

INTRODUCED: December 11, 2017

AN ORDINANCE No. 2017-248

To amend Ord. No. 85-193-244, adopted Oct. 28, 1985, as previously amended by Ord. No. 88-210-196, adopted Sep. 12, 1988, Ord. No. 92-367-314, adopted Oct. 12, 1992, and Ord. No. 2011-13-26, adopted Feb. 28, 2011, which authorized the special use of the properties known as 1090 and 1100 German School Road for use as an elderly housing facility, to authorize an increase in the number of units within the elderly housing facility from 121 to 133, upon certain terms and conditions.

Patron – Mayor Stony (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 8 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 85-193-244, adopted October 28, 1985, as previously amended by Ordinance No. 88-210-196, adopted September 12, 1988, Ordinance No. 92-367-314, adopted October 12, 1992, and Ordinance No. 2011-13-26, adopted February 28, 2011, be and is hereby amended and reordained as follows:

§ 1. That the properties known as 1090 German School Road and 1100 German School Road and identified as Tax Parcel Nos. C005-0776/028 and C005-0603/045, respectively,

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JAN 8 2018 REJECTED: _____ STRICKEN: _____

in the [~~2011~~] 2017 records of the City Assessor, being more particularly shown on a survey entitled “Existing Conditions Survey of Two Parcels of Land for Heritage Oaks Retirement Community, LLC,” prepared by Burgess & Niple, and dated October 20, 2010, a copy of which is attached to and made a part of [~~this ordinance~~] Ordinance No. 2011-13-26, adopted February 28, 2011, is hereby permitted to be used for the construction of a [~~121-unit~~] 133-unit, 3 and 4-story with basement, elderly housing facility, with accessory facilities and parking, and with accessory adult home services for a maximum of 30 residents, and a wellness center at 1100 German School Road (Heritage Oaks I), substantially as shown on floor plans, landscape plans and elevation drawings entitled “Heritage Oaks Retirement Center, Richmond, Virginia”, prepared by Don R. Kirkman, Architect, dated August 29, 1985, attached to Ordinance No. 85-193-244, and the site plan, entitled “Site Plan Revisions & Signage”, prepared by the Wedgewood Group, Inc., dated December 20, 1985, and last revised on July 7, 1988, and as shown on the sign plan, entitled “Building Signage”, prepared by Wedgewood, dated April 5, 1988, attached to Ordinance No. 88-210-196, and sheets A1.1 and A1.2, dated November 5, 2010, and revised December 6, 2010, and A2.1, and A3.1, dated September 15, 2010, of the plans entitled “54 Unit Assisted Living Facility Heritage Oaks II” and prepared by Guest Reddick Architects; and for the construction of a 54-unit elderly assisted living facility, and accessory parking at 1090 German School Road (Heritage Oaks II) substantially as shown on sheets A1.1 and A1.2, dated November 5, 2010, and revised December 6, 2010, and A2.2, A2.3, A2.4 and A3.1, dated September 15, 2010, of the plans entitled “54 Unit Assisted Living Facility Heritage Oaks II” and prepared by Guest Reddick Architects, copies of which are attached to and made part of [~~this ordinance~~] Ordinance No. 2011-13-26, adopted February 28, 2011.

§ 2. That the Commissioner of Buildings is hereby authorized to issue to the owner of the properties, or successors in fee simple title, a building permit for the construction of the building with accessory facilities and parking, and to permit the occupancy of the property at 1100 German School Road (Heritage Oaks I) for elderly housing purposes, with accessory adult home services for a maximum of 30 residents, and a wellness center, substantially in accordance with the plans attached to and incorporated as a part of Ordinance No. 85-193-244, adopted October 28, 1985, and as shown on the plans attached to and incorporated as part of Ordinance No. 88-210-196, adopted September 12, 1988, and sheets A1.1, and A1.2, dated November 5, 2010, and revised December 6, 2010, and A2.1 and A3.1, dated September 15, 2010, of the plans entitled “54 Unit Assisted Living Facility Heritage Oaks II” and prepared by Guest Reddick Architects; and for the construction of a building at 1090 German School Road (Heritage Oaks II) for the purpose of a 54-unit elderly assisted living facility, and accessory parking, substantially as shown on sheets A1.1 and A1.2, dated November 5, 2010, and revised December 6, 2010, and A2.2, A2.3, A2.4 and A3.1, dated September 15, 2010, of the plans entitled “54 Unit Assisted Living Facility Heritage Oaks II” and prepared by Guest Reddick Architects. The special use permit shall be transferable to the successor or successors in title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land, subject to the following terms and conditions:

