

INTRODUCED: May 23, 2016

AN ORDINANCE No. 2016-171

As Amended

To amend Ord. No. 2014-121-201, adopted Nov. 10, 2014, which authorized the special use of the property known as 1650 Overbrook Road for the purpose of authorizing multifamily dwellings with up to 205 dwelling units, to permit up to 117 multifamily 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: JUNE 27 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2014-121-201, adopted November 10, 2014, be and is hereby amended and reordained as follows:

§ 1. That the property known as 1650 Overbrook Road and identified as Tax Parcel No. N000-1296/004 in the [~~2014~~] 2016 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

AYES: 7 NOES: 2 ABSTAIN: _____

ADOPTED: SEPT 12 2016 REJECTED: _____ STRICKEN: _____

ordinance, is hereby permitted to be used for the purpose of uses permitted in the B-6 Mixed-Use Business District and multifamily dwellings with up to [~~two hundred five (205)~~] 117 dwelling units and other site amenities, substantially as shown on the plans entitled “Overbrook Lofts, Overbrook and Hermitage Road, Richmond, Virginia,” prepared by SWA Architects-VA, Inc., and dated[, ~~April 1, 2014, and revised October 6, 2014~~] January 26, 2015, 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)~~] (2015), as amended.

(h) A multifamily dwelling with up to ~~two hundred five (205)~~ 117 dwelling units shall be permitted in the “Section A” ~~[and “Section B” buildings]~~ building, substantially as shown on the plans attached to this ordinance.

(i) Principal uses permitted in the B-6 Mixed-Use Business District shall be permitted in the “Section B” building.

(j) Office use accessory to the multifamily use and principal uses permitted in the 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.

~~(j)~~ (k) 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-6 Mixed-Use Business District in section ~~[414-710.1]~~ 30-710.1 of the Code of the City of Richmond ~~[(2004)]~~ (2015), as amended.

~~(k)~~ (l) Signs permitted on the property shall be governed by the sign regulations applicable in the 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.

~~(l)~~ (m) Landscaping shall be provided, substantially as depicted on the plans attached to this ordinance. Location and landscaping materials for all site amenities, including the ~~[recreation]~~ pool 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)~~ (n) A lighting plan shall be approved by the Director of Planning and Development Review prior to the issuance of any building permit.

~~[(#)]~~ (o) 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.

(p) ~~[Between five and six years after issuance of the final certificates of occupancy for “Section A” and “Section B” and upon request of the Director of Planning and Development Review, the property owner shall install windows on the south elevation of “Section A” that allow views into and out of occupied building space and shall comprise a minimum of 30 percent of the building façade between two and eight feet in height or as otherwise approved by the Director.]~~

~~[(p)]~~ ~~[(e)]~~ 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]~~ 30-1050.7 through ~~[114-1050.11]~~ ~~[30-1050.7]~~ 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)]~~ 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~~] 30-1080 of the Code of the City of Richmond [~~(2004)~~] (2015), 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.

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

Intracity Correspondence

Pre Introduction to Council: PRE. 2016-106

RECEIVED

File Number: PRE. 2016-106

~~MAY 13 2016~~

OFFICE OF CITY ATTORNEY

To amend Ord. No. 2014-121-201, adopted November 10, 2014, which authorized the special use of the property known as 1650 Overbrook Road for the purpose of authorizing multifamily dwellings with up to (two hundred five 205) dwelling units, to permit up to one hundred and seventeen (117) multi-family dwelling units and other site amenities, upon certain terms and conditions.

4-5062

O & R REQUEST

APR 19 2016

O & R Request

EDITION: 1

DATE: April 19, 2016

TO: The Honorable Members of City Council

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

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

THROUGH: Peter L. Downey, Interim Deputy Chief Administrative Officer for Economic Development and Planning *PDL*

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

ORD. OR RES. No.

PURPOSE: To amend Ord. No. 2014-121-201, adopted November 10, 2014, which authorized the special use of the property known as 1650 Overbrook Road for the purpose of authorizing multifamily dwellings with up to (two hundred five 205) dwelling units, to permit up to one hundred and seventeen (117) multi-family dwelling units and other site amenities, upon certain terms and conditions.

REASON: The applicant is seeking permission to convert the existing primary structure into 117 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 May 16, 2016, 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 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.

In 2014, City Council adopted Ord. No. 2014-121-201, which authorized up to 205 multi-family dwelling units. The applicant proposes amending that ordinance to develop up to 117 dwelling units and provide 296 total parking spaces. The development of the primary building would take place in two sections, "Section A" and "Section B," with "Section B" being developed for future commercial use. "Section A" would be developed for up to 117 dwelling units. Site amenities include a swimming pool. The one-story masonry building at the corner of Overbrook Road and Hermitage Road labeled "Section C" 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 / COST: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

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

BUDGET AMENDMENT NECESSARY: No budget amendment is necessary.

