

INTRODUCED: March 11, 2019

AN ORDINANCE No. 2019-080

To authorize the special use of the property known as 326 East Broad Street for the purpose of permitting signs with an aggregate area exceeding that permitted by the underlying zoning regulations, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 8 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 326 East Broad Street, which is situated in a B-4 Central Business District, desires to use such property for the purpose of including signs with an aggregate area exceeding that permitted by the underlying zoning regulations, which use, among other things, is not currently allowed by section 30-516, concerning sign regulations for the B-4 Central Business District, 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 (2018), 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

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

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 326 East Broad Street and identified as Tax Parcel No. N000-0026/016 in the 2019 records of the City Assessor, being more particularly described on a survey entitled “Encroachment Survey of No. 326 East Broad Street, in the City of Richmond, Virginia.,” prepared by McKnight & Associates, P.C., dated July 6, 2018, and last revised November 6, 2018, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of permitting signs with an aggregate area exceeding that permitted by the underlying zoning regulations, substantially as shown on the untitled plans prepared by Garris Signs, and dated August 10, 2018, 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 signs, substantially as shown on the Plans, of the aggregate area shown on the Plans, in addition to other uses permitted in the underlying zoning district in which the Property is situated. Signs permitted in all districts pursuant to section 30-505 of the Code of the City of Richmond (2015), as amended, shall also be permitted on the Property.

(b) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 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, 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.

City of Richmond

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

Item Request

File Number: PRE-2019-032

O & R REQUEST

RECEIVED

4-8587

FEB 28 2019

FEB 13 2019

OFFICE OF CITY ATTORNEY

Office of the
Chief Administrative Officer

O & R Request

DATE: February 12, 2019

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: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic Development and Planning

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

RE: To authorize the special use of the property known as 326 East Broad Street for the purpose of signage, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 326 East Broad Street for the purpose of signage, upon certain terms and conditions.

REASON: In the B-4 Central Business District, the aggregate area of all signs shall not exceed two square feet per each linear foot of lot. The property has 44 linear feet of lot frontage. Therefore, the aggregate area of all signs shall not exceed 87.34 square feet. The proposed aggregate area for the wall sign (31.94 square feet) and projecting sign (103.5 square feet) is 135.4 square feet. A special use permit is therefore required in order to allow an additional 48 square feet of aggregate area.

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 April 1, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property, known as 326 East Broad Street, is comprised of .126 acres and is located mid-block between N. 3rd Street and N. 5th Street.

The subject property is designated for Corridor Mixed-Use land use by the Pulse Corridor Plan. The Pulse Plan describes areas with a Corridor Mixed-Use designation as “found along major, traditionally commercial corridors like Broad and E. Main Streets, and envisioned to provide for medium-density pedestrian- and transit-oriented infill development to fill “missing teeth” of the corridor fabric.” (p.XII Pulse Corridor Plan.)

The subject property is located in the B-4 Central Business District, as are properties to the south and west. Properties to the adjacent to the north and east are zoned DCC Downtown Civic and Cultural District. The Greater Richmond Civic Center abuts to the east and north. A variety of commercial uses are in the remaining surrounding area.

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.

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: None

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: March 11, 2019

CITY COUNCIL PUBLIC HEARING DATE: April 8, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, April 1, 2019.

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

STAFF: David Watson, Senior Planner, Land Use Administration 804-626-1036



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.richmond.gov/>

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

Property Address: 326 EAST BROAD STREET Date: 11/28/18

Tax Map #: N0000026016 Fee: _____

Total area of affected site in acres: 0.126

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

Zoning

Current Zoning: B-4 - Business (Central Business)

Existing Use: 335 - R Apt/Comm Mixed Use 5-49 Unit

Proposed Use

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

Duplication of historic signs with the new tenant's information

Existing Use: _____

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Krysta Ivey

Company: Monument Construction

Mailing Address: 1425 East Cary Street

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 908-7739 Fax: (804) 303-7347

Email: kivey@themonumentcompanies.com

Property Owner: MONUMENT DEVELOPMENT ELEVEN LLC

If Business Entity, name and title of authorized signee: Christopher Johnson or Tom Dickey

(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: 1425 East Cary Street

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 303-7347 Fax: (804) 303-7348

Email: tdickey@themonumentcompanies.com / cjohnson@themonumentcompanies.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)

326 E. BROAD STREET

SPECIAL USE PERMIT APPLICANT REPORT

Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street, Richmond Virginia 23219

November 28, 2018

To Whom It May Concern:

The owners of 326 E. Broad Street, Monument Development Eleven LLC (the applicants), are requesting the allowance of duplicating the previous signs with the new tenant's information and exceeding the max. allowable aggregate area. See also sign permit: (SIGN-044477-2018). The property has 44 linear feet of lot frontage so 88 square feet of signage is permitted. The proposed projecting sign (103.8 sq. ft.) and wall sign (32 sq. ft.) exceed the maximum aggregate area of signage for the property. However, the signage will be in keeping with what has been there historically and causes no hardships.

