



Legislation Text

File #: ORD. 2021-097, **Version:** 1

To authorize the special use of the property known as 1500 North Lombardy Street for the purpose of four wall signs, upon certain terms and conditions. (3rd District)

WHEREAS, the owner of the property known as 1500 North Lombardy Street, which is situated in an Institutional District, desires to use such property for the purpose of four wall signs, which use, among other things, is not currently allowed by sections 30-511(2), concerning permitted sign area, and 30-930.6(a), concerning certificates of appropriateness, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), 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 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 (2020), 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 1500 North Lombardy Street and identified as Tax Parcel N000-0740/001 in the 2021 records of the City Assessor, being more particularly shown on 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 four wall signs, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Facelit Flush Mounted Channel Letters & Face & Channel Letters,” prepared by Talley Sign Company, dated November 2, 2018, and last revised December 21, 2019, 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 four wall signs, substantially as shown on the Plans.
- (b) The dimensions and materials of the Special Use shall be substantially 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,

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 (2020), 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 (2020), 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 (2020), 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 (2020), 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 Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, 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.

O & R Request

DATE: March 12, 2021 **EDITION:** 1

TO: The Honorable Members of City Council

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

THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic
Development and Planning

FROM: Kevin J. Vonck, Acting Director, Dept. of Planning and Development Review

RE: To authorize the special use of the property known as 1500 North Lombardy for the purpose of
four wall signs, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1500 North Lombardy for the purpose of four wall signs, upon certain terms and conditions.

REASON: The applicant is requesting a special use permit to allow for the continued use of four illuminated wall signs that are attached on the sides of the bell tower connected to the Belgian Building on the Virginia Union University campus. The existing signage exceeds the sign area permitted in the I- Institutional District. Additionally, the existing signs are located within the Belgian Building City Old and Historic District. The Commission of Architectural Review (CAR) denied the request for a Certificate of Appropriateness for the signage because it does not meet the City's historic preservation guidelines. A special use permit is therefore 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 May 3, 2021, meeting.

BACKGROUND: The subject property consists of a 27.21 acre parcel of developed land that contains numerous academic and residential university buildings. The property is located in the Virginia Union neighborhood and is generally situated between North Lombardy Street and Brook Road to the east, West Graham Road to the north, additional Virginia Union University land and residential parcels to the west and I-95/I-64 to the south.

The subject property is part of the Virginia Union University Campus, which is located in the I- Institutional Zoning District. The four signs are presently erected on a 165-foot tower that is part of the Belgian Building and is designated as the Belgian Building City Old & Historic District. The Zoning Ordinance permits a sign area of up to 32 square feet for signs visible from any street frontage, and where two or more main buildings are located on a lot (which is the case here), each building may be permitted to have a wall sign not exceeding 12 square feet in area.

Richmond 300 recommends a future land use of "Institutional" for the property, with primary uses recommended being institutional, cultural, government and open space. The property is also within the proximity of the VUU/Chamberlayne Neighborhood Node. The plan envisions the node becoming more pedestrian-oriented with streetscaping, pedestrian lighting and signage being added to North Lombardy Street and surrounding streets. The portion of N Lombardy Street that abuts the property is designated as a "major mixed-use street" on the Street Typologies Map in Richmond 300.

Objective 3.1 of Richmond 300 is to "preserve culturally, historically, and architecturally significant buildings, sites, structures, neighborhoods, cemeteries, and landscapes that contribute to Richmond's authenticity." Strategy k. under Objective 4.1 of Richmond 300 calls on the City to "promote an attractive environment by minimizing visual clutter and confusion caused by a proliferation of signage, ensuring that public and private signage is appropriately scaled to the pedestrian environment" in order to create and preserve high-quality, distinctive, and well-designed neighborhoods and nodes.

Additional institutional uses that are part of the Virginia Union University campus are located to the east and northwest of the subject property. A Richmond Police Department Training Facility exists to the north of the

subject property. Single-family and multi-family uses exist to the west and Interstate 95/64 exists to the south of the subject property.

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: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: April 12, 2021

CITY COUNCIL PUBLIC HEARING DATE: May 10, 2021

REQUESTED AGENDA: Regular

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning
Commission
May 3, 2021

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646-4856

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: