

INTRODUCED: October 9, 2017

AN ORDINANCE No. 2017-204

To authorize the special use of a portion of the property known as 1500 North Lombardy Street for the purpose of a freestanding sign, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 13 2017 AT 6 P.M.

WHEREAS, the owner of the property known as 1500 North Lombardy Street, which is situated in an I Institutional District, desires to use a portion of such property for the purpose of a freestanding sign that exceeds the dimension requirements allowed by section 30-511 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 13 2017 REJECTED: _____ STRICKEN: _____

create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, a portion of the property known as 1500 North Lombardy Street and identified as Tax Parcel No. N000-0740/001 in the 2017 records of the City Assessor, being more particularly described in a survey entitled “Property Parcel Exhibit of Virginia Union University, Located in Henrico County, Virginia,” prepared by MSA, P.C., and dated May 14, 2002, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a freestanding sign, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “3 Sided Monument with EMC,” prepared by an unidentified preparer, and undated, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as a freestanding sign, substantially as shown on the Plans.

(b) The freestanding sign shall not exceed the dimensions shown on the Plans.

(c) Materials and colors for the freestanding sign shall be substantially as shown on the Plans.

(d) The freestanding sign shall be internally illuminated and shall not be an animated sign as defined by section 30-1220 of the Code of the City of Richmond (2015), as amended.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

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

(b) 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 any other property or public streets and the use thereof.

(c) 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.

(d) Any encroachments existing, proposed on the Plans 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 (2015), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) 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 Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) 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.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or

otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This 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: PRE. 2017.384

RECEIVED

OCT 05 2017

O & R REQUEST

4-7033

SEP 18 2017

OFFICE OF CITY ATTORNEY

O & R Request

Office of the
Chief Administrative Officer

DATE: September 15, 2017

EDITION: 1

TO: The Honorable Members of City Council

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

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

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

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

RE: To authorize the special use of a portion of the property known as 1500 North Lombardy Street for the purpose of a non-animated freestanding sign, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of a portion of the property known as 1500 North Lombardy Street for the purpose of a freestanding sign, upon certain terms and conditions.

REASON: The applicant is proposing to construct a freestanding sign on property in the I-Institutional Zoning District. The sign exceeds the dimension requirements for freestanding signs in the I District, therefore a special use permit is required.

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 November 6, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council the following meeting.

BACKGROUND: The proposed non-animated, freestanding sign is located on the Virginia Union University Campus at the corner of Brook Road and North Lombardy Street. This area serves as the eastern gateway to the campus. The subject parcel is comprised of a 27.2 acre tract of land located in the North Planning District.

The City of Richmond's Master Plan designates the subject property for Institutional uses which include, "...places of worship, private schools, universities, museums, hospitals and other care facilities (p. 135).

This subject property is currently zoned I Institutional. Adjacent and nearby properties include a broad range of zoning categories including M-1 Light Industrial, B-3 General Business, R-5 Single-Family Residential, and R-53 Multi-Family Residential. A mix of institutional, commercial, industrial, and single- and multi-family residential land uses are present in the vicinity.

FISCAL IMPACT / COST: The Department 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.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: October 9, 2017

CITY COUNCIL PUBLIC HEARING DATE: November 13, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, November 6, 2017

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.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Plans, Survey

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

PDR O&R No.17-35



Application for **SPECIAL USE PERMIT**
 Department of Planning and Development Review
 Land Use Administration Division
 1001 Broad Street, Room 511
 Richmond, Virginia 23219
 (804) 646-6704
<http://www.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 1500 N. Lombardy Street, Rich., VA 23220 Date 3/29/2017
 Tax Map #: _____ Fee \$1,800
 Total area of affected site in acres: 0.007

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

Zoning

Current Zoning I-district
 Existing Use Educational

Proposed Use

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

No change in use. Special Use Permit to allow sign exceeding 32 sq. ft.
 Existing Use: Educational

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: David E. Gordon
 Company: Virginia Union University
 Mailing Address: 1500 N. Lombardy Street
 City: Richmond State: VA Zip Code: 23220
 Telephone: (804) 638-0185 Fax: (804) 342-3944
 Email: degordon@vu.edu

