

INTRODUCED: July 14, 2014

AN ORDINANCE No. 2014-158-150

To authorize the special use of the property known as 6400 Jahnke Road for the purpose of authorizing certain identification signage, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 8 2014 AT 6 P.M.

WHEREAS, the owner of the property known as 6400 Jahnke Road, which is situated in a R-2 Single-Family Residential District, desires to erect a sign meeting the definition of a billboard sign on such property, which sign section 114-506 of the Code of the City of Richmond (2004), as amended, currently does not allow; 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: SEPT 8 2014 REJECTED: _____ STRICKEN: _____

involved, will not 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 114-1050.1 of the Code of the City of Richmond (2004), 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, the property known as 6400 Jahnke Road and identified as Tax Parcel No. C005-0500/007 in the 2014 records of the City Assessor, being more particularly shown on a survey entitled “Special Use Permit Exhibit Plat of 0.089 Acres of Land along the North Side of Jahnke Road,” prepared by the Timmons Group, and dated March 4, 2014, 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 erecting certain identification signage, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Site Plan for Project Sign for Jahnke Road Properties, LLC Proposed Residential Community on ‘Bliley Property,’” prepared by the Timmons Group, and dated March 12, 2014, and “Bliley Development Signage, Virginia Beach, VA, Elevation,” prepared by Housing Studio, and dated May 27, 2014, 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) Identification signs situated on the Property shall be permitted substantially as shown on the Plans, provided that such signage shall identify a residential community and shall not advertise a commercial business.

(b) Landscaping around the permitted freestanding signs shall be provided as shown on the Plans.

(c) The base of the permitted freestanding sign shall be constructed of masonry, as shown on the Plans.

§ 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, shall be approved by the Director of Public Utilities prior to the issuance of building permits.

(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) 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 (2004), as amended, and all future amendments to such laws.

(d) 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 114-1220 of the Code of the City of Richmond (2004), 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 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), 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 114-1080 of the Code of the City of Richmond (2004), 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 or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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.

and two feet in height with a masonry base approximately 30 feet wide and 6 feet in height. The sign will be accompanied by low growing landscaping and be externally illuminated.

The Richmond Master Plan designates this property as a Single-Family (Low Density) Housing Opportunity Area (HOA). "This designation indicates that the site is appropriate for residential development consistent with the underlying land use plan designation of single-family residential. However, the HOA designation indicates that these specific sites are also appropriate for higher density residential development, provided that specific objectives and conditions described for each location can be met" (p.212). General objectives required under the HOA are access with minimal impact, objective design review, and adequate buffering to lower density residential neighborhoods. More specifically, this particular HOA allows for higher densities if, "additional open space or protection of some of the natural environment can be provided" (p.212).

FISCAL IMPACT: 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.

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: June 9, 2014

CITY COUNCIL PUBLIC HEARING DATE: July 14, 2014

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, July 7, 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 Letter, Draft Ordinance, Survey, Plans,

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

DCD O&R No. 14-19



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) 646-8304
<http://www.richmond.gov/>

RECEIVED
APR 8 2014

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: Bliley Property Date: 03/27/2014
 Property Address: 6400 Jahnke Road Tax Map #: C0050500007

Fee: \$1,900.00 Total area of affected site in acres: 0.089
 (See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-2

Existing Use: vacant

Is this property subject to any previous land use cases?