REVENUE TO CITY: \$1,800 application fee.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: April 25, 2016

CITY COUNCIL PUBLIC HEARING DATE: May 23, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, May 16, 2016

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, Draft Ordinance, Survey, Plans

STAFF: Willy Thompson, Senior Planner; Land Use Administration (Room 511); 646-5734



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street Room 511
Richmond Virginia 23214
(804) 646 6304
<http://www.richmondgov.com/>

RECEIVED

APR 2 2015

LAND USE ADMINISTRATION

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: 3/31/15

Property Address: 1650 OVERBROOK ROAD Tax Map #: N0001296004

Fee: \$1,800.00 Total area of affected site in acres: 6.44
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: USE PERMIT/M-1

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
REVISION OF APARTMENT DESIGN TO FACILITATE POSSIBLE DHR APPROVAL AND TO OMIT APARTMENTS IN WEST WING OF BUILDING FOR COMMERCIAL USE

Existing Use: WAREHOUSE

Is this property subject to any previous land use cases?

- Yes No
 If Yes, please list the Ordinance Number:

2014-121-201 NOVEMBER 10, 2014

Applicant/Contact Person: HL SALOMONSKY

Company: OVERBROOK LLC

Mailing Address: 1553 E MAIN ST

City: RICHMOND State: VA Zip Code: 23219

Telephone: (804) 237 8247 Fax: (804) 782 6810

Email: HLSALOMONSKY@SWA-CO.COM

Property Owner: SAME

If Business Entity, name and title of authorized signee: MANAGER OF ITS GP

(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: SAME

City: _____ State: _____ Zip Code: _____

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

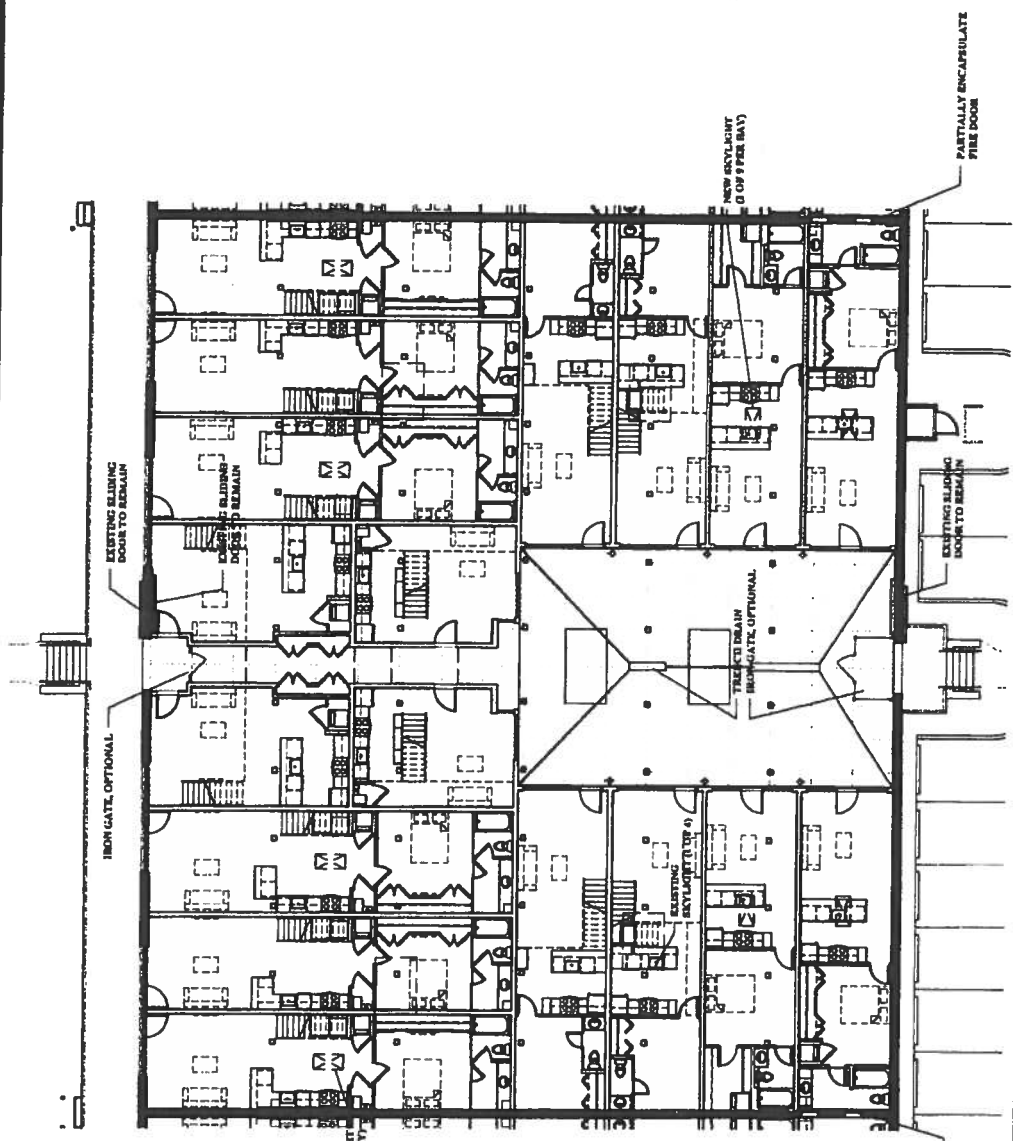
Email: _____

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)

9723A



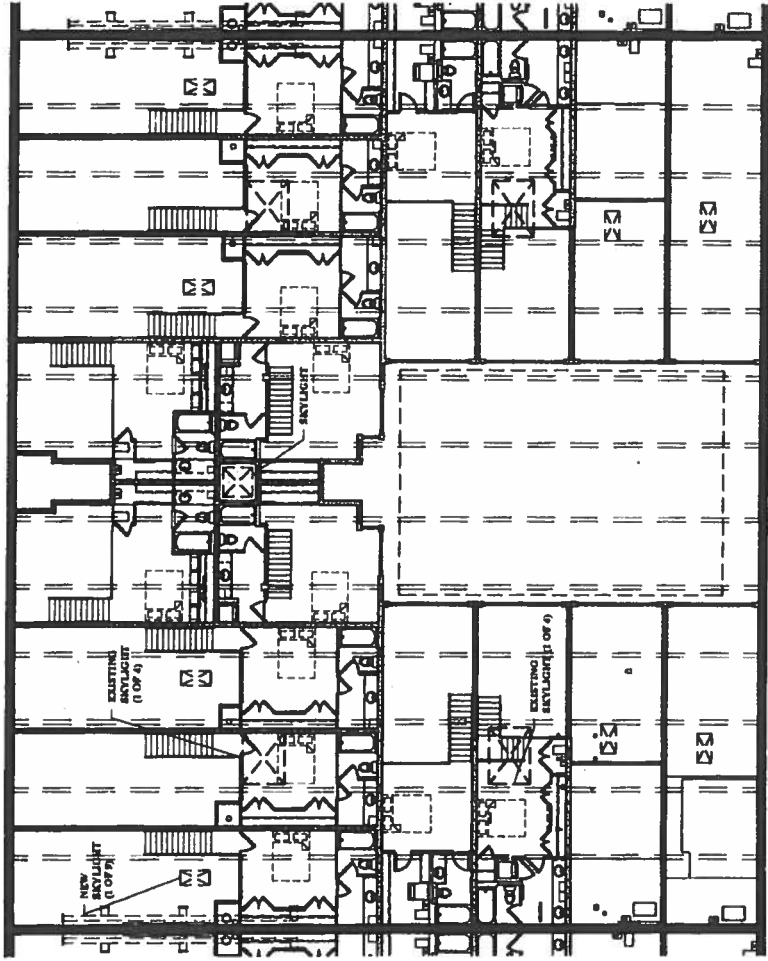
A101
TYPICAL BAY FLOOR PLAN

SUBMISSION FOR SPECIAL USE PERMIT
PROJECT NUMBER: 688
PROJECT NAME: SJK
DATE: 01/29/15

OVERBROOK LOFTS
OVERBROOK AND HERMITAGE ROAD
RICHMOND, VIRGINIA

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swa
SWA Architects-VA, Inc.
1423 E. Main Street, Richmond, Va 22218