Property Owner: Virginia Union University
 If Business Entity, name and title of authorized signer: David E. Gordon
Director of Facilities Management

(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: 1500 N. Lombardy Street
 City: Richmond State: VA Zip Code: 23220
 Telephone: (804) 638-0185 Fax: (804) 342-3944
 Email: degordon@vu.edu

Property Owner Signature: David E. Gordon

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)

Applicant's Report:

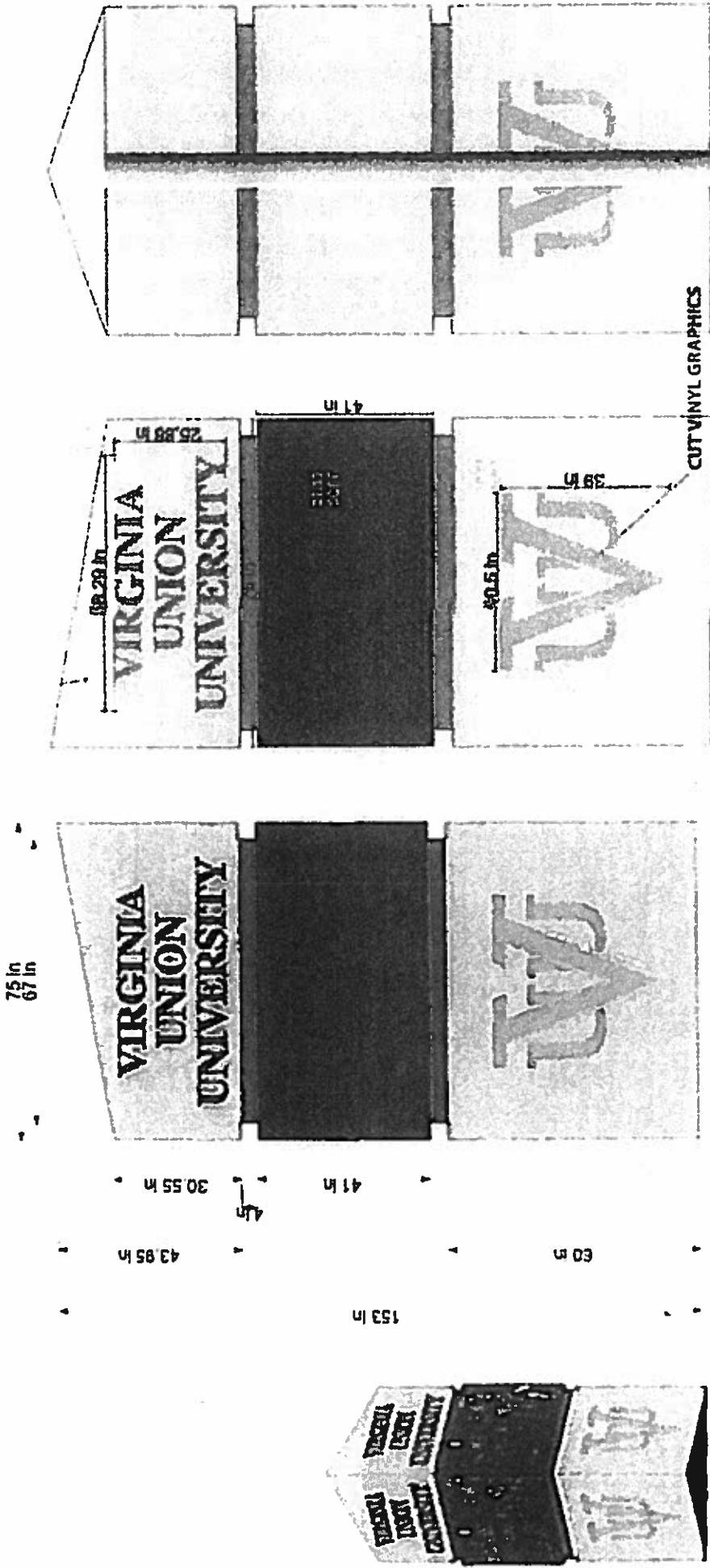
This request is for Special Use Permit for the Virginia Union University Monument Sign with an Electronic Message Center near the corner of Lombardy Street and Brook Road. The Special Use Permit is necessary do to the desired sign exceeding the current zoning limitation of 32 sq. ft. frontage area.

