

INTRODUCED: February 10, 2020

AN ORDINANCE No. 2020-041

To amend and reordain Ord. No. 2017-129, adopted Oct. 9, 2017, which authorized the special use of the property known as 1704 Arlington Road for the purpose of illuminated canopy signage, to modify the permitted uses, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 9 2020 AT 6 P.M.

I. That Ordinance No. 2017-129, adopted October 9, 2017, is hereby amended and reordained as follows:

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 illuminated canopy signage, which use, among other things, does not meet the area requirements of section 30-504 of the Code of the City of Richmond (2015), as amended, and for the purpose of a freestanding sign, which use, among other things, is not currently allowed by section 30-454.6 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUL 27 2020 REJECTED: _____ STRICKEN: _____

(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 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]~~ 2020 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]~~ Ordinance No. 2017-129, adopted October 9, 2017, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of illuminated canopy signage and a freestanding sign, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “3200 North Boulevard / Canopy,” prepared by Superior Signs, LLC, 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]~~ Ordinance No. 2017-129, adopted October 9, 2017, and on the plans entitled “3200 North Boulevard / Hi-Rise,” prepared by Superior Signs, and dated January 9, 2020; “ExxonMobil,” prepared by Federal Heath Visual Communications, and dated April 4, 2018; “Exxon 140 Double Pole Sgn, Principal Quik Stik LED Illumianted [sic],” prepared by Federal Heath Sign Company, and dated February 26, 2018; and the untitled sheet, prepared by an unknown preparer, and undated, hereinafter referred to collectively as “the Plans,” copies of which are attached to and made a part of this amendatory 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 illuminated canopy signage, substantially as shown on the [Plans] plans attached to Ordinance No. 2017-129, adopted October 9, 2017, and a freestanding sign substantially as shown on the Plans attached to and made a part of this amendatory ordinance.

(b) The dimensions of the illuminated canopy signage shall not exceed the dimensions shown on the [Plans] plans attached to Ordinance No. 2017-129, adopted October 9, 2017, and the dimensions of the freestanding sign shall not exceed the dimensions as shown on the Plans attached to and made a part of this amendatory ordinance.

(c) Illumination of the canopy signage shall be substantially as shown on the [Plans] plans attached to Ordinance No. 2017-129, adopted October 9, 2017, and illumination of the freestanding sign shall be internal. The lettering and logo on the freestanding sign shall be translucent and the background shall be opaque.

(d) The freestanding sign shall not exceed a height of 85 feet.

(e) The structural integrity of the freestanding sign shall be verified by a certified professional engineer prior to the issuance of a building permit for the freestanding sign and evidence of such verification shall be provided to the Director of Planning and Development Review.

(f) The freestanding sign structure and base shall have all loose and peeling paint removed after which it shall be painted black.

§ 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.

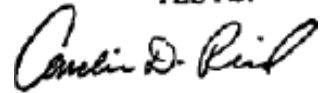
§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days 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.

II. This amendatory ordinance shall be in force and effect upon adoption.

A TRUE COPY:

TESTE:



City Clerk

City of Richmond

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

Item Request

File Number: PRE.2019.400

RECEIVED O & R REQUEST
JAN 17 2020
4-9513
DEC 17 2019

O & R Request THE CITY ATTORNEY

Office of the
Chief Administrative Officer

DATE: December 12, 2019

EDITION: 1

TO: The Honorable Members of City Council

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

JS 11/6/2019

THROUGH: Lenora G Reid, Acting Chief Administrative Officer *LR*

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

SE
MP

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

RE: To amend and reordain Ord. No. 2017-129, adopted Oct 9, 2017, which authorized the special use of the property known as 1704 Arlington Road for the purpose of illuminated canopy signage, to authorize a freestanding sign that exceeds the allowable height in the M-2 Heavy Industrial District, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To amend and reordain Ord. No. 2017-129, adopted Oct 9, 2017, which authorized the special use of the property known as 1704 Arlington Road for the purpose of illuminated canopy signage, to authorize a freestanding sign that exceeds the allowable height in the M-2 Heavy Industrial District, upon certain terms and conditions.

REASON: The subject property is located at 1704 Arlington Road and was developed with a service station with a convenience store. There is currently a sign structure on the property that is 77 feet tall, which exceeds the maximum sign height of 45 feet allowed in the M-2 Heavy Industrial District. The proposed sign face will extend four feet above the existing structure for a total height of 81 feet. 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 February 3, 2020, meeting.

