



## Legislation Text

**File #:** ORD. 2018-326, **Version:** 1

To amend Ord. No. 2014-121-201, adopted Nov. 10, 2014, as previously amended by Ord. No. 2016-171, adopted Sept. 12, 2016, 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 and an additional 55 dwelling units in place of commercial space, upon certain terms and conditions.

I. That Ordinance No. 2014-121-201, adopted November 10, 2014, as previously amended by Ordinance No. 2016-171, adopted September 12, 2016, be and is hereby amended and reordained as follows:

§ 1. That the ~~[property]~~ properties known as 1650 and 1654 Overbrook Road and identified as Tax Parcel [ ~~No.~~ ] Nos. N000-1296/004 and N000-1296/017, respectively, in the [2016] 2018 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]~~ Ordinance No. 2016-171, adopted May 23, 2016, 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 [447] 172 dwelling units and other site amenities, substantially as shown on the plans entitled “Overbrook Lofts, Overbrook and Hermitage Roads, Richmond, Virginia,” prepared by SWA Architects-VA, Inc., ~~[and]~~ dated January 26, 2015, and last revised August 15, 2018, copies of which are attached to and made a part of ~~[this ordinance]~~ Ordinance No. 2016-171, adopted May 23, 2016, as modified by the plans entitled “OVERBROOK LOFTS, Overbrook and Hermitage Roads, Richmond, Virginia,” prepared by SWA Architects-VA, Inc., dated March 21, 2018, and last revised August 15, 2018, and entitled “Overbrook Lofts, 2501 Hermitage Road, Richmond, Virginia,” prepared by SWA Architects-VA, Inc., dated November 12, 2018, copies of which are attached to this amendatory 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)~~] 180 days from the date of the building permit or if construction is suspended or abandoned for a period of [~~one hundred eighty (180)~~] 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 [447] 172 dwelling units shall be permitted (i) in the “Section A” [building] and “Section B” buildings, substantially as shown on the plans attached to Ordinance No. 2016-171, adopted May 23, 2016, and (ii) substantially as shown on the plans attached to this amendatory ordinance. If a leasing office is established in the “Section C” building referred to in section 3(i) instead of in the multifamily dwelling, one additional dwelling unit shall be permitted in the multifamily dwelling.

(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, no more than one dwelling unit, and principal uses permitted in the B-6 Mixed-Use Business District shall be permitted (i) in the “Section C” building labeled “Commercial Building (Diner/Café - or Other Permitted Use)” and substantially as shown on sheet AS1.00 of the plans entitled “OVERBROOK LOFTS, Overbrook and Hermitage Roads, Richmond, Virginia,” and (ii) substantially as shown on sheets A3.01 through A3.03 of the plans entitled “Overbrook Lofts, 2501 Hermitage Road, Richmond, Virginia,” and attached to this amendatory ordinance.

[(4k)] (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-6 Mixed-Use Business District in section 30-710.1 of the Code of the City of Richmond (2015), as amended.

[(4)] (k) 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.

~~[(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 the 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.

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

~~[(o)]~~ (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.

~~[(p)]~~ (o) 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.

~~[(q)]~~ (p) 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 30-1050.7 through 30-1050.7 of the Code of the City of Richmond (2015), as amended, if (a) the property owner does not abate the violation within 30 days of the issuance of the~~

notice or (b) three 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 30-1080 of the Code of the City of Richmond (2015), as amended, or any other applicable laws or regulations] 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 (2015), 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 (2015), as amended, and all future amendments to such law, 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)~~] 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.

### **O & R Request**

**DATE:** October 16, 2018

**EDITION:**1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor  
(This is no way reflects a recommendation on behalf of the Mayor.)

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

**THROUGH:** Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic Development and Planning

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

**RE:** To amend Ord. No. 2014-121-201, adopted Nov. 10, 2014, last revised by Ord No. 2016-171 adopted May 23, 2016, to now authorize an additional 51 dwelling units in place of commercial

space, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To amend Ord. No. 2014-121-201, adopted Nov. 10, 2014, last revised by Ord No. 2016-171 adopted May 23, 2016, to now authorize an additional 51 dwelling units in place of commercial space, upon certain terms and conditions.

**REASON:** The applicant wishes to convert the remaining commercial area in the principal structure into 51 dwelling units. A smaller adjacent building at the corner of Overbrook Road and Hermitage Road will retain its designation for commercial uses. SUP Ordinance No. 2016-171 allowed the application of the B-6 Mixed-Use Business District in order to allow residential redevelopment of the property in conjunction areas specifically designated for commercial uses. The reduction of the designated commercial area in order to provide additional dwelling units requires an amendment to the 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 December 3, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

*File Number: PRE.2018.335*

**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.

The larger building was used historically as a tobacco warehouse. The applicant intends to preserve the wooden beams and columns inside the building as recommended by the Department of Historical Resources. The conversion of the commercial space in the building will follow the Department of Historic Resource's preliminary recommendations. The proposed renovation design calls for the removal of a portion of the existing roof to create an open air courtyard space. The structural integrity of the exterior masonry walls will be retained.

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:** 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:** \$1,300 application fee.

**DESIRED EFFECTIVE DATE:** Upon Adoption.

**REQUESTED INTRODUCTION DATE:** November 13, 2018

**CITY COUNCIL PUBLIC HEARING DATE:** December 10, 2018

**REQUESTED AGENDA:** Consent.

**RECOMMENDED COUNCIL COMMITTEE:** None.

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, December 3, 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)

*Page 2*

*City of Richmond*

*Printed on 10/16/2018*

*File Number: PRE.2018.335*

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Amend Ord No. 2016-171.

**REQUIRED CHANGES TO WORK PROGRAM(S):** None.

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

**STAFF:** David Watson, Senior Planner  
Land Use Administration (Room 511) 646-1036

*Page 3*

*City of Richmond*

*Printed on 8/16/2018*