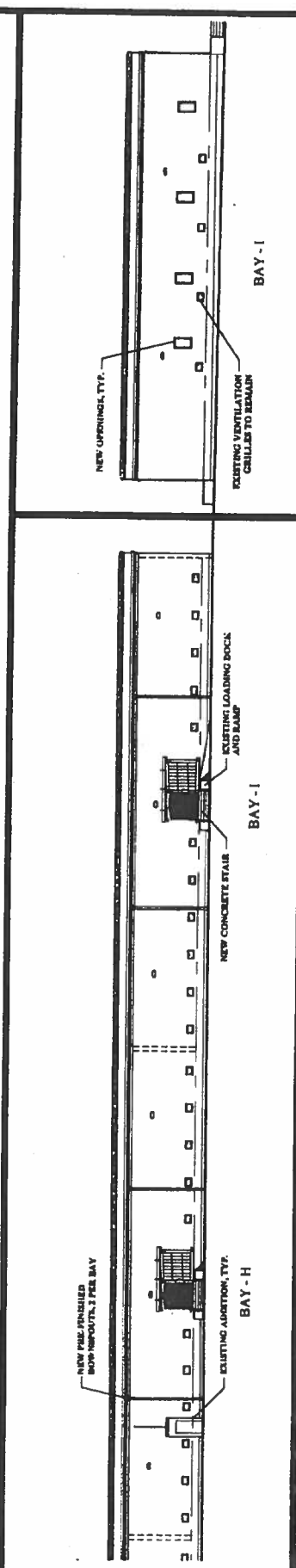
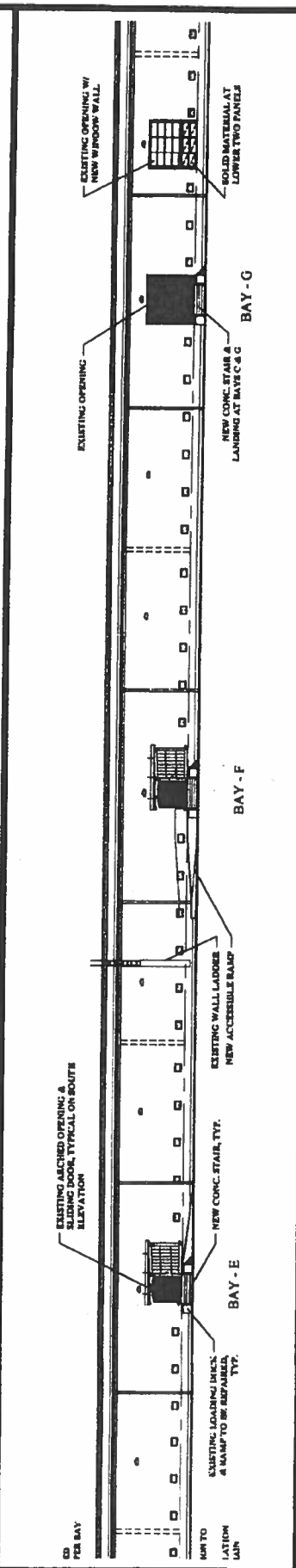
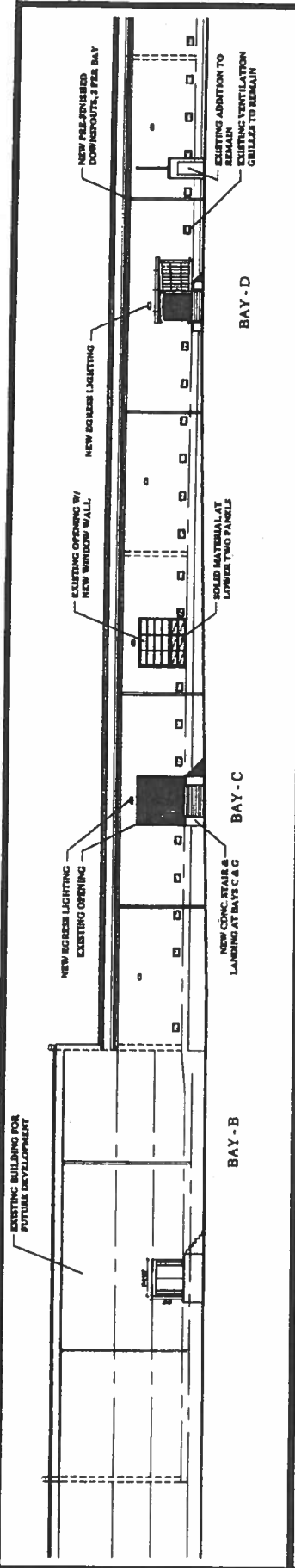
OVERBROOK LOFTS
 OVERBROOK AND HERMITAGE ROAD
 RICHMOND, VIRGINIA

SUBMISSION FOR SPECIAL USE
 PERMIT

A102
 TYPICAL BAY LOFT PLAN

PROJECT NUMB. 008
 PROJECT NAME: SWA
 DATE: 01/26/15

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swg Architects-VA, Inc.
1503 E. Main Street
Richmond, VA 23019