- Yes
- No

If Yes, please list the Ordinance Number:

Proposed Use

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

Placement of a sign at the
Southwest corner to advertise
development on 6500 Jahnke Rd.
Project sign pursuant to R-53 standards

Applicant/Contact Person: Representative: Jeffrey P. Geiger

Company: Hirschler Fleischer

Mailing Address: P.O. Box 500

City: Richmond State: VA Zip Code: 23218-0500

Telephone: (804) 771-9557 Fax: (804) 644-0957

Email: jgeiger@hf-law.com

Property Owner: Catherine O. Bliley Heirs - see attached list

If Business Entity, name and title of authorized signee: _____

Mailing Address: 2834 Rocky Oak Road

City: Powhatan State: Va. Zip Code: 23139

Telephone: (804) 598-4362 Fax: ()

Email: dbliley1@ncrr.com

Property Owner Signature: By: Daniel J. Bliley

(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)

April 8, 2014

BY HAND

Mr. Willy Thompson
Senior Planner
City of Richmond
Planning and Development Review
Land Use Administration
900 East Broad Street, Suite 511
Richmond, Virginia 23219

**Re: Special Use Permit Application for Jahnke Road Properties, LLC (the "Applicant")
for Project Sign to Support Proposed Community in Companion Rezoning Request
on the "Bliley Tract" at Intersection of Jahnke and German School Roads**

Dear Ms. Markham:

In compliance with the administrative policy of the Department of Community Development, the Applicant hereby submits the following report in connection with the Special Use Permit Application to allow the placement of an offsite project sign (the "Project Sign") on that certain parcel of land shown on the City of Richmond (the "City") Tax Map as C0050500007 (the "Property"). The Project Sign will support a residential community proposed in a companion rezoning request (the "Jahnke Road Development") for an adjacent fifty-five (55) acre (\pm) parcel of land shown on the City's tax map as C0050500006 (the "Bliley Property"). The Bliley Property is located at the intersection of Jahnke Road and German School Road. The Applicant desires to install the Project Sign at this intersection to identify and brand the Jahnke Road Development, but there will be no room for the Project Sign on the Bliley Property after German School Road is extended onto the Bliley Property.

The Applicant proposes installing the Project Sign on a small portion of the Property at the intersection of Jahnke Road and German School Road (as it will be extended). This location is shown on the enclosed site plan (the "Site Plan") and plat providing the metes and bounds for the area is also enclosed. The Project Sign is shown on the enclosed sign rendering (the "Elevation"). Other than the

The Edgeworth Building
2100 East Cary Street
Richmond, VA 23223
Phone: 804 771.9500
Fax: 804.644.0957

Mailing address:
Post Office Box 500
Richmond, VA 23218

Mill Race North
725 Jackson Street
Suite 200
Fredericksburg, VA 22401
Phone: 540.604.2100
Fax: 540.604.2101

placement of the Project Sign on the Property, the Applicant does not request any other deviations from the project sign requirements for the R-53 District as set forth in Article V of the City's Zoning Ordinance (the "Sign Requirements"). The Applicant requests that the Special Use Permit requires the submittal of a landscaping plan and lighting plan to, and approval by, the City's Planning Director prior to the issuance of the first building permit for multifamily units on the Bliley Property.

1. **Background.** The Applicant has proposed a high-quality residential community on the Bliley Property that will result in a \$40 million (minimum) investment in the Jahnke Road corridor and will generate at least \$500,000 a year in real estate taxes. The community will be comprised of a multi-family section and a single family section. The community will be identified, branded and marketed as one community with one Project Sign. To accomplish the identity, branding and marketing objectives of this Project Sign, the Project Sign needs to be located on the major thru-fare, Jahnke Road, at the defacto entrance into this new community, German School Road Extended. Unfortunately, when the Bliley family subdivided the Property from the Bliley Property, they did not leave enough room at the intersection of Jahnke and German School Roads for the extension of German School Road *and* a project sign. The existing 90' of road frontage across from German School Road will be dedicated to the City for the extension of German School Road.

2. **Special Use Permit Request.**

Need

To justify this investment in the Jahnke Road corridor, the Project Sign for the community must be located at the intersection of Jahnke and German School Roads. A project sign on Jahnke Road will (i) direct people into the community, (ii) create a sense of place as people enter the community, and (iii) permeate the quality of this community to the surrounding community (people will refer to this area by the community name, not by a street or corridor name). The Property has been underutilized for many years and the Applicant's proposed community will inject high-quality, planned residential development on a property that the City has targeted as a Housing Opportunity Area. The Applicant's investment in the Property, and approval of the Special Use Permit for the placement of the Project Sign, will be a catalyst for the corridor and allow the City to realize a return on its prior investment in improvements for German School Road and prior and future investments in Jahnke Road.

