

9755



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/>

RECEIVED

AUG 25 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: 8th & Main Building Signs Date: 08/22/2014

Property Address: 707 East Main Street Tax Map #: W0000011014

Fee: \$1,800.00 Total area of affected site in acres: 0.697
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: B-4 Business

Proposed Use

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

Existing Use: South-facing wall sign by variance
Is this property subject to any previous land use cases?

Yes No

If Yes, please list the Ordinance Number:

Variance - Case Nos. 39-98 and 74-98

Two roof-mounted wall signs on lower roof
in front of penthouse: one on south eleva-
tion and one on west elevation of building.

Applicant/Contact Person: Brian K. Jackson, Esquire

Company: Hirschler Fleischer, A Professional Corporation

Mailing Address: Post Office Box 500

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

Telephone: (804) 771-9545 Fax: (804) 644-0957

Email: bjackson@hf-law.com

Property Owner: Dominion Resources, Inc., Attn: C.B. Garrett, Real Estate

If Business Entity, name and title of authorized signee: Jared Howe, Supervisor Facilities-Contract Services

Mailing Address: 701 East Cary Street

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 771-3329 Fax: (866) 298-7416

Email: jared.b.howe@dom.com

Property Owner Signature:

(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)

September 23, 2014

BY HAND

The Honorable Council of the City of Richmond
c/o Department of Planning and Development Review
Land Use Administration Division
Attention: Ms. Lory Markham
900 East Broad Street, Room 511
Richmond, Virginia 23219

RECEIVED
SEP 23 2014
LAND USE ADMINISTRATION

RE: Revised Applicant's Report for Special Use Permit Application for Dominion Resources, Inc. (the "Applicant" and "Dominion"), to Place Signage on the 8th and Main Building at 707 East Main Street

Dear Ladies and Gentlemen:

In compliance with the administrative policy of the Department of Community Development and on behalf of the Applicant, the undersigned submits the following report in connection with the Special Use Permit Application to allow the placement of two roof mounted signs (the "Dominion Signs") on the 8th and Main Building, located at 707 East Main Street (the "Building"). The locations of the proposed Dominion Signs, as shown on the enclosed photographic illustrations, do not meet the City of Richmond's requirements for street frontage and the limitation to wall signs in a B-4 Business district. The Building is shown on the enclosed survey plat prepared by Youngblood, Tyler and Associates, P.C., dated October 17, 2007 and enclosed herewith as "**Exhibit A - Survey**". The Applicant desires to install the Dominion Signs to identify and brand the Building and highlight the company's proud commitment to maintain office facilities in the City of Richmond.

Dominion proposes installing two roof mounted signs: one on the South elevation of the Building and one on the West elevation of the Building. Each of the Dominion Signs would be mounted on the Building's lower roof in front of the penthouse, approximately three (3) feet from the edge of the Building. The locations are shown on the enclosed "**Exhibit B - Photo Illustrations**" depicting the former Merrill Lynch and proposed Dominion Signs. Additionally, the design elements, materials and installation specifications for the Dominion Signs are shown on the enclosed sign design plans prepared by Architectural Graphics Incorporated, dated July 16, 2014 and enclosed herewith as "**Exhibit C - Sign Plans**".

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

Other than the placement of the Dominion Signs on the Building, the Applicant is not requesting any other deviations from the applicable sign requirements for the B-4 Business district (Central Business) as set forth in the City's Zoning Ordinance (the "Sign Requirements").

1. Background.

(a) Dominion Ownership. The applicant, Dominion Resources, Inc., is a public utility holding company that has served the Richmond area and beyond for over 100 years as Virginia Electric Power Company, dba Dominion. In 2008, Dominion purchased the Building, whose primary tenant was Merrill Lynch, in order to accommodate additional employees in downtown Richmond. Today, the Building serves as office space for over 500 Dominion employees occupying the majority of the Building's twenty stories.

(b) Former Sign. Until recently, the Building had a "Merrill Lynch" sign located on the penthouse wall facing South, approximately 19 feet from the edge of the South elevation of the Building (see pages 3 and 6 of "**Exhibit B - Photo Illustrations**"). The Merrill Lynch sign was removed in the spring of 2014. The Merrill Lynch sign was permitted by the City by a zoning variance granted in May/August 1998 allowing a sign of $397.5 \pm$ sq.ft., in area. The variance was necessary because the zoning ordinance did not permit a sign on the South elevation due to lack of street frontage (at that time, a private alley adjoined the South elevation of the Building). Today, that alley and all property between the Building and Cary Street is owned by Dominion.¹ The Dominion Signs would be smaller in size (only $\sim 246.0 \pm$ sq.ft.)² than the former Merrill Lynch sign, and in the case of the South elevation of the Building, only a few feet away, mounted on the roof. The Merrill Lynch sign had letters that were 6 feet 8 inches in height, while the Dominion Sign's letters will be only 4 feet in height. One of the proposed Dominion Signs would replace the Merrill Lynch sign on the South elevation of the Building and the second sign would be in an identical location on the West elevation of the Building. Unfortunately, the proposed Dominion Signs are not permitted as roof mounted signs by the current zoning ordinance, even though they would be on a lower roof, not at the highest point of the building.