BACKGROUND: The .656 acre subject property is located on the corner of Arlington Road and N. Arthur Ashe Boulevard, and adjacent to Interstate 95. It is located in the M-2 Heavy Industrial District and contains a motor vehicle fueling station with a convenience store.

There is currently a 77-foot high sign structure on the subject property, which dates from the 1960s. The Board of Zoning Appeals (BZA) authorized a variance in 2001 (Case No. 105-01) to allow the use of the sign that exceeds the maximum height of 45 feet allowed in the M-2 Heavy Industrial District. The BZA noted in their minutes that the existing grade differential impacted visibility of the business from the adjacent Interstate 95 and that strict application of the sign height requirements unreasonably restricts the use of the property.

City records indicate the existing sign structure has not contained sign facing since 2007 and has therefore lost its legal non-conforming status. In addition, the new sign face will increase the overall height of the structure to 81 feet. Therefore a Special Use Permit is required for the installation of a new sign. As part of this request, an engineering analysis verifying the structural integrity of the structure was provided to Land Use Administration on July 31, 2019.

The City of Richmond's current Master Plan designates a land use category for the subject property as General Commercial. 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 Arthur Ashe 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)

The properties adjacent to the west of the subject property are located in the M-2 Heavy Industrial District. The properties located to the south and east are in the M-1 Light Industrial District. The properties to the north, across the Interstate 95 corridor, are located in the B-2 Community Business District.

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: January 13, 2020

CITY COUNCIL PUBLIC HEARING DATE: February 10, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
February 3, 2020

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

RELATIONSHIP TO EXISTING ORD. OR RES.: Amend Ord. No. 2017-129

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: David Watson, Senior Planner, Land Use Administration 804-646-1036



SUP-049431-2019

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)

- [X] special use permit, new
[] special use permit, plan amendment
[] special use permit, text only amendment

Project Name/Location

Property Address: 1704 Arlington Rd. Date 01/24/2019

Tax Map #: Fee 1800.00

Total area of affected site in acres: 0.656

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

Zoning

Current Zoning: M-2 - Heavy Industrial

Existing Use Gas Station

Proposed Use

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

Gas Station

Existing Use Gas Station

Is this property subject to any previous land use cases?

Yes [X] No [] If Yes, please list the Ordinance Number: Ord 2017-00129

Applicant/Contact Person: Jeff Lee

Company: Superior Signs LLC

Mailing Address: 2510 Willis Rd.

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

Telephone: (804) 2,715,885 Fax: (804) 7,439,250

Email: jeff.lee@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) 7,468,640 Fax: ()

Email:

Property Owner Signature: [Handwritten 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)

APPLICANT'S REPORT

Proposed hi rise signage on the property at 1704 Arlington Rd.

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.

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

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.

We propose to refurbish the existing steel pylon sign structure with a new 107" x 192" LED Double Face Sign Cabinet to read "Exxon". The former Amoco sign has been removed but the large steel structure remains in place 53' South of the property line / right of way of Interstate 95 & 107' from the property line / right of way of the Southbound lane of North Boulevard.

The proposed signage will restore purpose to this structure and eliminate an eyesore along this entrance corridor to the City. In doing so, it allows the property owner to advertise the activities on site to the greatest audience travelling by his business; that is, Interstate 95.

The grade of the property along its North line by i-95, is 20 feet below its roadside grade; thus, this request to allow overall height of the proposed sign to remain approximately eighty (80) feet as originally designed,

The proposed special use to allow increased height of this 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.

For these reasons, we feel the proposed signage and canopy improvements will not be detrimental to surrounding areas and serve to enhance the North Boulevard Entrance Corridor by offering additional invitation for first exit for southbound traffic into the city in an area that has varied retail & services for travelers.