Project Sign

The Project sign will be constructed in accordance with the Elevation and in the location shown by the Site Plan. The Project Sign will be externally illuminated. Light fixtures will be integrated into the sign or will be shielded with adjacent landscaping so that the fixtures are not generally visible from the public right-of-way. The Project Sign will have subdued lighting. LED fixtures are preferred for longevity and efficiency. Final lighting plan to be approved by the City's Planning Director prior to the issuance of the first building permit for multifamily units on the Bliley Property.

Landscaping Around Project Sign

The Project Sign will be enhanced with low growing plants reflecting an ordered geometry, texture, color, and habit. Plant materials will be selected in accordance with the City's requirements. Materials will be native or adaptive to the region, and will be well suited to localized site conditions. The choice of deciduous and evergreen shrubs, annuals, perennials and groundcover will utilize primarily native plants. Native plants will be supplemented with new varieties that have increased disease resistance, heat tolerance, and enhanced flowers, foliage, or growth habit. Irrigation is planned for the entrance to assure viability of plantings. Final landscaping plan to be approved by the City's Planning Director prior to the issuance of the first building permit for multifamily units on the Bliley Property.

3. Neighborhood. The area surrounding the Property consists of a mixture of uses. The remainder of the Property is zoned R-2 but the Blileys seek to sell the Property for commercial use. West of the Property is an existing, aged multi-family residential development. The currently underdeveloped Bliley Property is adjacent to the north. On the eastern side of the Property is Lucille Murray Brown Middle School. Across Jahnke Road are retail centers anchored with a Food Lion grocery store and a Rite Aid drug store.

4. Community Benefits. Approval of the Special Use Permit will allow the Project Sign to be placed in the most attractive and logical location to support the Jahnke Road Development. A project sign on Jahnke Road will (i) direct people into the community, (ii) create a sense of place as

people enter the community, and (iii) permeate the quality of this community to the surrounding community as people refer to this area by the community name, not by a street or corridor name. The proposed community will inject high-quality residential development on a property that the City has targeted as a Housing Opportunity Area. The Applicant's investment in the Property, and approval of the Special Use Permit for the placement of the Project Sign, will be a catalyst for the corridor and allow the City to realize a return on its prior investment in improvements for German School Road and prior and future investments in Jahnke Road.

5. Jurisdictional Requirements. All of the basic jurisdictional requirements for approval of the requested Special Use Permit are satisfied for the following reasons:

(a) The Special Use Permit will not be detrimental to the safety, health, morals and general welfare of the community. Approval of the Special Use Permit will simply allow the Applicant to identify, brand, market and promote the Jahnke Road Development, which will in turn result in a significant investment into the City. This new investment will attract new residents to, and retain residents within, this area of the City. These residents would support the existing businesses along Jahnke Road and attract new businesses to the area. The net effect is a rejuvenation of the area leading to improved safety, health, moral and general welfare of the community.

(b) The Special Use Permit will not tend to create congestion in the streets, roads, alleys and other public ways and places in the area involved. The placement of the Project Sign should have no impact on congestion in the area. In fact, the Project Sign will help direct drivers to easily locate the new community by providing way finding which will be beneficial to the neighborhood.

(c) The Special Use Permit will not result in hazards from fire, panic and other dangers. The only work required will be the establishment of the Project Sign.

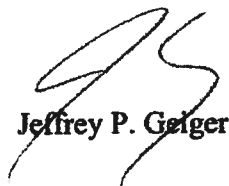
(d) The Special Use Permit will not tend to overcrowd the land and cause an undue concentration of population. The Project Sign will be placed among a landscaped area and, for the additional reasons noted above, the placement of the Project Sign will have no impact.