Virginia Union University is a landmark in Richmond City and a proud historic campus. Existing Virginia Union University signage at the edge of campus near the south-west corner of Lombardy Street and Brook Road is past due for upgrade. To better identify the campus, represent its prominence, and inform the community of its ongoing notable activities and events, the University desires to install a new monument sign with electronic message center at that corner location replacing the existing. This new signage is critical to help in identifying and promoting the University to Richmond City residents and visitors. Replacing the existing signage with the new signage will **not**:

1. be detrimental to safety, health, morals and general welfare of the community;
2. tent to create congestion in streets, roads, alley and other public ways;
3. create hazards from fire, panic or other dangers;
4. tend to cause overcrowding of land and an undue concentration of population;
5. adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or
6. interfere with adequate light and air.

3 SIDED MONUMENT WITH EMC

ROUTED FACE WITH
WHITE PLEX BACKER/BURG VINYL
INTERNAL RED LED

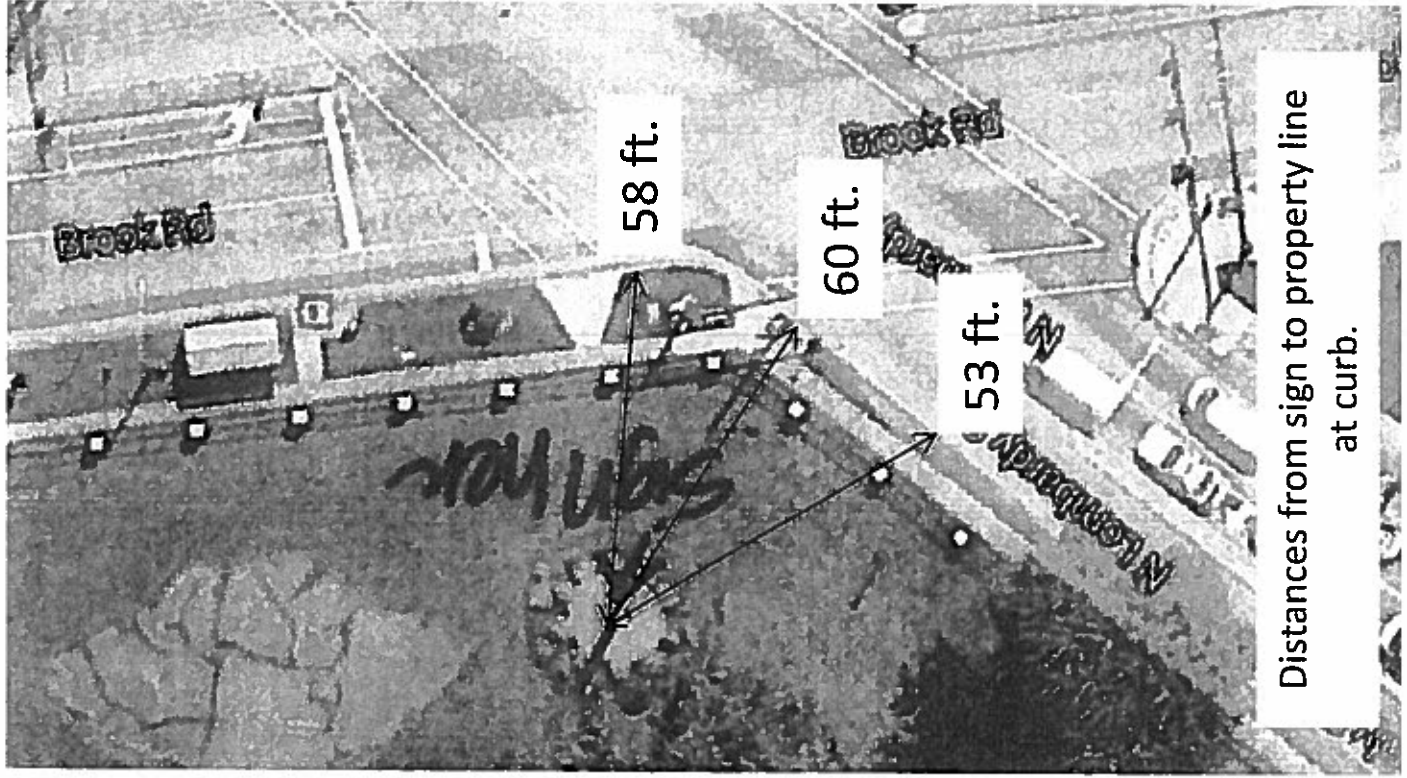


The LED Message Center portion of the sign is two 75" x 41" panel displays in NEMA rated enclosures capable of multi-color LED display. Messages will be primarily static presentation of a VUU message or announcement of an upcoming event. Frequency of new messages are not expected to exceed by-weekly change.