(a) The acceptance of the permit and the exercise of the privileges granted by this ordinance by the owner and successor or successors in title shall constitute a warranty on the part of the owner and successor or successors that title to the land and the building shall be vested in the same person or persons or corporation for each section of the development (Heritage Oaks I or Heritage Oaks II). Title to Heritage Oaks I and title to Heritage Oaks II shall be permitted to be vested under different and independent ownership.

(b) The owner shall be bound by, observe and shall comply with all the other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and building, except as otherwise provided in this ordinance.

(c) All existing driveways, access aisles and parking areas at 1100 German School Road (Heritage Oaks I) shall be maintained substantially as shown on the plans attached to Ordinance No. 88-210-196, adopted September 12, 1988, and all new driveways, access aisles and parking areas at 1100 German School Road (Heritage Oaks I) and 1090 German School Road (Heritage Oaks II) shall be paved with a dust-free, all-weather surface and parking spaces shall be delineated on the pavement surface. All existing parking, loading, and service areas at 1100 German School Road (Heritage Oaks I) not screened by the existing solid wood fence shall be maintained substantially as shown on the plans attached to previously approved ordinances, and all new parking, loading, and service areas at 1100 German School Road (Heritage Oaks I) and at 1090 German School Road (Heritage Oaks II) shall be screened from view from adjacent properties and public streets by retention of existing vegetation or by existing earthen berms, and if necessary, supplemented by additional evergreen vegetative material or decorative fencing so that an effective three and one-half foot high screen is achieved.

(d) The existing seventy-seven (77) parking spaces shall be maintained at substantially the locations shown on the plans attached to Ordinance No. 88-210-196, adopted September 12, 1988, at 1100 German School Road (Heritage Oaks I) with the exception of the relocation of 11 existing parking spaces as shown on sheet A1.1 of the plans attached to [~~this amendatory ordinance~~] Ordinance No. 2011-13-26, adopted February 28, 2011. Modifications to the access aisles shall be substantially in accordance with the plan attached to Ordinance No. 88-210-196, adopted September 12, 1988. A minimum of twenty-eight (28) parking spaces shall be provided

for the use at 1090 German School Road (Heritage Oaks II) substantially as configured on sheet A1.1 of the plans attached to [~~this amendatory ordinance~~] Ordinance No. 2011-13-26, adopted February 28, 2011.

(e) Existing driveways shall be maintained, and new driveways from the street shall be constructed in accordance with the City Driveway Policy standards. The width of one-way drives shall be not less than sixteen feet.

(f) Final grading and drainage plans shall be approved by the Director of Public Utilities prior to issuance of building permits.

(g) Storm or surface water shall not be allowed to accumulate on the land, and adequate facilities for drainage of storm and surface water from the land or building shall be provided at the owner's cost and expense so as not to adversely affect or damage adjacent properties or public streets and alleys and the use thereof.

(h) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be screened from view from adjacent properties and public streets as shown on the [~~attached~~] plans referred to in section 1 of this ordinance.

(i) The placement and specifications for existing fire hydrants and fire access lanes shall be maintained, and the placement and specifications for new fire hydrants and fire access lanes shall be in accordance with the requirements of Department of Fire and Emergency Services and shall be at the cost and expense of the owner. The fire lane at the rear of the building at 1100 German School Road (Heritage Oaks I) shall be seeded or sodded, and turfstone shall not be used.

(j) Outdoor lighting of the premises shall be directed or shielded so as not to shine directly on adjacent residential properties.