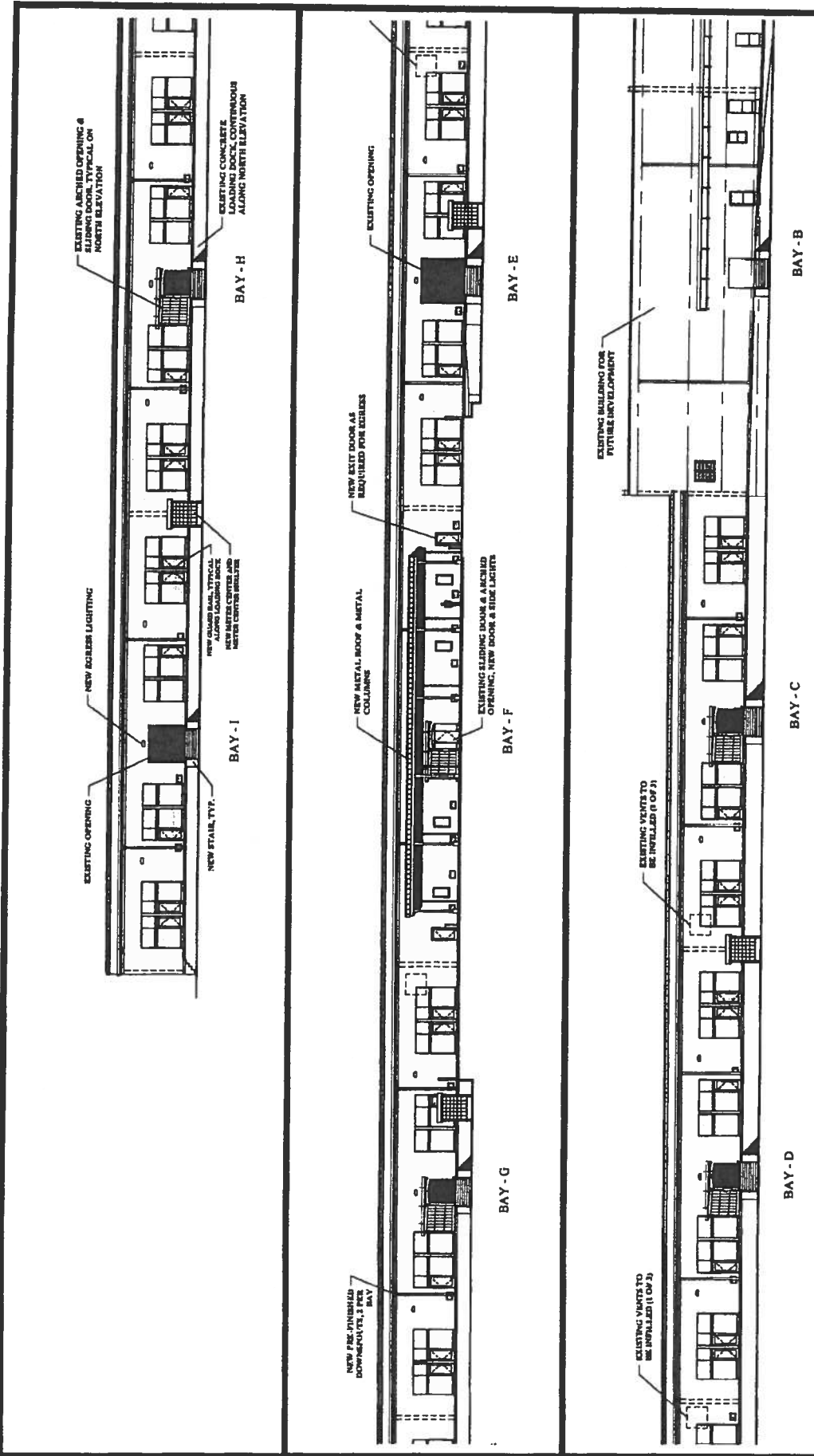
OVERBROOK LOFTS
OVERBROOK AND HERMITAGE ROAD
RICHMOND, VIRGINIA

A200
SOUTH ELEVATION

SUBMISSION FOR SPECIAL USE
PERMIT

PROJECT NUMBER: 008
PROJECT NAME: SWG
DATE: 01/24/15

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SWA Architects-VA, Inc.
 1003 E. Main Street
 Richmond, Va 22219