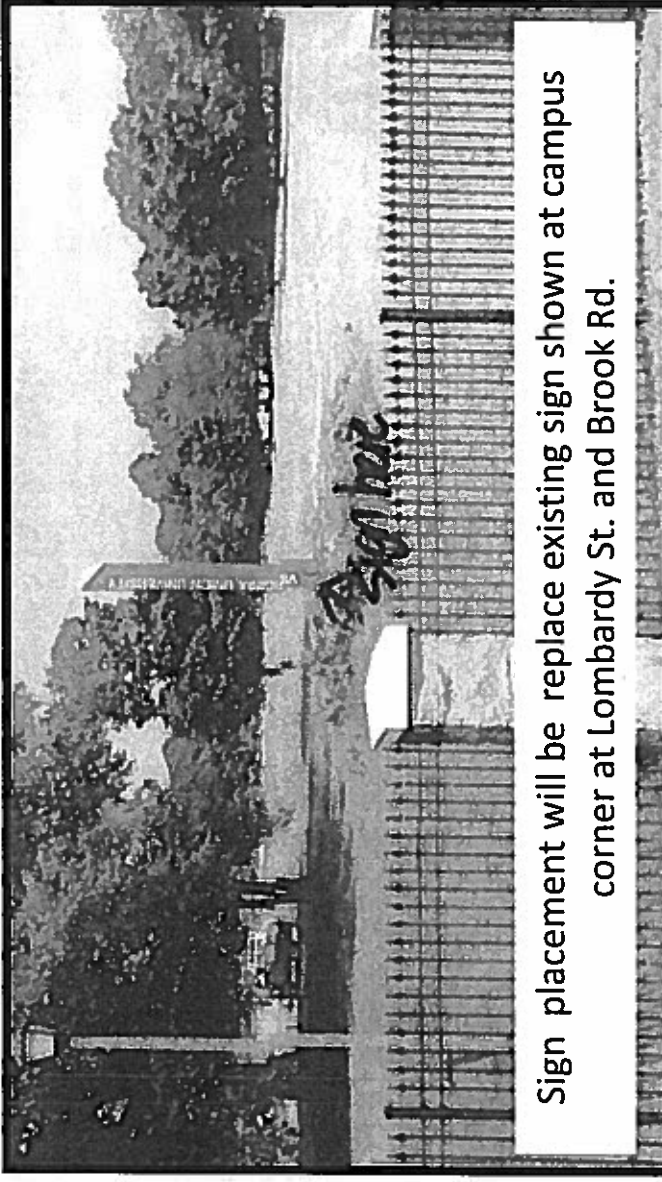


EXISTING CONCRETE BASE
EXISTING 8"X15' POLE
TO BE REUSED

