

INTRODUCED: June 26, 2017

AN ORDINANCE No. 2017-129

As Amended

To authorize the special use of the property known as 1704 Arlington Road for the purpose of [an] illuminated [~~canopy with~~] canopy signage, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JULY 24 2017 AT 6 P.M.

WHEREAS, the owner of the property known as 1704 Arlington Road, which is situated in a M-2 Heavy Industrial District, desires to use such property for the purpose of [an] illuminated [~~canopy with~~] canopy signage, which use, among other things, [~~is not currently allowed by~~] does not meet the area requirements of section 30-504 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: 9 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 9 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, the property known as 1704 Arlington Road and identified as Tax Parcel No. N000-1317/003 in the 2017 records of the City Assessor, being more particularly described in a deed recorded among the land records of the Clerk of the Circuit Court of the City of Richmond as Instrument No. 13-20135, 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 ~~[an]~~ illuminated ~~[canopy with]~~ canopy signage, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “3200 North Boulevard / Canopy,” prepared by Superior Signs, LLC, ~~[and]~~ dated August 5, 2016, and revised August 1, 2017, 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 ~~[use]~~ Special Use of the Property shall be as ~~[an]~~ illuminated ~~[canopy with]~~ canopy signage, substantially as shown on the Plans.

(b) The dimensions of the illuminated ~~[canopy and]~~ canopy signage shall not exceed the dimensions shown on the Plans.

(c) Illumination of the ~~[canopy and]~~ canopy signage 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 (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, or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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.

RECEIVED

City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.richmondgov.com

JUN 12 2017

Item Request

File Number: PRE. 2017.202

OFFICE OF CITY ATTORNEY

O & R REQUEST

4-6606

JUN 1 2017

Office of the
Chief Administrative Officer

O & R Request

DATE: May 30, 2017

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request) *LS 6/7/17*
(This in no way reflects a recommendation on behalf of the Mayor)

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

THROUGH: Peter L. Downey, Jr., Deputy Chief Administrative Officer for Economic Development and Planning *PLD 6-1-17*

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

RE: To authorize the special use of the property known as 1704 Arlington Road for the purpose of an illuminated canopy with canopy signage, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 1704 Arlington Road for the purpose of an illuminated canopy with canopy signage, upon certain terms and conditions.

REASON: The applicant is proposing an illuminated canopy with canopy signage. An illuminated canopy, as proposed, is not permitted by the zoning ordinance. 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 July 17, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 28,567 SF or .656 acre parcel of land improved with a convenience store / gas and service station constructed, per tax assessment records, in 1988. The property is located in the Near West Planning District at the intersection of Arlington Road and North

Boulevard, along Interstate 95.

The City of Richmond's current Master Plan designates a land use category for the subject property as Commercial General. Primary uses for this category are "...a broad range of office, retail, general commercial, wholesale and service uses, typically located along major transportation corridors and serving large portions of the City, the region or the traveling public. Land uses in this category are typically of larger scale and intensity than Community Commercial uses, and may not always be highly compatible with residential areas." (Richmond Master Plan, Chapter 10, Land Use, p. 135)

The City's Master Plan makes further recommendations for that portion of the Boulevard where the above referenced property is located. "The commercial designation is meant to serve highway traffic as well as visitors to the Diamond and Sports Backers stadiums... (and) ...to support linkages to the Museum and tourist activities on the Boulevard, Hermitage Road and Broad Street. Streetscape, design and traffic circulation improvements should be implemented to help revitalize and improve the appearance of the corridor providing an attractive gateway into the City, and enhanced pedestrian environment." (Ibid. p. 240)

Adjacent and nearby properties are primarily of the same M-2 Heavy Industrial with M-1 Light Industrial zoned properties on the opposite side of the Boulevard.