OVERBROOK LOFTS

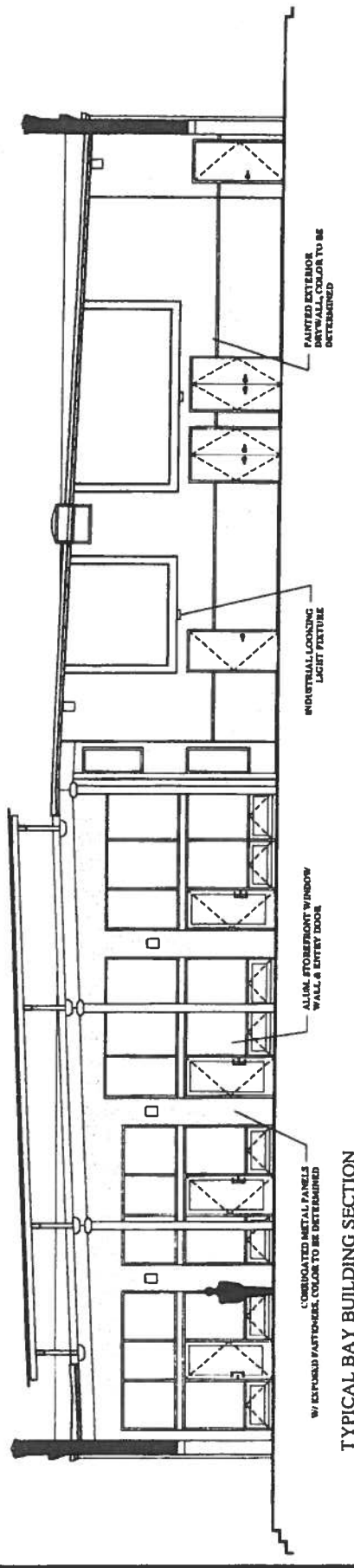
OVERBROOK AND HERMITAGE ROAD
 RICHMOND, VIRGINIA

SUBMISSION FOR SPECIAL USE PERMIT
 PROJECT NUMBER: 008
 PROJECT NAME: A1X
 DATE: 01/26/13

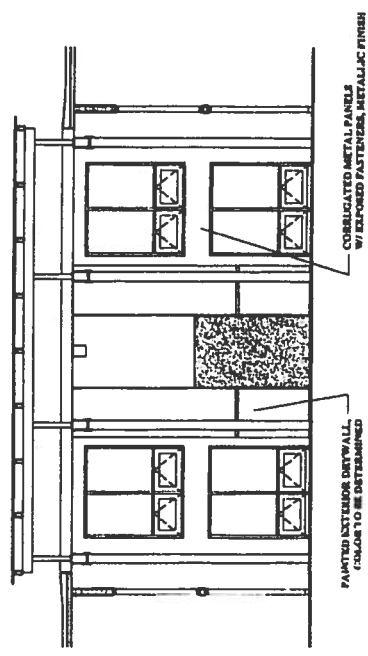
A201

NORTH ELEVATION

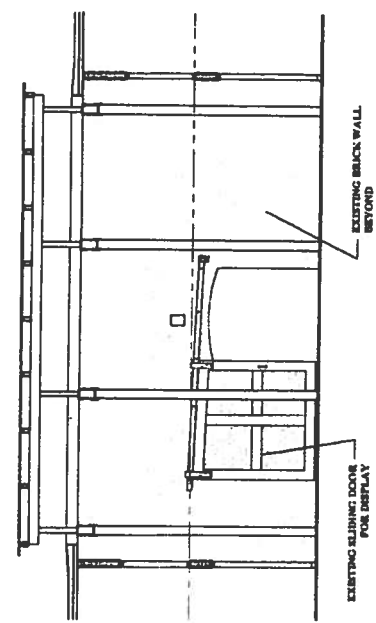
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TYPICAL BAY BUILDING SECTION



TYPICAL BAY BUILDING SECTION



TYPICAL BAY BUILDING SECTION

swa
swa Architects-VA, Inc.
 1503 E. Main Street
 Richmond, VA 23219

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OVERBROOK LOFTS

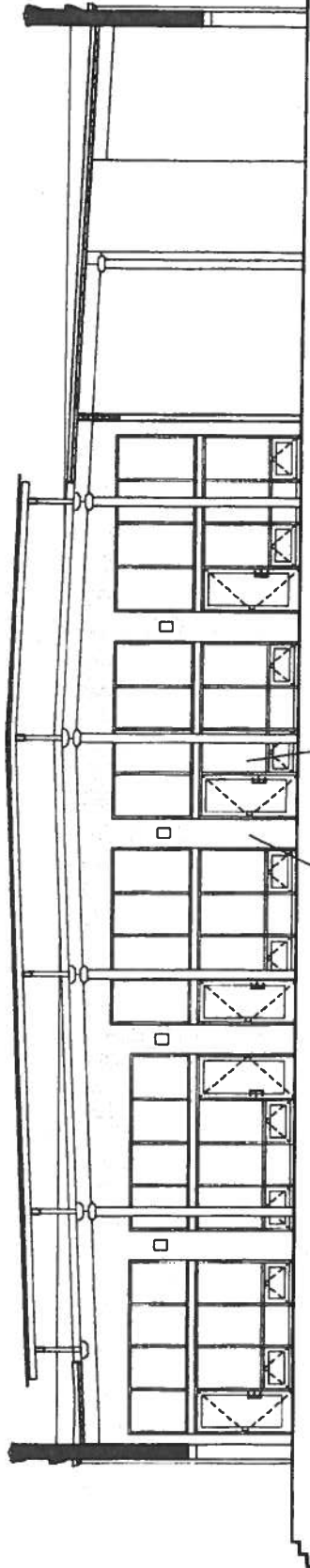
OVERBROOK AND HERMITAGE ROAD
 RICHMOND, VIRGINIA