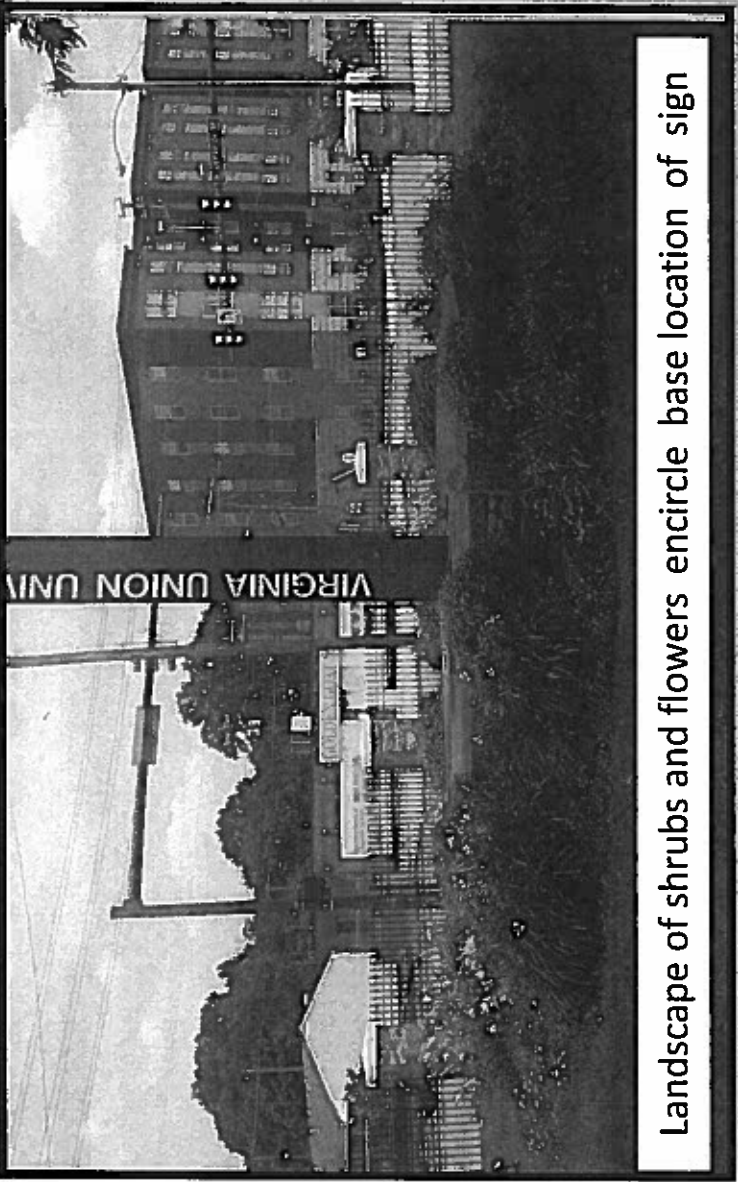
SIGNAGE DETAIL SHEET FOR NEW MONUMENT SIGN AT VUU



Distances from sign to property line at curb.