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: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: June 26, 2017

CITY COUNCIL PUBLIC HEARING DATE: July 24, 2017

REQUESTED AGENDA: Regular

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, July 17, 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: Draft Ordinance, Application Form, Applicant's Report, Plans, Map

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

PDR O&R No.17-12



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) 646-6304
<http://www.richmondgov.com/>

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: Petroleum Carriers LLC Date: 08/29/2016

Property Address: 1704 Arlington Road Tax Map #: N0001317003

Fee: _____ Total area of affected site in acres: 0.656
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: M-2 - Heavy Industrial

Existing Use: Gas Station

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)

Gas Station

Applicant/Contact Person: Henry Moore

Company: Superior Signs LLC

Mailing Address: 2510 Willis Road

City: N. Chesterfield State: VA Zip Code: 23237

Telephone: (804) 347-2239 Fax: (804) 743-9250

Email: dm@SuperiorSignsRVA.com

Property Owner: 3200 N BOULEVARD PROPERTY MANAGEMENT LLC

If Business Entity, name and title of authorized signee: Jan L. Major, Manager

(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: 8342 COMPASS DRIVE

City: MECHANICSVILLE State: VA Zip Code: 23116

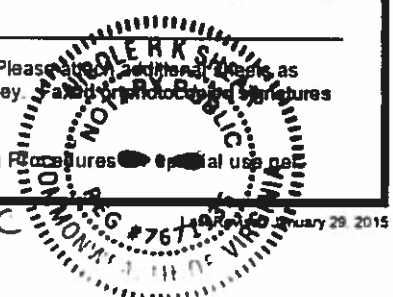
Telephone: (804) 241-7812 746-8640 Fax: ()

Email: _____

Property Owner Signature: Jan L. Major

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach original signatures as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Failed or non-compliant 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)



THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 9/12/16 BY JAN MAJOR

W. S. Weaver - NOTARY PUBLIC
EXP. 10/31/20

APPLICANT'S REPORT

Proposed fuel canopy signage on the property at 3200 North Boulevard

Subject property is located in the M-2 Heavy Industrial district and used as a retail gas station and convenience store. There is no sign area limitation on the property; except as it applies to signs displayed on service station pump island canopies.

We proposed to install two (2) signs onto the canopy, each having an area of 12.45 square feet. Also proposed are 24" illuminated sign bands displayed around three (3) sides of the canopy per the attached plans.

Two (2) - eight (8) employees work on site and the hours of operation are 6:00 am - midnight daily. This facility expects to serve approximately three hundred sixty (360) customers a day.

There is no signage on the building and the preferred location for branding the business is on the fuel canopy to allow an enhanced sight line to oncoming vehicular traffic.

The proposed signage will promote vehicular traffic safety by more clearly identifying the business in advance of the I-95 entrance for northbound travelers on the Boulevard.

The proposed signage is a standard design of this international brand.

For this and other obvious reasons, the proposed special use for signage will not:

- Be detrimental to the safety, health, morals and general welfare of the community involved;
- Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved;
- Create hazards from fire, panic or other dangers;
- Tend to cause overcrowding of land and an undue concentration of population;
- Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage
- Disposal, transportation or other public requirements, conveniences and improvements; or
- Interfere with adequate light and air.

The property is bounded on the north line by I-95, where the roadway is elevated approximately 20 feet above the lot grade. As such, the signage will have no affect on properties to the north of the i-95 overpass.

The adjacent properties to the south of this address are industrial in nature or presently vacant.

For these reasons, we feel the proposed signage and canopy improvements will not be detrimental to surrounding areas and serve to distinguish a commercial enterprise within this industrial area.

Deed prepared by:
William L. Jeffries, Jr., VSB 04144

This deed was prepared without a title examination
Tax Parcel No. N0001317003

13- 20135

THIS DEED, dated August 27, 2013, exempt from taxation pursuant to Section 58.1-811 A.10. & C. of the Code of Virginia of 1950, as amended, by and between THOMAS OLIVER MAJOR, JR. (the "Grantor"); and 3200 N. BOULEVARD PROPERTY MANAGEMENT, LLC, a Virginia limited liability company, (the "Grantee");

WITNESSETH:

That for good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor hereby grants and conveys, with general warranty and, except as hereinafter set forth, with English covenants of title, unto the Grantee, the following described real property (the "Property"), to wit:

ALL that certain piece or parcel of land in the City of Richmond, Virginia, bounded and described as follows:

