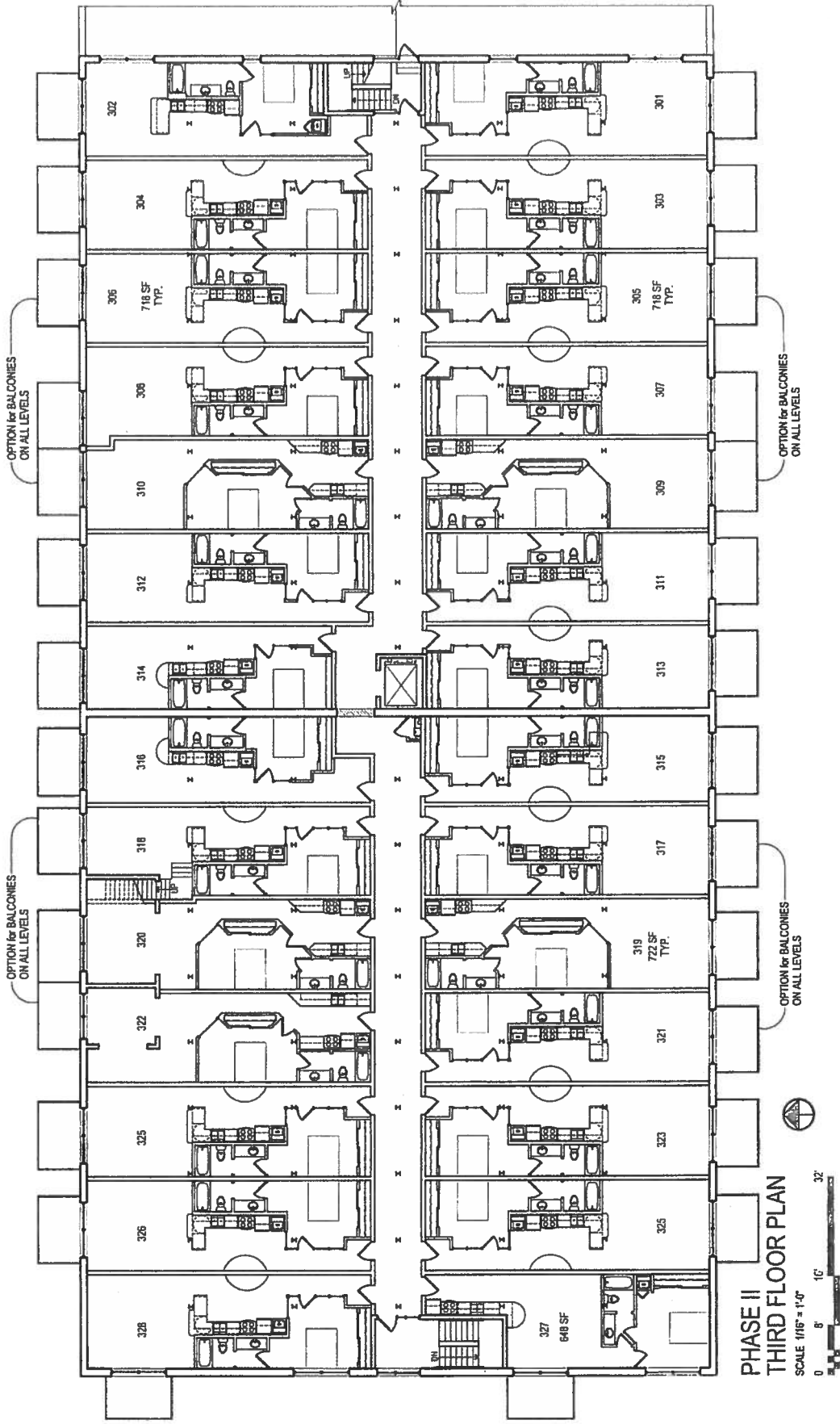
Section B
Proposed
Second Floor
Plan

OVERBROOK WEST
Overbrook and Heritage Roads
Richmond, Virginia

PROJECT MGR: DA
DATE: 10/06/14
PROJECT NO: Overbrook Lofts

swa Architects-VA, Inc.
1550 E. Main Street Richmond, Va 23219

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PHASE II
THIRD FLOOR PLAN

SCALE: 1/16" = 1'-0"