(k) Identification of the premises at 1100 German School Road (Heritage Oaks I) shall be limited to two signs, each not exceeding six square feet in area, mounted on the brick walls at the entrance substantially as shown on the plans attached to and incorporated as a part of Ordinance No. 88-210-196, adopted September 12, 1988. Identification of 1090 German School Road (Heritage Oaks II) shall be permitted in compliance with the signage regulations applicable to the B-6 Mixed Use Business District. Such signs may be illuminated provided that the source of illumination shall not be visible.

(l) A final detailed landscaping plan for 1100 German School Road (Heritage Oaks I) shall be maintained as approved by the Director of Planning and Development Review. A final detailed landscaping plan for 1090 German School Road (Heritage Oaks II), including screening of the parking area, and a final detailed landscaping plan showing screening along the northern property line at 1100 German School Road (Heritage Oaks I) shall be approved by the Director of Planning and Development Review prior to the issuance of the building permit.

(m) 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 ~~[14-1050.7]~~ 30-1050.7 through ~~[14-1050.11]~~ 30-1050.11 of the Code of the City of Richmond ~~[(2004)]~~ (2015), 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]~~ and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section [~~114-1080~~] 30-1080 of the Code of the City of Richmond [~~(2004)~~] (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(n) 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 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.

(o) The application for a building permit to construct the [~~wellness center at 1100 German School Road (Heritage Oaks I) and a 54 unit building at 1090 German School Road (Heritage Oaks II) as~~] additional elderly housing facility units authorized in this amendatory ordinance shall be made within twenty-four (24) months from the effective date of this amendatory ordinance, which building permit shall expire by limitation and become null and void if construction for which issued is not commenced within one hundred eighty days from the date of the building permit, or if such work is suspended or abandoned for a period of one hundred eighty days at any time after the work is commenced, as provided in applicable provisions of the Virginia Uniform Statewide Building Code, and if application for the building permit is not made within twenty-four (24) months from the effective date of this ordinance or should the building permit become null and void, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

(p) The adult home services authorized at 1100 German School Road (Heritage Oaks II) herein shall be provided in accordance with a valid adult home license issued by the

Commonwealth of Virginia. The facility at 1090 German School Road (Heritage Oaks II) shall be provided in accordance with a valid adult assisted living facility license issued by the Commonwealth of Virginia.

(q) 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.

(r) Should the title for the property at 1100 German School Road (Heritage Oaks I) and the property at 1090 German School Road (Heritage Oaks II) each be vested under different ownership, the enforcement, amendment, and other aspects regarding the administration of the special use permit shall be independent of each other with regards to the separate properties and their separate ownership.

§ 3. This ordinance shall be in force and effect upon adoption, and the original ordinance and prior amendments, insofar as not heretofore modified or modified herein, shall continue in force.

II. This amendatory 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.richmondgov.com

Item Request

File Number: 2017-513

RECEIVED

NOV 20 2017

O & R REQUEST

4-7272

NOV 20 2017

OFFICE OF CITY ATTORNEY O&R Request

Office of the
Chief Administrative Officer

DATE: November 20, 2017

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request) *JS 12/6/17*
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer *SCG*

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development & Planning *PLD 11-20-17*

FROM: Mark A. Olinger, Director, Department of Planning & Development Review *MAO*

RE: To amend Ord. No. 2011-13-26 adopted, February 28, 2011, which authorized the special use of the properties known as 1090 and 1100 German School Road for use as an elderly housing facility, to authorize the conversion of twelve (12) 2-bedroom apartments into one (1) bedroom / studio apartments, upon certain terms and conditions.

ORD. OR RES. No. 2017 - XXX

PURPOSE: To amend Ord. No. 2011-13-26 adopted, February 28, 2011, which authorized the special use of the properties known as 1090 and 1100 German School Road for use as an elderly housing facility, to authorize the conversion of twelve (12) 2-bedroom apartments into one (1) bedroom / studio apartments, upon certain terms and conditions.