BEGINNING at the point of intersection of the west line of the Boulevard and the northern line of Arlington Road; thence running in a northerly direction and fronting on said western line of the Boulevard a distance of one hundred seventy-six and twelve hundredths feet (176.12') to the property conveyed to Lillie F. Johnson by John T. Wingo, James W. Gordon and Horace H. Edwards, Special Commissioners; thence from said point and running back westwardly along the southern line of the Johnson property and an extension thereof a distance of two hundred twenty-two and nine-tenths (222.9') feet to a point on the eastern line of the property conveyed to the United States of America by H. Carter Redd, James W. Gordon, Jr., Horace H. Edwards and John T. Wingo, Special Commissioners; thence in a southerly direction along the eastern line of the property conveyed to the United States of America, a distance of one hundred sixty-two and thirty-three hundredths (162.33') feet, to the northern line of Arlington Road; thence in an eastern direction along the northern line of Arlington Road a distance of one hundred fifty (150') feet to the point of beginning; all as more fully shown on copy of a plat thereof, dated May 17, 1945, made by Chas. H. Fleet, Certified Civil Engineer, entitled "PLAT OF PROPERTY SITUATED ON THE NORTHWEST CORNER OF ARLINGTON ROAD AND THE BOULEVARD, RICHMOND, VA", which is recorded in the Clerk's Office, Circuit Court, City of Richmond, Virginia, in Deed Book 450D, page 213;

LESS AND EXCEPT that parcel conveyed to the Richmond-Petersburg Turnpike Authority by deed dated February 27, 1957 and recorded February 18, 1957, in

Deed Book 577D, page 147.

BEING a part of the same real estate conveyed to Thomas Oliver Major, Sr. and Thomas Oliver Major, Jr., by deed from Thomas Oliver Major, Sr., sole surviving Executor and Trustee under the will of R. Hunter Major, Jr., deceased, dated November 5, 1998, recorded November 10, 1998, in the aforesaid Clerk's Office, as instrument no. 98-30398. Thomas Oliver Major, Sr. died intestate in Henrico County, Virginia, and was survived by the Grantor, Thomas Oliver Major, Jr., his sole heir at law.

This conveyance is subject to conditions, restrictions and easements of record as they may lawfully apply to the Property.

WITNESS the following signature and seal:

Thomas Oliver Major, Jr.
Thomas Oliver Major, Jr.

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Henrico, to-wit:

The foregoing instrument was acknowledged before me this 30 day of August 2013, by Thomas Oliver Major, Jr.

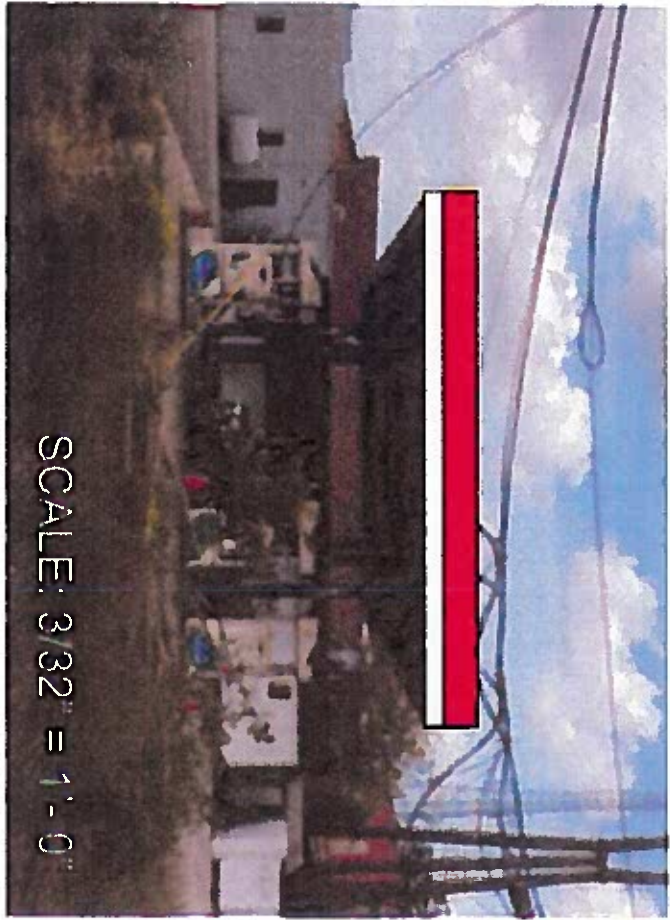
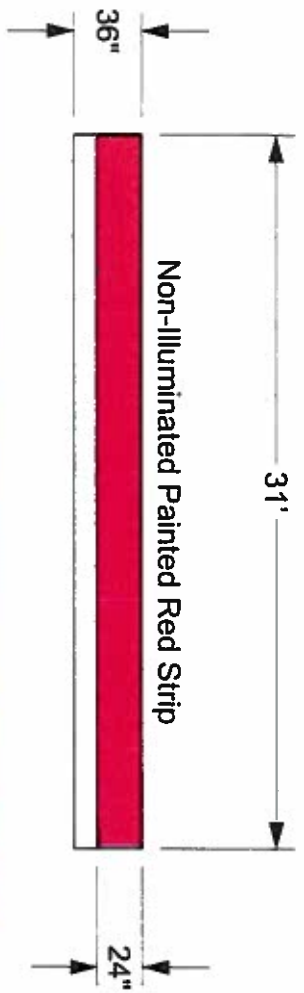
WLF
Notary Public
My commission expires: 7/31/17
Registration No. 144926