swa Architects-VA, Inc.
1553 E. Main Street Richmond, Va 23219

PROJECT NO: Overbrook Lofts

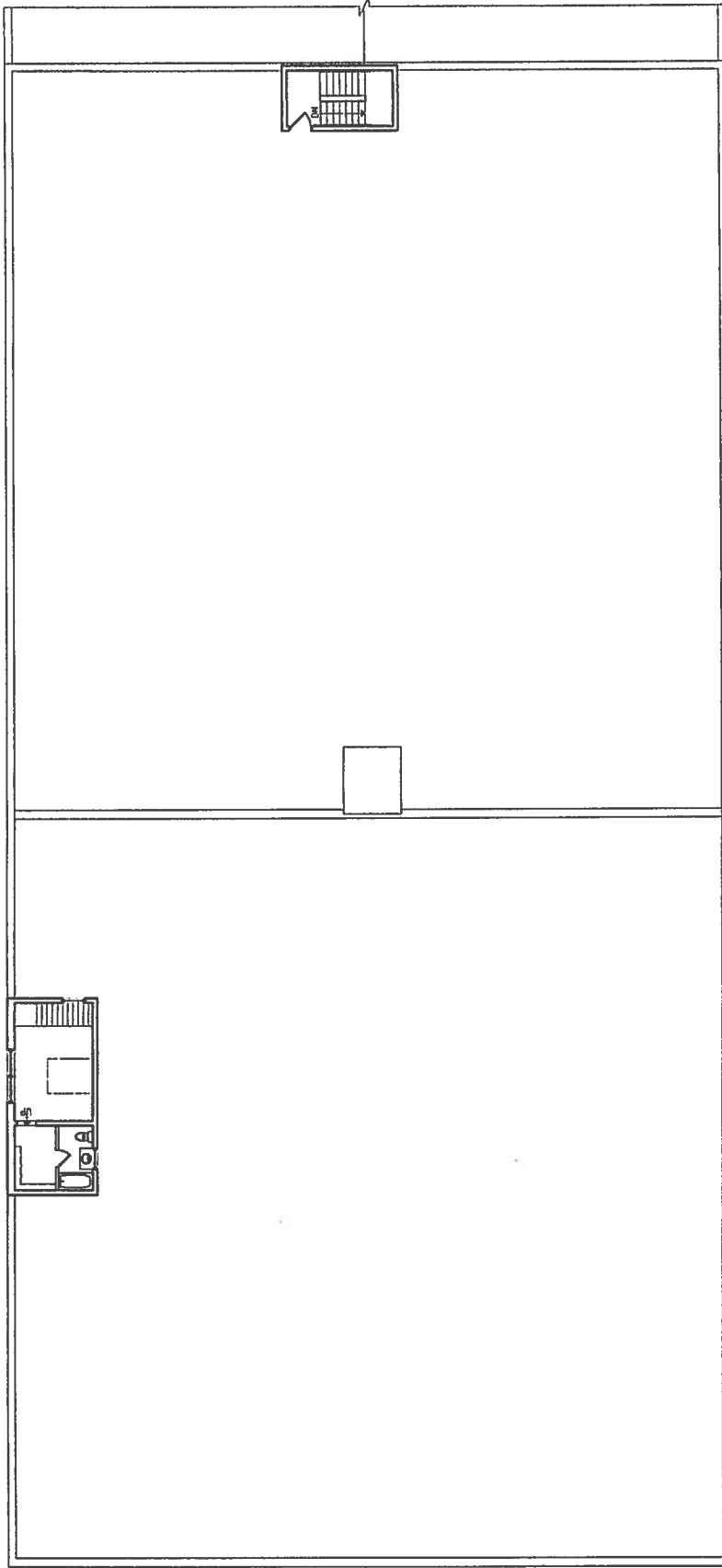
DATE: 10/06/14

PROJECT MGR: DA

TITLE: **OVERBROOK WEST**
Proposed Third Floor Plan

Section B
A1.03

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**PHASE II
ROOF PLAN**

SCALE 1/16" = 1'-0"