(e) The Special Use Permit will not adversely affect or interfere with public or private schools, water supplies, sewage disposal, transportation or other requirements, conveniences and improvements. As noted above, the placement of the Project Sign will have no impact on these items.

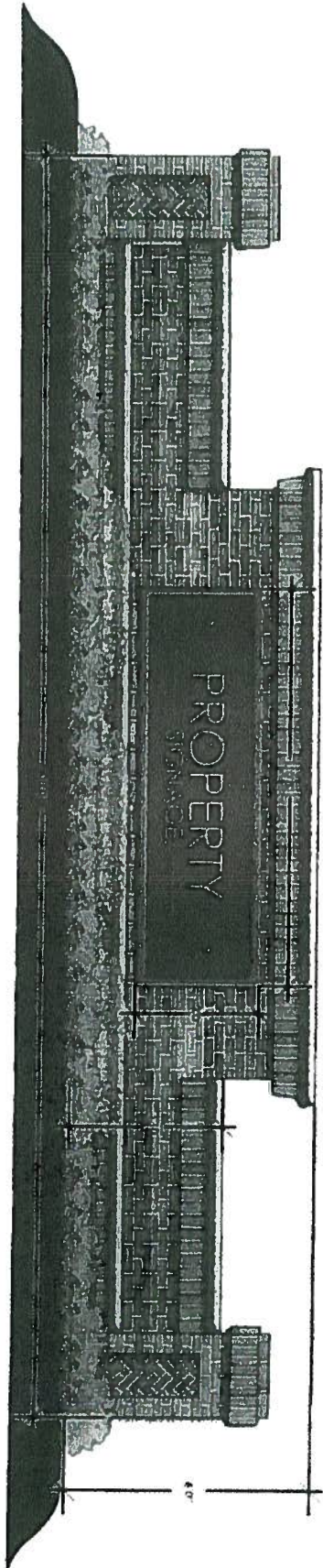
(f) The Special Use Permit will not interfere with adequate light and air. The requested Project Sign and the surrounding landscaping will have no impact on the supply of adequate light and air.

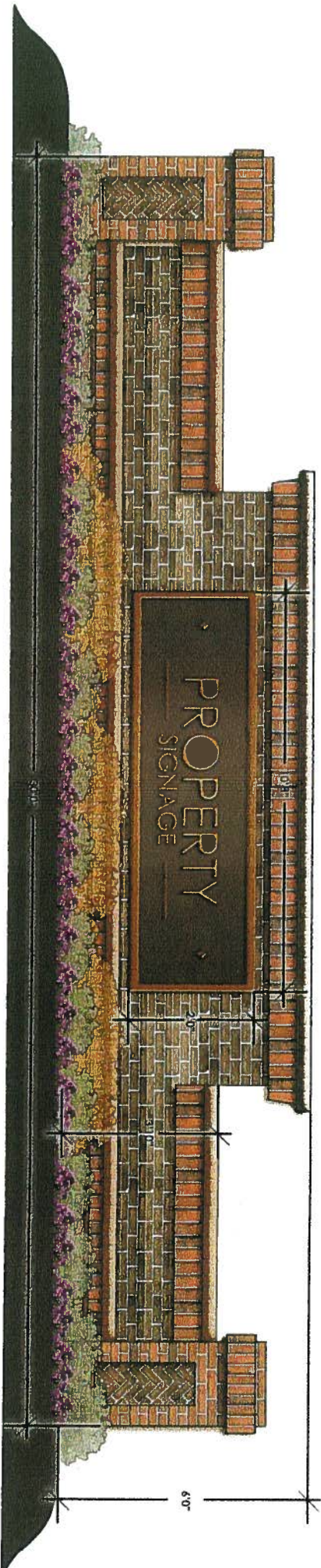
6. Summary. The Special Use Permit to allow the Applicant to install the Project Sign on the Property to identify, brand and market the Jahnke Road Development will only have beneficial effects on the community. The Project Sign will help promote the Jahnke Road Development, which will be a catalyst for the corridor, provide a major investment in an underutilized tract of land, encourage other investment in the corridor, and allow the City to realize a return on its prior investment in improvements for German School Road and prior and future investments in Jahnke Road. Furthermore, no deviations from the Sign Requirements are being requested except for the placement of the Project Sign on the Property. On the basis of the foregoing, we respectfully request that the City Council grant the Special Use Permit to allow the Applicant to place the Project Sign on the Property.