SUBMISSION FOR SPECIAL USE PERMIT

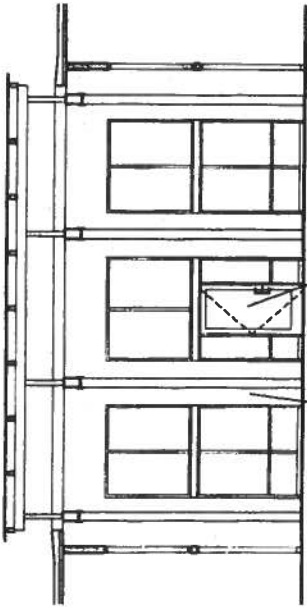
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 PROJECT NAME: BLK
 DATE: 9/2/2015

A202

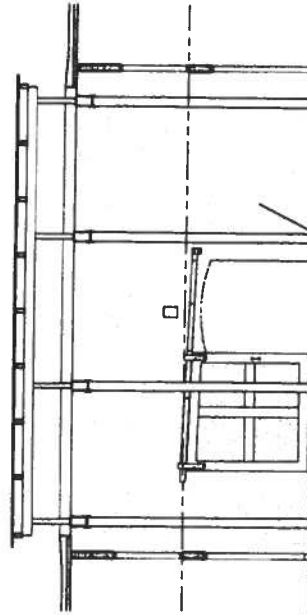
TYPICAL COURTYARD ELEV.



COMMON BAY BUILDING SECTION



COMMON BAY BUILDING SECTION



COMMON BAY BUILDING SECTION



SWA ARCHITECTS-VA, INC.
 1883 E. Main Street
 Richmond, VA 23219

OVERBROOK LOFTS

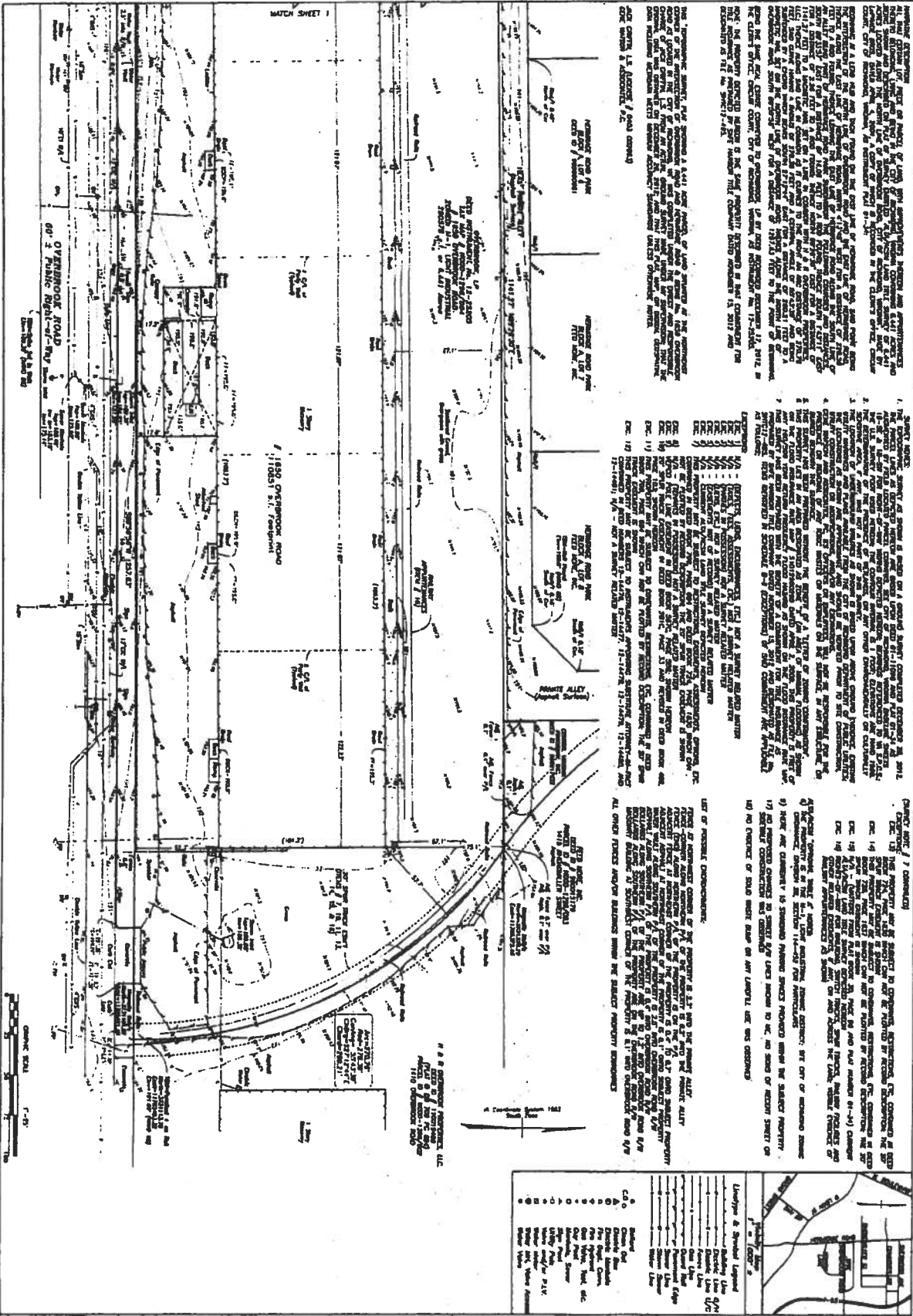
OVERBROOK AND HERMITAGE ROAD
 RICHMOND, VIRGINIA