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1553 E. Main Street Richmond, Va 23219

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DA

DATE:
10/06/14

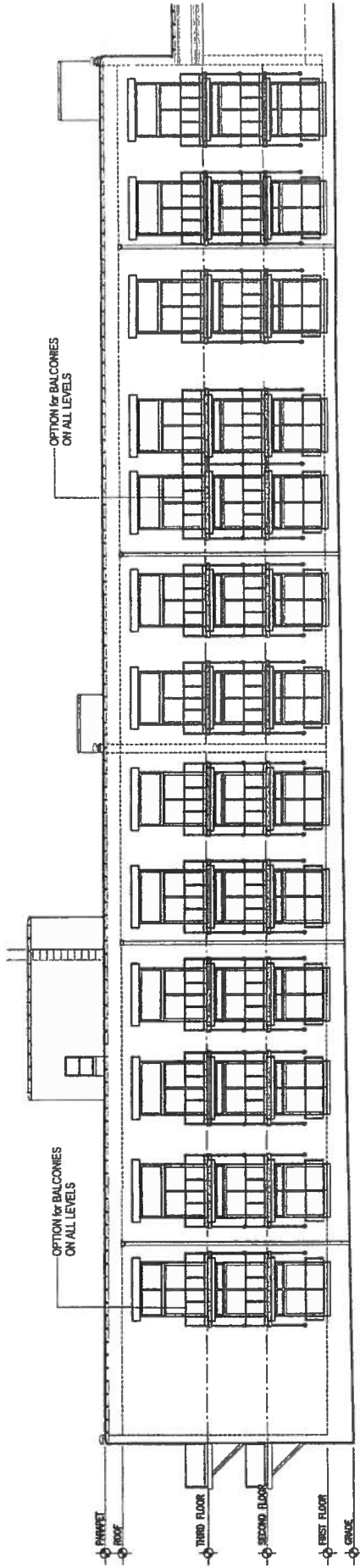
OVERBROOK WEST

Overbrook and Hermitage Roads
Richmond, Virginia

TITLE:

Proposed
Roof
Plan

**Section B
A1.04**



PHASE II
SOUTH ELEVATION
SCALE 1/16" = 1'-0"



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PROJECT MGR:
DA

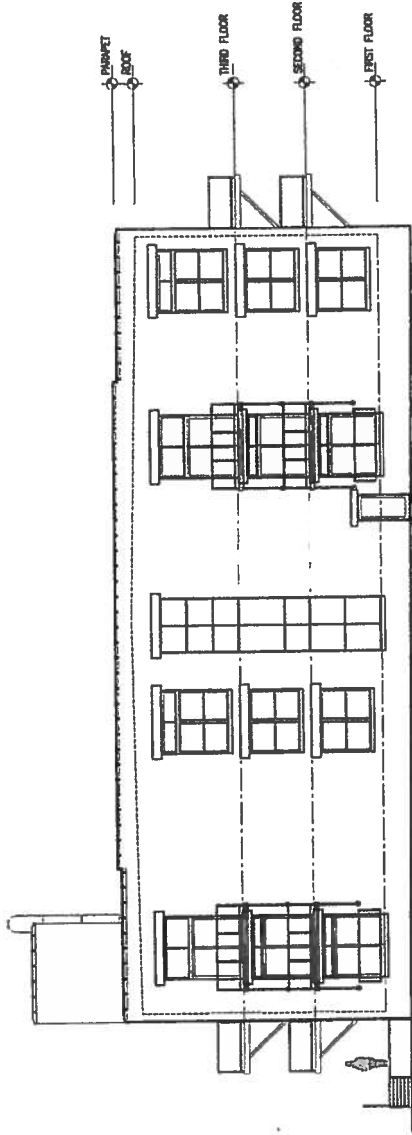
DATE:
10/06/14

PROJECT NO:
Overbrook Lofts

OVERBROOK WEST

Overbrook and Heritage Roads
Richmond, Virginia

TITLE:
Proposed
South
Elevation
Section B
A2.01



PHASE II
WEST ELEVATION
SCALE 1/16" = 1'-0"