Grantee's Address:
c/o Thomas Major, Jr., Manager
8342 Compass Drive
Mechanicsville, VA 23116



INSTRUMENT #130020135
RECORDED IN THE CLERK'S OFFICE OF
CITY OF RICHMOND ON
SEPTEMBER 3, 2013 AT 02:01PM

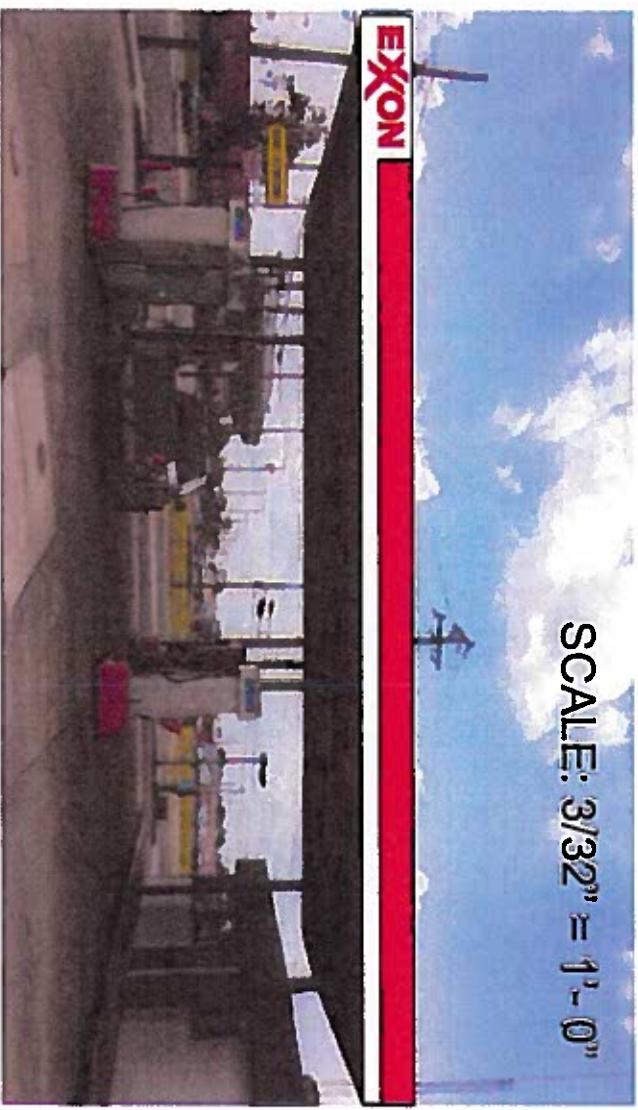
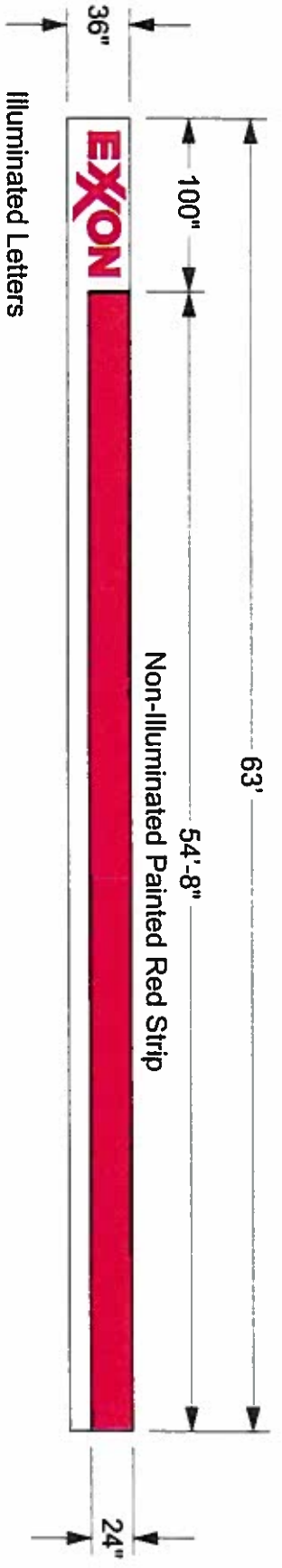
BEVILL M. DEAN, CLERK
RECORDED BY: VEB