SUBMISSION FOR SPECIAL USE PERMIT

PROJECT NUMBER: 048
 PROJECT ARCH: BJK
 DATE: 01/06/15

A203

COMMON COURTYARD ELEV.



GENERAL NOTES:

1. THIS SURVEY WAS MADE ON A GOOD SURVEY CONTROL POINT ESTABLISHED IN 1911.
2. THE SURVEY WAS MADE BY THE METHOD OF TRIANGULATION AND THE DISTANCES WERE MEASURED BY THE METHOD OF TAPING.
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PROPERTY NOTES:

1. THE SURVEY WAS MADE BY THE METHOD OF TRIANGULATION AND THE DISTANCES WERE MEASURED BY THE METHOD OF TAPING.
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LIST OF POSSIBLE ENCUMBRANCES:

1. THE SURVEY WAS MADE BY THE METHOD OF TRIANGULATION AND THE DISTANCES WERE MEASURED BY THE METHOD OF TAPING.
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NO.	DESCRIPTION	DATE
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TOPOGRAPHIC SURVEY

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

GENE WATSON & ASSOCIATES, P.C.

Land Surveyors
4221 BONNEBANK ROAD
RICHMOND, VIRGINIA 23234
TEL: 804-771-1830
FAX: 804-771-1831

DATE: 11/14/12

SCALE: 1" = 40'

DATE: 11/14/12

SCALE: 1" = 40'

DATE: 11/14/12

SCALE: 1" = 40'

DATE: 11/14/12

SCALE: 1" = 40'



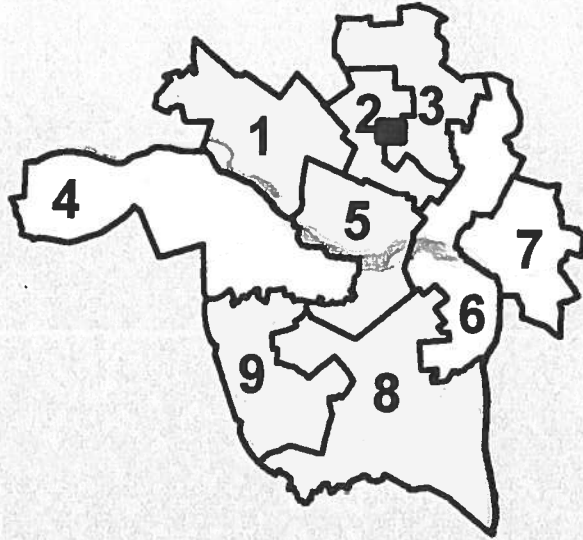
**City of Richmond
Department of Planning
& Development Review**

Special Use Permit

LOCATION: 1650 Overbrook Road

COUNCIL DISTRICT: 2

PROPOSAL: To amend Ord. No. 2014-121-201, adopted November 10, 2014, which authorized the special use of the property known as 1650 Overbrook Road for the purpose of authorizing multifamily dwellings with up to (two hundred five 205) dwelling units, to permit up to one hundred and seventeen (117) multi-family dwelling units and other site amenities, upon certain terms and conditions.



*For questions, please contact Lory Markham
at 646-6309 or Lory.Markham@richmondgov.com*