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PROJECT MGR:
DA

DATE:
10/06/14

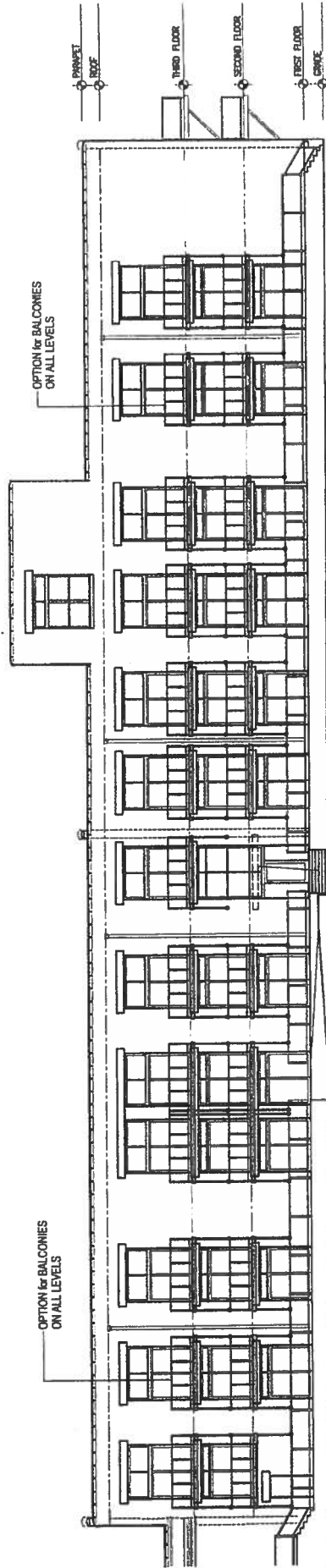
PROJECT NO:
Overbrook Lofts

OVERBROOK WEST

Overbrook and Hermitage Roads
Richmond, Virginia

TITLE: Section B

Proposed
West
Elevation
A2.02



PHASE II
NORTH ELEVATION
SCALE 1/16" = 1'-0"



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PROJECT MGR:
MS

DATE:
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PROJECT NO:
Overbrook Lofts