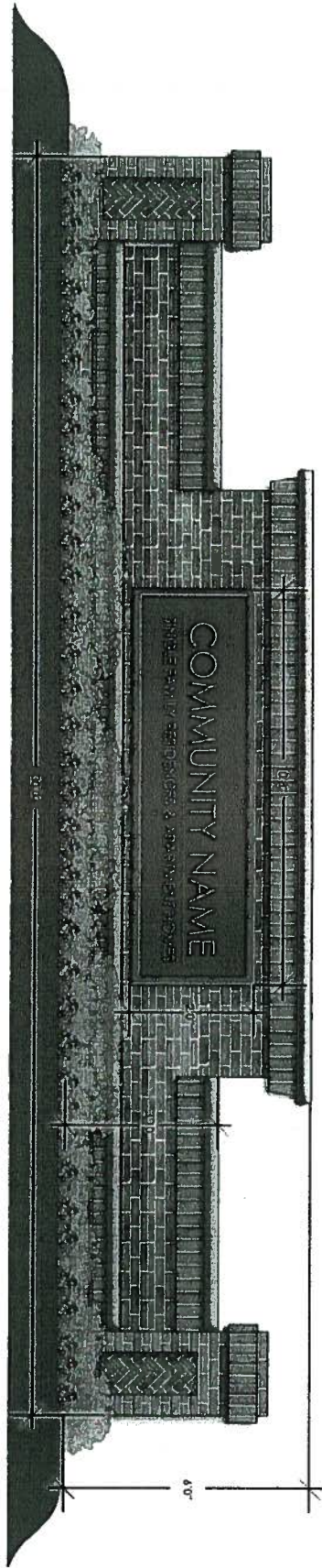
Respectfully submitted,



Jeffrey P. Geiger







BILEY DEVELOPMENT SIGNAGE
 VIRGINIA BEACH, VA
 ELEVATION



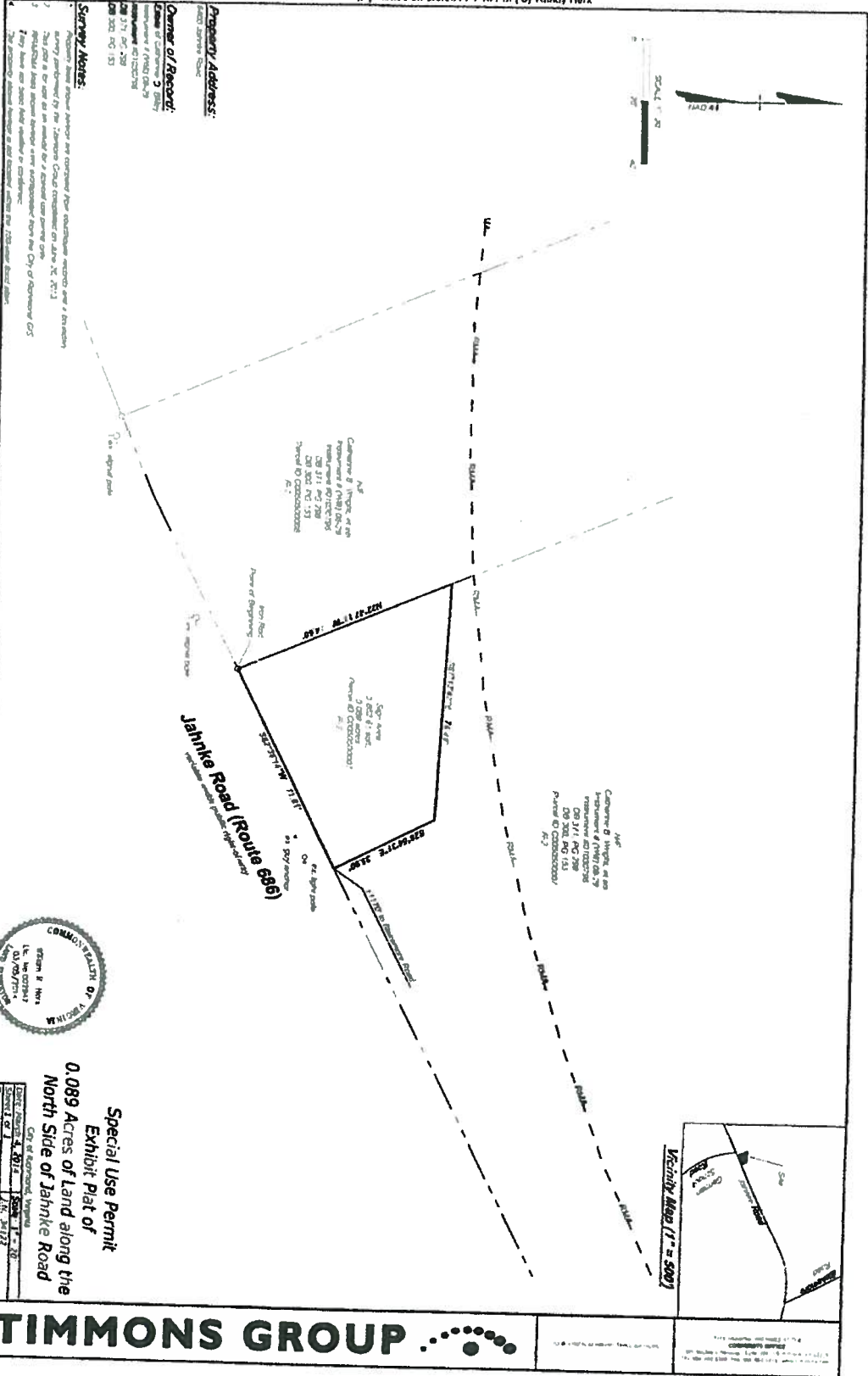


**SITE PLAN FOR PROJECT SIGN FOR
 JAHRIKE ROAD PROPERTIES, LLC
 PROPOSED RESIDENTIAL COMMUNITY ON
 'BLILEY PROPERTY'**

NOTES: 1. All dimensions are in feet and inches. 2. All dimensions are to the centerline of the road. 3. All dimensions are to the centerline of the road. 4. All dimensions are to the centerline of the road. 5. All dimensions are to the centerline of the road.

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| <h1>TIMMONS GROUP</h1> | | <p>YOUR VISION ACHIEVED THROUGH CARE.</p> | | <p>THIS DRAWING PREPARED BY THE COMPANY'S OFFICE 1000 Piedmont Parkway, Suite 300, Richmond, VA 23220 TEL: 804.253.4200 FAX: 804.253.4205 www.timmons.com</p> | |
| <p>BLILEY PROPERTY CITY OF RICHMOND - VIRGINIA</p> | | <p>DATE: _____</p> | | <p>SCALE: _____</p> | |
| <p>PROJECT NO: _____</p> | | <p>DATE: _____</p> | | <p>SCALE: _____</p> | |
| <p>DATE: _____</p> | | <p>DATE: _____</p> | | <p>SCALE: _____</p> | |

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Special Use Permit
Exhibit Plat of
0.089 Acres of Land along the
North Side of Jahnke Road

DATE: 03/05/2014
 TIME: 1:10 PM
 BY: R. HERX
 FOR: T. HERX



190104122 Hwy Property
 08/31/2007, 151