2510 Willis Road, Richmond, Virginia 23237
 Phone: 804-271-5685, Fax: 804-743-9250
 SuperiorSignsRVA.com

Customer: Exxon - Synergy Job Location: 3200 North Boulevard
 Date: 8-5-16 Salesperson: H M Drawn By: C M Revisions: 8-1-17 Scale: 1/8" = 1'-0"
 Type of Signage: Canopy Signage
 File Name: 3200 North Boulevard / Canopy Customer Approval:

This drawing must be approved and signed by the customer before production can begin. Any changes made after the drawing has been approved will be done at the customer's expense. This drawing is the property of Superior Signs, LLC and may not be shown to anyone outside of the customer's own organization. Duplication or distribution of this drawing without the written permission of Superior Signs, LLC is prohibited by law and will be taken very seriously.



2519 Willis road, richmond, Virginia 23237
 phone: 804-271-5685 fax: 804-743-9250
 SuperiorSignsRVA.com

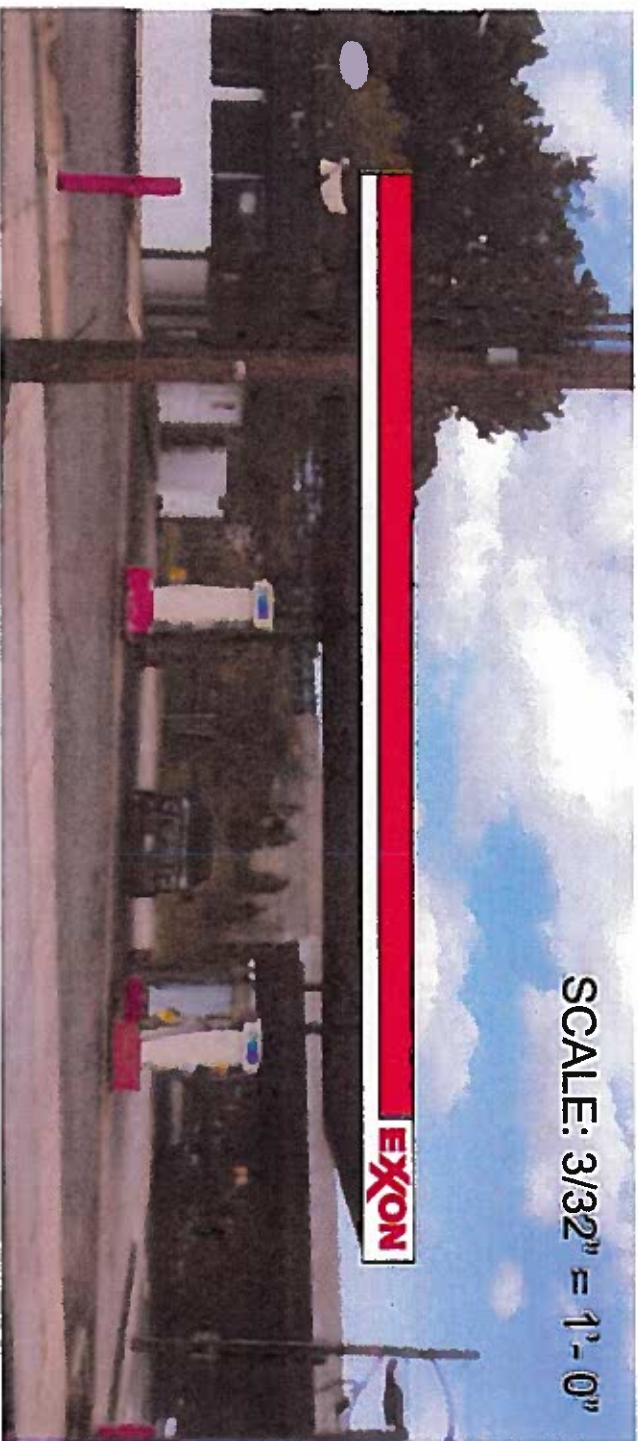
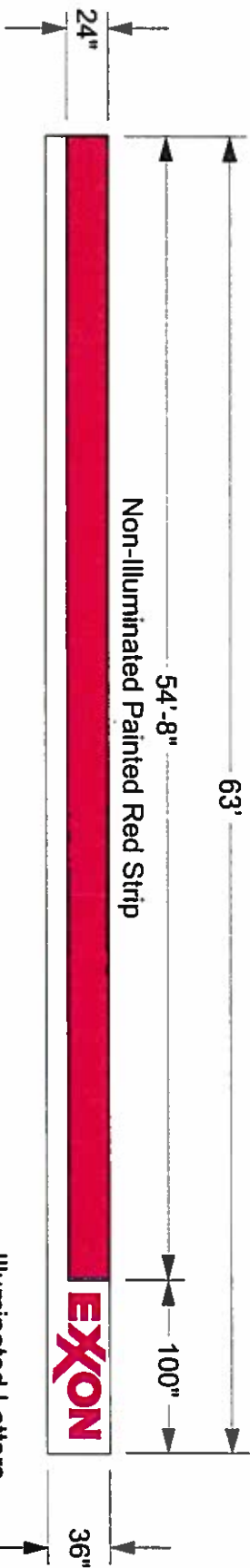
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**SUPERIOR
SIGNS**