A Professional Corporation

2463 Boulevard
Colonial Heights, Virginia 23834
Telephone: 804.520.9015
Facsimile: 804.520.9016

TO: Superior Signs
2510 Willis Road
Richmond, VA 23237
Attn: Mr. Henry Moore

RE: 3200 N. Arthur Ashe Boulevard - Richmond, VA
Exxon Sign

DATE: July 31, 2019

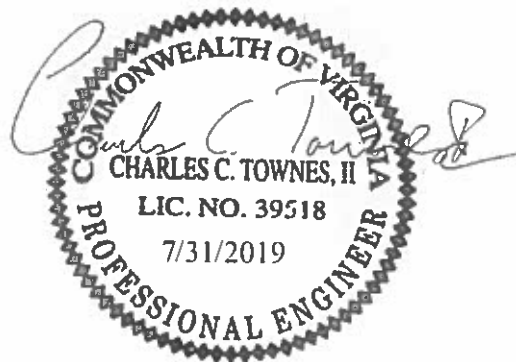
Dear Mr. Moore:

Please allow this letter to serve as my verification that I performed a visual inspection of the existing sign base and structure with respect to its structural integrity. Several photographs were taken during my inspection and are enclosed for reference. The existing sign structure and base are structurally in good condition with no cracks or broken welds being observed. The