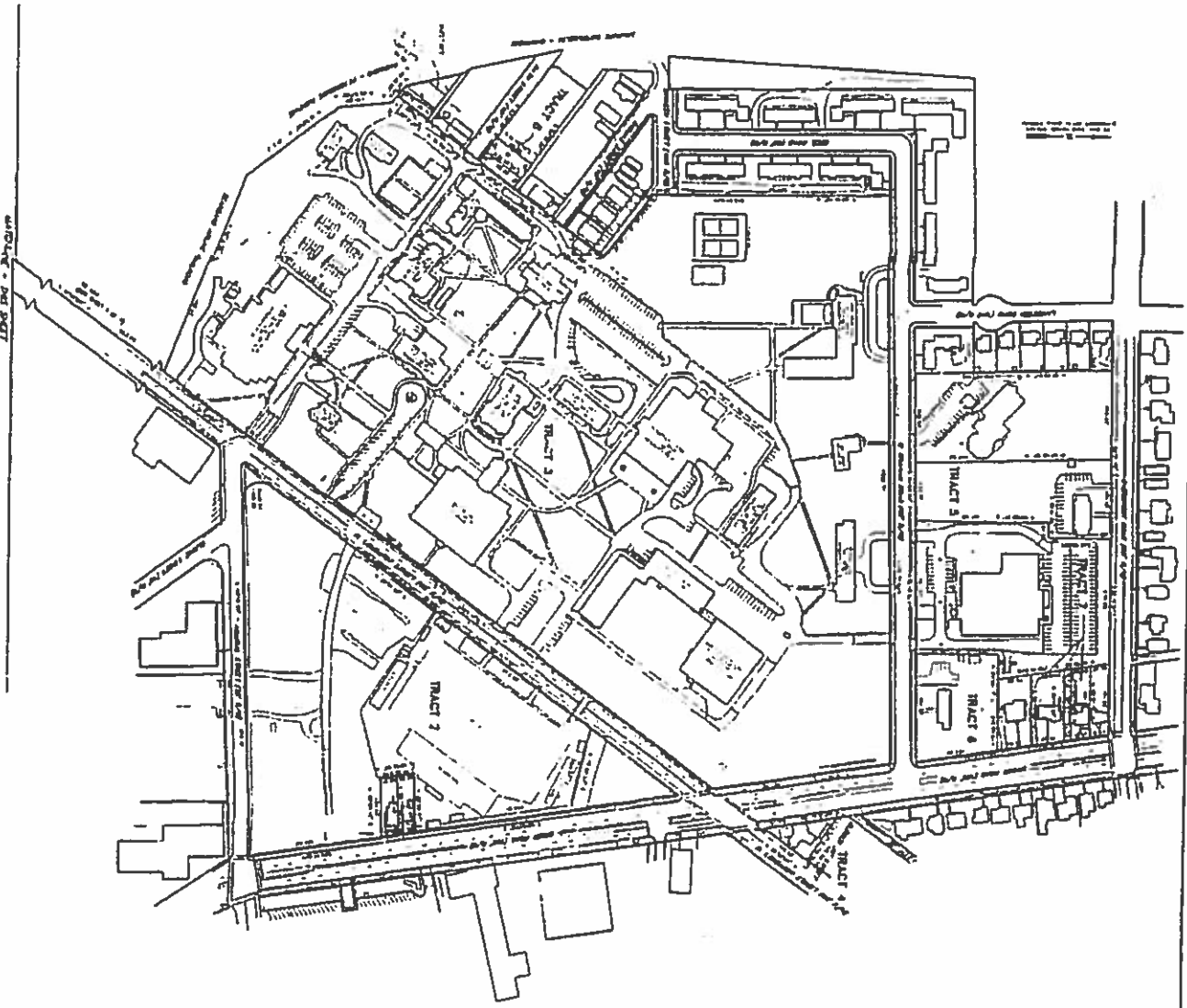
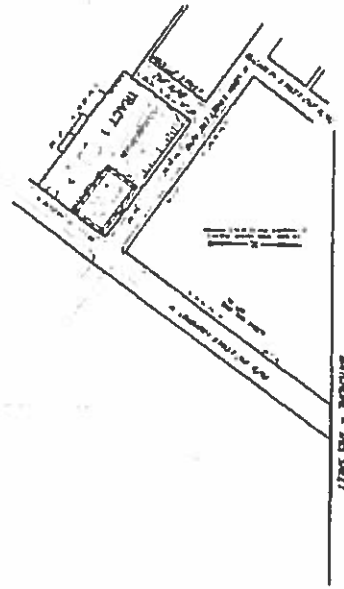
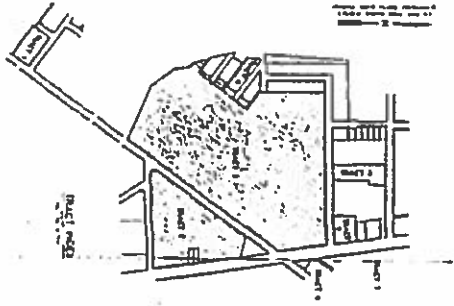


Sign placement will be replace existing sign shown at campus corner at Lombardy St. and Brook Rd.



Landscape of shrubs and flowers encircle base location of sign

SITE PLAN FOR NEW MONUMENT SIGN AT VIRGINIA UNION UNIVERSITY



1:10000



PROPERTY MAP OF
 VIRGINIA UNION UNIVERSITY
 LOCATED IN
 HENRICO COUNTY, VIRGINIA

DATE: 1/15/03
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

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MSA, P.C.
 Landscape Design • Planning • Surveying
 Engineering • Environmental Sciences
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 RICHMOND, VIRGINIA 23231