(c) Precedent. The City has allowed roof mounted signs for other downtown buildings. The Hilton Garden Inn at 501 East Broad Street has a roof mounted sign (the "Hilton Garden Inn Sign") on the north side of the building facing Broad Street (see the enclosed "**Exhibit D – Nearby Roof-Mounted Sign**"). The Hilton Garden Inn Sign was allowed by a Special Use Permit for a roof mounted sign depicting the name of the Hotel.

(d) Wall Signs Not Feasible. Dominion recently completed a visibility study with Sign Services Inc., and signage was strongly recommended for the South and West elevations of the Building. The study recommended that the two signs be mounted on the lower roof due to the

¹ Accordingly, lack of street frontage is no longer an issue with regard to the South elevation of the Building.

² See method of sign measurement on Plan attached to this Applicant's Report.

Building's architecture. Specifically, the all-glass walls of the Building will not reasonably accommodate signs on the face of the Building, which placement would block the Building's office windows and produce a poor esthetic result (not to mention the evening glare into adjacent building offices from a lighted sign).

2. Special Use Permit Request. Approval of the Special Use Permit for the placement of the Dominion Signs as shown on the Photo Illustrations will allow Applicant, an organization which has reputedly served individuals and businesses in the City for many years, to (i) accomplish its identity, branding and marketing objectives, (ii) promote its presence, (iii) direct people to the Building, and (iv) add to the esthetic quality of the downtown community. Additionally, having roof mounted signs approximately three feet from the Building edge, will achieve greater street level visibility than the former Merrill Lynch sign on the penthouse wall. Installation of a second sign on the West elevation of the Building will somewhat compensate for the loss of visibility of the Building and the South facing sign caused by the new Gateway Plaza building at Cary and 8th Streets. Likewise, the proposed West elevation signage provides opportunities for greater visibility. There are many areas within the city limits in close proximity to the Building where the West elevation will be the most visible elevation.

To accomplish the Applicant's identity, branding and marketing objectives, the Dominion Signs need to be located on the South and West elevations of the Building where they will be visible from the street level and the adjacent major thru-fares. It is also important to note that the proposed Dominion Signs will be not only smaller in size, but also lower in height than the former Merrill Lynch sign permitted by the 1998 zoning variance, and the Dominion Signs will not be higher than the highest point of the Building (see figures R1 and R2 of the Photo Illustrations).

3. Sign Design and Installation Specifications. The Dominion Signs will be constructed in accordance with the Sign Plans and in the location shown by the Photo Illustrations. The Dominion Signs will be internally illuminated with LED fixtures, preferred for longevity and efficiency, integrated into the Signs. The Dominion Signs will be mounted on the roof with steel supports in the area shown between the Building edge and the penthouse wall on page 6 of the Photo Illustrations.

4. Summary of All Exterior Dominion Signage. In addition to the proposed Dominion Signs, each totaling approximately 246.0 ± sq.ft., in area, the Applicant has installed four other street level Dominion signs on the Building. The aggregate size of these four signs is 27.83 ± sq.ft., in area.

5. Neighborhood. The area surrounding the Building consists of a mix of urban commercial and office uses with the adjacent area dominated by high-rise office buildings.

6. Community Benefits. Approval of the Special Use Permit will allow the Dominion Signs to be placed in the most attractive and logical location on the Building. In addition to notifying the public and community of the location of Applicant's offices, the Dominion signs will complement the existing skyline by enhancing the esthetic quality of the downtown community, especially at night,

with their subdued blue glow in the skyline. Accordingly, the Dominion Signs will only have beneficial effects on the community.

7. 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 promote its services and notify the community of its location.

(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 Dominion Signs should have no impact on congestion in the area.

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

(d) The Special Use Permit will not tend to overcrowd the land and cause an undue concentration of population. The placement of the Dominion Signs will have no such 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. The placement of the Dominion Signs will have no negative impact on any of the foregoing.

(f) The Special Use Permit will not interfere with adequate light and air. No improvement will be constructed on the Building or property that would create such impediments or that will have any impact on the supply of adequate light and air.

8. Summary. The Special Use Permit to allow the Applicant to install the Dominion Signs on the Building in order to promote the services it has provided to the City for decades and to notify the public of its office location, will have only beneficial effects on the community. Furthermore, no deviations from the Sign Requirements are being requested except for the placement of the Dominion Signs on the Building. On the basis of the foregoing, we respectfully request that City Council grant the Special Use Permit to allow the Applicant to place the Dominion Signs on the Building.

Respectfully Submitted,



Brian K. Jackson