REASON: The applicant has request an amendment to the existing special use permit ordinance in order to increase the number of units within an existing multifamily building on the property.

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 January 8, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 311,454 SF or 7.15 acre parcel of land improved with a three story, 97,812 SF building constructed, per tax assessment records, in 1987. The building currently contains 23 two (2) bedroom apartments pursuant to the 2011 special use permit. The new Special Use Permit would allow for 12 of the apartments to be divided into 1 bedroom/ studio apartments for a total of 24 (twenty-four) 1-bedroom apartments and 11 (eleven) 2-bedroom apartments. The property is located in the Jahnke neighborhood within the City's Midlothian Planning District.

The City of Richmond's current Master Plan designates a future use for the subject property as Single family Low Density (SF-LD). This designation allows "...dwellings at densities up to seven units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-1, R-2, R-3, R-4, and R-5." (City of Richmond, Master Plan, p. 133) The current zoning for this property is R-3, Residential (Single Family) as are much of the adjacent properties.

The current zoning designation for this property is R-3, Single Family Residential District. Adjacent and nearby properties are located within the same R-3 District.

The applicant has request an amendment to the existing special use permit ordinance in order to increase the total number of units within the existing building.

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: \$1,800

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: December 11, 2017

CITY COUNCIL PUBLIC HEARING DATE: January 15, 2018

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, January 8, 2018

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 ORD. OR RES.: Amend and reordain Ord. No. 2006-294-293, adopted December 11, 2006

REQUIRED CHANGES TO WORK PROGRAM(S): None.

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

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646 5734

PDR O&R No. 17-50



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.hra.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: 1100 German School Road, Richmond VA 23225 Date: June 2, 2017
 Tax Map #: C0050603045 Fee: \$1,800
 Total area of affected site in acres: 7.154

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

Zoning

Current Zoning: R-3 (Single Family Residential District)

Existing Use: Elderly Housing Facility

Proposed Use

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

Existing Use: 121 units

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: 85-193-244

Applicant/Contact Person: Zach Hopkins

Company: NIC 9 Heritage Oaks Owner LLC

Mailing Address: c/o Fortress Investment Group LLC, 1345 Avenue of the Americas, 45th Floor

City: New York State: NY Zip Code: 10105

Telephone: (682) 365-1502 Fax: ()

Email: zhopkins@fortress.com

Property Owner: NIC 9 Heritage Oaks Owner LLC

If Business Entity, name and title of authorized signee: Jane Ryu, Chief Executive Officer

(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: c/o Fortress Investment Group LLC, 1345 Avenue of the Americas, 45th Floor

City: New York State: NY Zip Code: 10105

Telephone: (212) 479-5270 Fax: ()

Email: jryu@fortress.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)

June 2, 2017

FORTRESS INVESTMENT GROUP
1345 AVENUE OF THE AMERICAS
45TH FLOOR
NEW YORK, NY 10105

TO WHOM IT MAY CONCERN:

As the owners of NIC 9 Heritage Oaks Owner LLC (dba Heritage Oaks), a senior living community located at 1100 German School Rd, Richmond VA; we would like to amend the existing Special Use Permit (SUP) which currently allows for 121 elderly care apartments to be increased to count of 133 elderly care apartments. We are not looking to add any addition construction to the exterior of the building. All construction will be interior. Of the 23 available 2-bedroom apartments in the property, we are looking for the opportunity to convert 12 of the 2-bedrooms to 1-bedroom/1 studio, over time.

We appreciate the consideration.