bolts anchoring the sign base are in good condition and the required nuts and washers are present. Cosmetically, the sign and base should have old paint that is peeling stripped off and the structure and base re-painted. If you have any questions or comments, please contact me to discuss.

Sincerely,

TOWNES, PC

Charles C. Townes, II, P.E., L.S.
President



[Enclosure]

cc: Townes, PC (file)

Virginia

Proposed

104.875" x 192" Cabinet

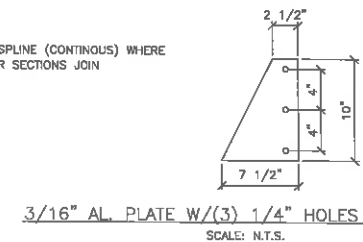
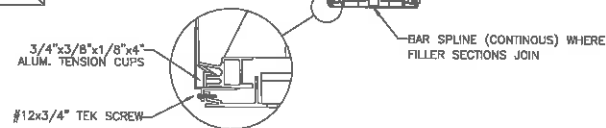
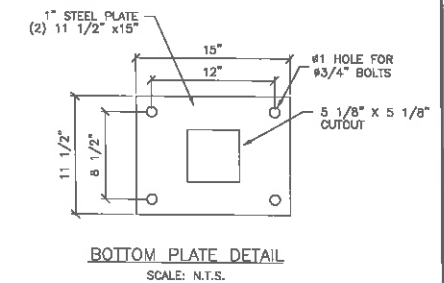
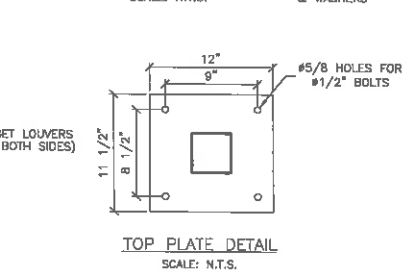
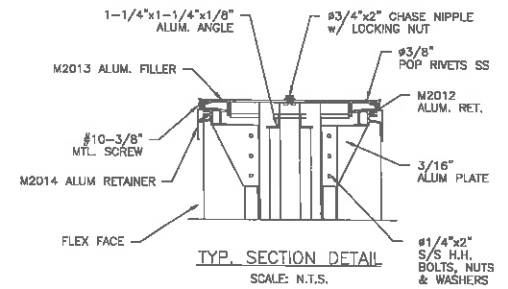
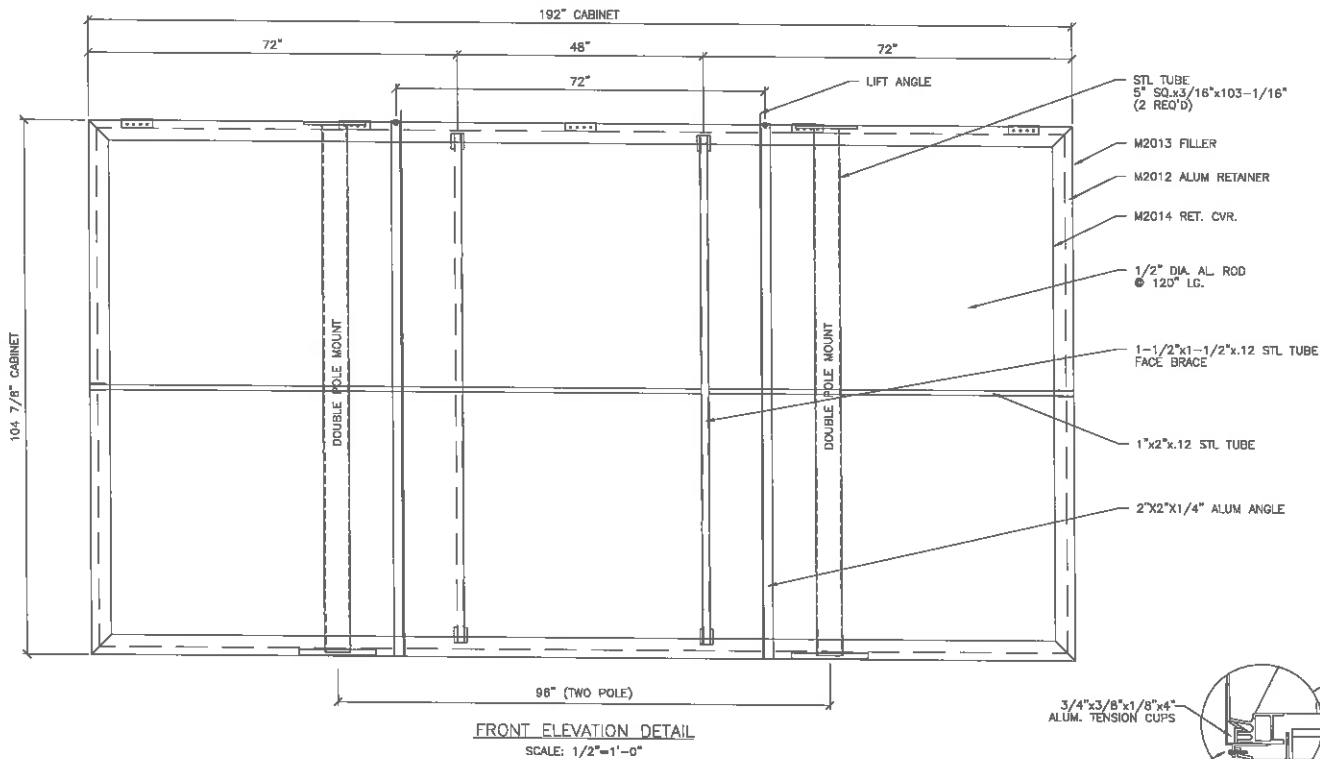
**140 Sq. Ft.
@ 85' OAH +/-**