2610 Willis Road, Richmond, Virginia 23237

Phone: 804-271-5685 Fax: 804-743-9250

SuperiorSignsRVA.com

Customer: Exxon - Synergy

Job Location: 3200 North Boulevard

Date: 8-5-16

Salesperson: H M

Drawn By: C M

Revisions: 8-1-17

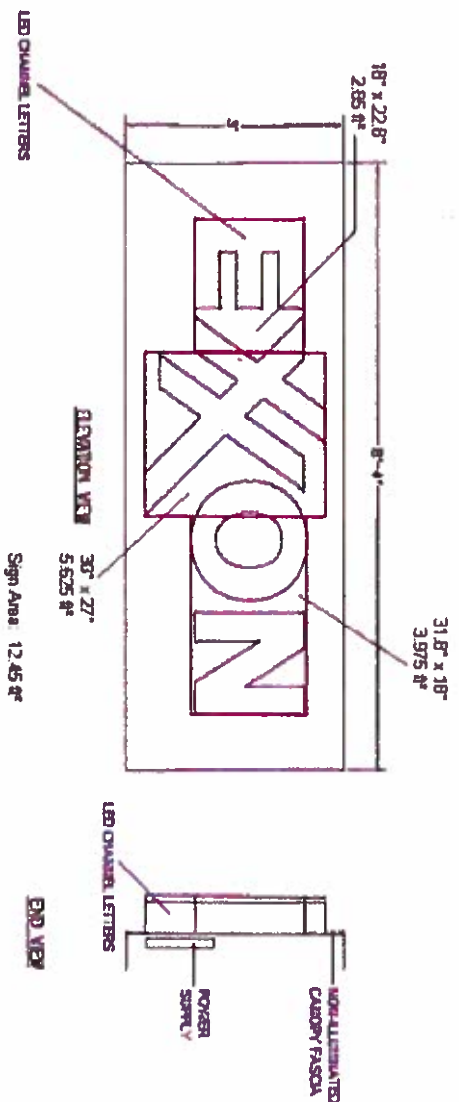
Scale: 1/8" = 1'-0"

Type of Signage: Canopy Signage

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**SUPERIOR
SIGNS**

2510 Willis Road, Richmond, Virginia 23237
 phone: 834-271-5685 fax: 804-743-9250
 SuperiorSignsRVA.com

Customer: Exxon - Synergy

Job Location: 3200 North Boulevard

Date: 8-5-16

Salesperson: H M

Drawn By: C M

Revisions: 8-1-17

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