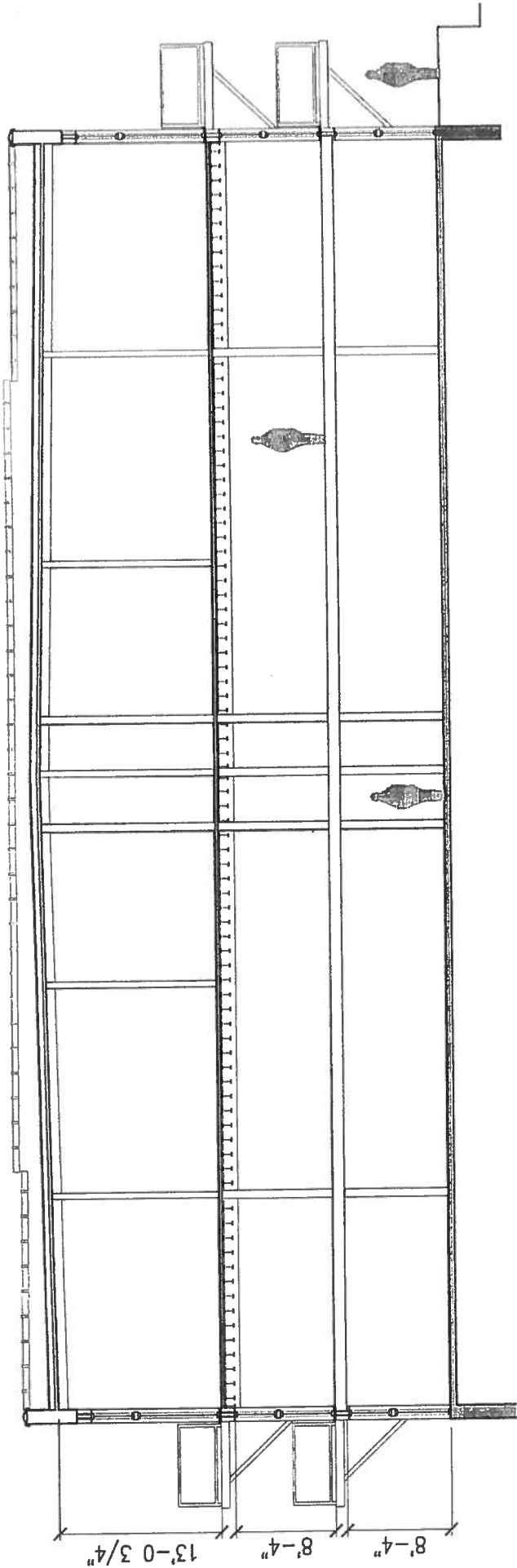
OVERBROOK WEST

Overbrook and Hermitage Roads
Richmond, Virginia

Section B

TITLE:
Proposed
North
Elevation

A2.03



PHASE II
BUILDING SECTION

SCALE 1/8" = 1'-0"



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PROJECT MGR:
DA

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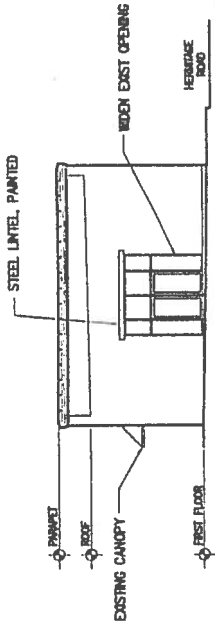
PROJECT NO:
Overbrook Lofts

OVERBROOK WEST

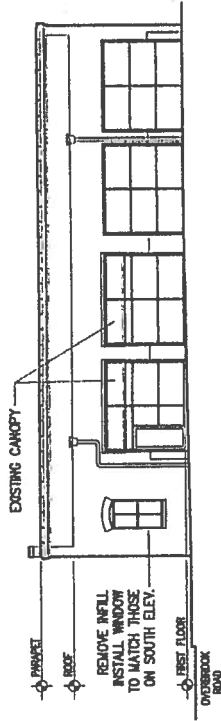
Overbrook and Hermitage Roads
Richmond, Virginia

TITLE:
Building
Section

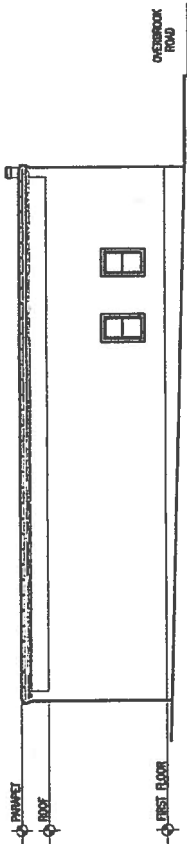
Section B
A3.01



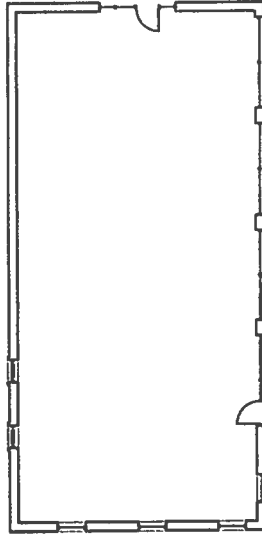
PHASE III
NORTH ELEVATION
SCALE 1/16" = 1'-0"



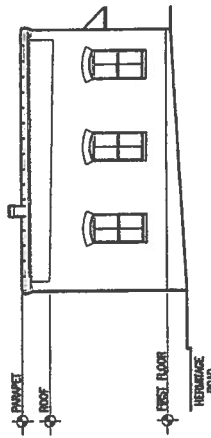
PHASE III
EAST ELEVATION
SCALE 1/16" = 1'-0"



PHASE III
WEST ELEVATION
SCALE 1/16" = 1'-0"



PHASE III
FLOOR PLAN
SCALE 1/16" = 1'-0"



PHASE III
SOUTH ELEVATION
SCALE 1/16" = 1'-0"



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PROJECT MGR:
MS

DATE:
01/30/14
SPECIAL USE

PROJECT NO:
Overbrook Lofts

OVERBROOK LOFTS

Overbrook and Hermitage Roads
Richmond, Virginia

Section C

Existing Elevations and Plan
A1.01