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: 1-9-20	Salesperson: H M	Drawn By: C M	Revisions:	Scale: 3/32" = 1'-0"
Type of Signage: Hi-Rise				
File Name: 3200 North Boulevard / Hi-Rise	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 customers expense. This drawing is the property of Superior Signs, LLC and may not be shown to anyone outside of the customers 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.



SIGN SPECIFICATIONS:

SIGN SIZE:
AREA ... 139.8
ACTUAL SIZE ... 8'-8 7/8" x 16'-0"
APPROXIMATE WEIGHT ... 850 LBS
DESIGNED WINDLOAD ... 30 PSI

ELECTRICAL:
AMPS ... 9.36 TOTAL
CIRCUITS ... (1) 20
VOLTS ... 120
CABINET & RETAINERS ... GUN METAL GRAY

FEDERAL HEALTH SIGN COMPANY

1500 N. BOLTON, JACKSONVILLE, TX 75706
(903) 585-2100

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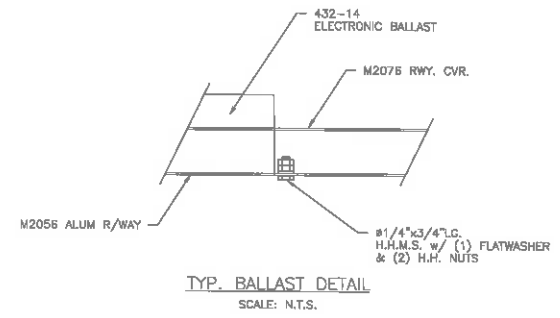
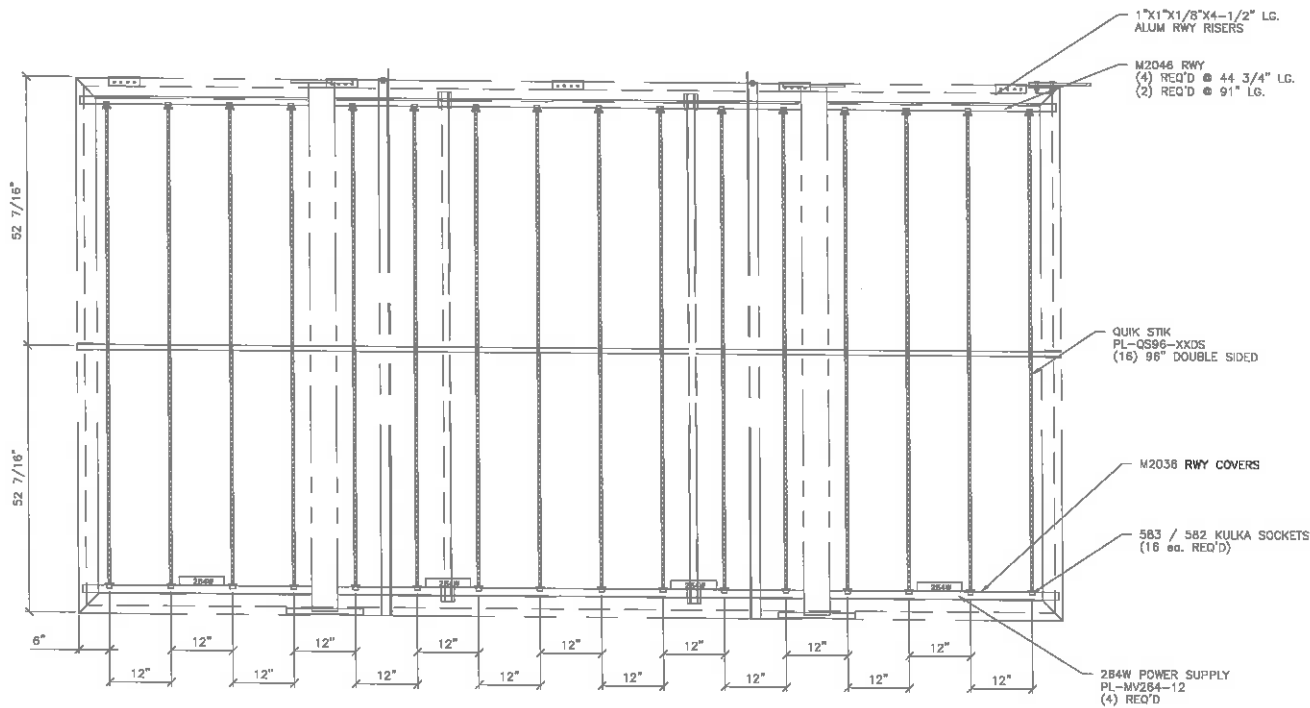
ELECTRICAL TO USE RAL-40 LISTED COMPONENTS AND SHALL MEET ALL RAL-40 STANDARDS

NO.	REVISIONS	DATE	BY

EXXON 140 DOUBLE POLE SGN
PRINCIPAL QUIK STIK LED ILLUMINATED

N/A N/A

JOB NO: 161196	P.DEHECK	SHEET NO: 1
DRAWN BY: GDA	02-26-18	OF: 2
DRAWING NO: EX1140DP_Qs		



ELECTRICAL ELEVATION
SCALE: 1/2"=1'-0"

FEDERAL HEALTH SIGN COMPANY
1500 N. BOLTON, JACKSONVILLE, TX 75766
(803) 583-2100

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H.L. Robertson Laboratories Inc. **ELC** ELECTRICAL TO USE I.L.-68 LISTED COMPONENTS AND SHALL MEET ALL U.S. STANDARDS