Sincerely,

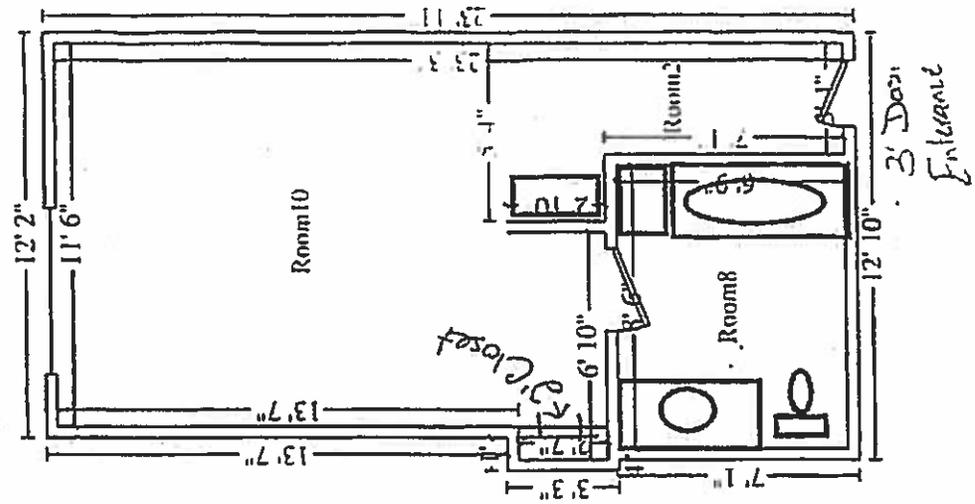
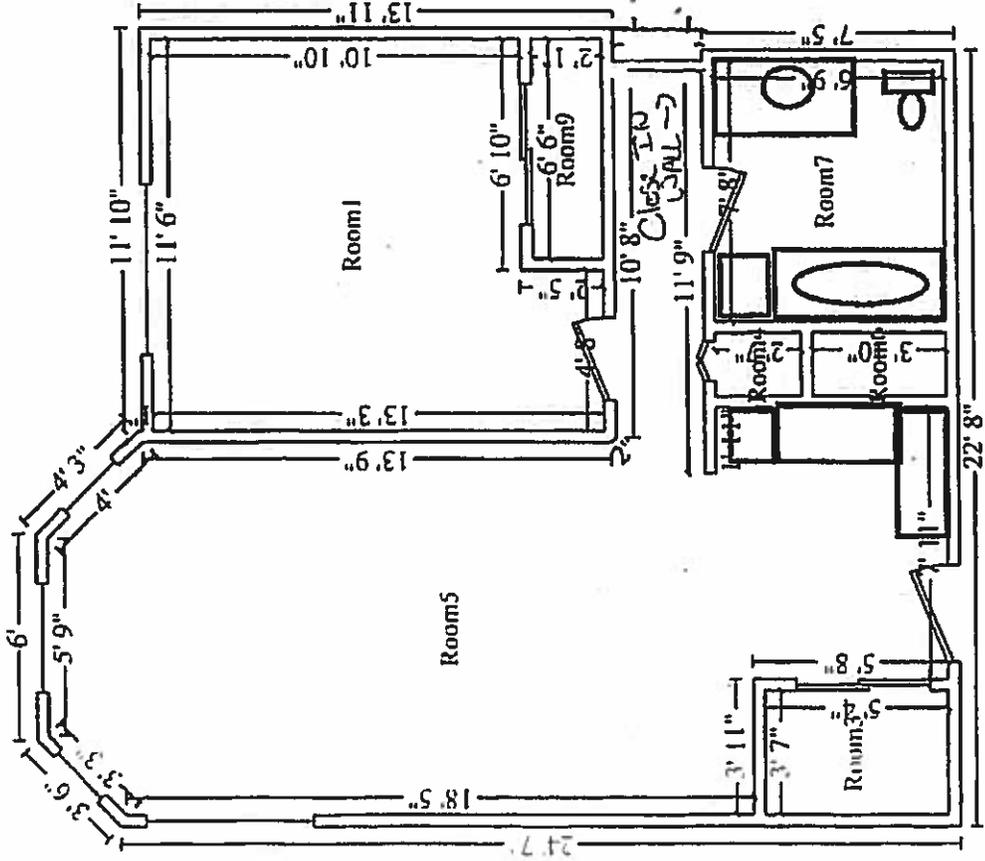
Zach Hopkins
Vice President
Fortress Investment Group

Apt. =

Floor located = 2nd level.

? Parking =

AA?



Main Level

ASL