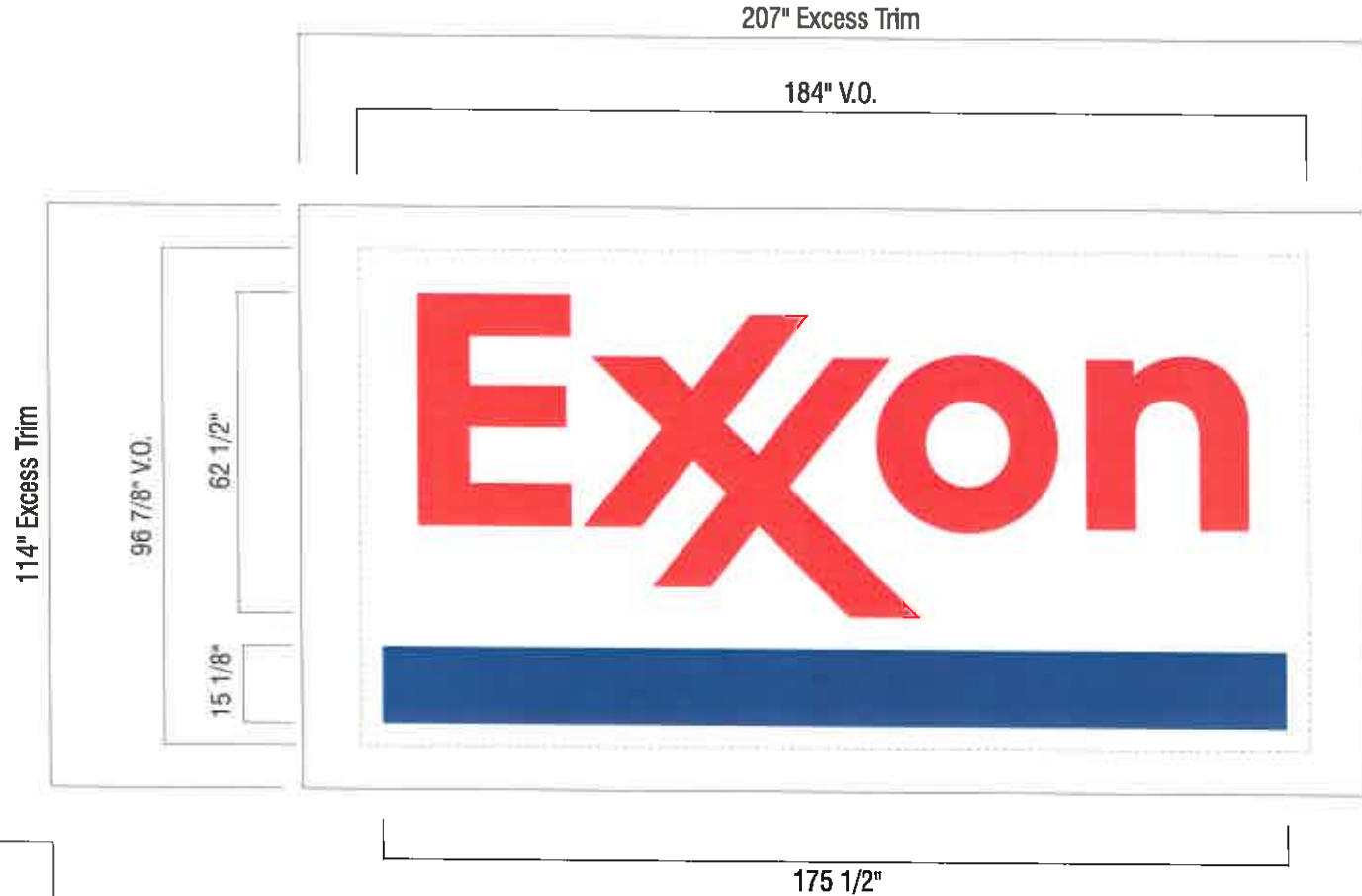
NO.	REVISIONS	DATE	BY
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EXXON 140 DOUBLE POLE SGN
PRINCIPAL QUIK STIK LED ILLUMIATED
N/A N/A

JOB NO: 161196
DRAWN BY: GDA
DRAWING NO: EX1140DP_Qs
P.DEHECK
02-26-16

SHEET NO: 2
OF: 2

140 SF Flex Face



COLORS

3M 3630-2590	Vinyl	Red
3M 3630-8248	Vinyl	Blue
		White



VISUAL COMMUNICATIONS
www.FederalHeath.com

1251 Washington St. Suite 245 Grafton, WI 53024
Phone (262) 377-2975 Fax (262) 377-3190

THIS DRAWING IS YOUR FINAL PROOF. IT SUPERCEDES ALL VERBAL AND WRITTEN COMMUNICATION BY SIGNING BELOW YOU ARE AUTHORIZING US TO MANUFACTURE TO THE ABOVE SPECIFICATION

Client Approval/Date:

Colors Depicted in This Rendering May Not Match Actual Finished Materials. Refer To Product Samples For Exact Color Match.

Account Rep:
Project Manager: **peggy DEHECK**
Drawn By: **m C**
UL Underwriters Laboratories Inc. nfc ELECTRICAL TO USE U.L. LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS
ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.S. AND ARTICLE 605 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL WIRING.



Job Number: **Ex181962**
Date: **04.04.18**
Sheet Number: **1** of **1**

Design Number:

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Property

Owner: 3200 N Boulevard Property Management Lic
Property Detail: [N0001317303](#)

Zoom to ...

refurbish existing pylon sign structure with new DF LED Cabinet



53'

107'