Please refer to the plan sheets titled: (5) sign drawings by Garris signs dated: 8.10.18 and Encroachment survey by McKnight & associates dated: rev – 11.06.18 as evidence in support of the following statements:

- A. The allowance for a larger sign will not be detrimental to the safety, health, morals and general welfare of the community involved. The sign contemplated replicates the previous sign and does not change the mass and scale and is compatible with the buildings, which surround the project.
- B. The allowance for a larger sign will not create additional congestion along the streets, roads, alleys and public ways where the signage is located.
- C. The attached signage details are evidence of code compliant workmanship in attachment methods and UL rated materials. The contemplated change from the previous signage to the new signage contemplated along with the new wiring is a change to a less hazardous condition.
- D. The proposed signage would not cause overcrowding of land or an undue concentration of population.
- E. The proposed signage will not adversely affect any public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements.
- F. The proposed signage and the improvements contemplated will not interfere with adequate light and air and will have zero impact on existing adjacent properties as no change to mass and size of the project are contemplated.

The applicants have been working with the Director on this SUP and appreciate the positive approach to this matter.

Thank you for your consideration.

Michael Pellis
(On behalf of the applicants)



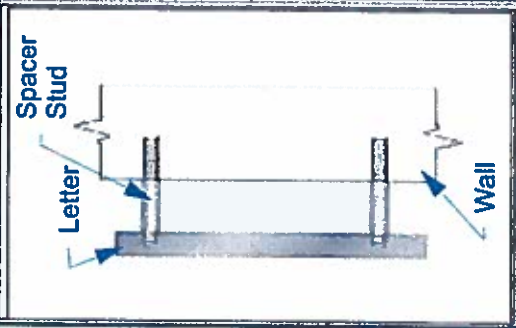
24.7 Sq. Ft.

Brushed aluminum channel letters sign.
 Brushed aluminum letters sign, individually mounted, projected letters. Non illuminated.
 Sizes and colors as depicted on the drawing.



Pleice Rd, Powhatan, Va. 23139
 CELL (804) 598.1127
 FAX (804) 598.6684
 Email: GarrisSigns@gmail.com

24 HOUR SERVICE SIGN SHOP
 L. NOON
 SPECIALISTS



DESIGNER: MAVLUD
 DATE: 08/10/18

This is the original and unpublished property of Garris Signs and may not be copied, duplicated or exhibited in any way without written approval of Garris Signs.



F A T I T Y

20"x13.2"=1.8 sq ft

20"x18.5"=2.5 sq ft

20"x15.5"=2.1 sq ft

20"x15.5"=2.1 sq ft

20"x19.4"=2.6 sq ft

S M O K E S

20"x14.5"=2.0 sq ft

20"x19.3"=2.6 sq ft

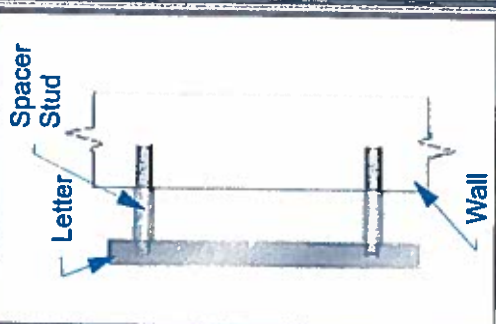
20.2"x20.2"=2.8 sq ft

20"x16.9"=2.3 sq ft

20"x13.7"=1.9 sq ft

20.2"x14.5"=2.0 sq ft

Total: 24.7 Sq Ft



Approved:

By: _____

DESIGNER: MAVLUD

DATE: 08/10/18

This is the original and unpublished property of Garis Signs and may not be copied, duplicated or exhibited in any way without written approval of Garis Signs.



INSTALL IN ACCORDANCE WITH THE NEW AND LOCAL ELECTRICAL CODES.



Pierce Rd, Powhatan, Va. 23139
CELL (804) 598-1127
FAX (804) 598-6684
Email - GarisSigns@gmail.com

A FULL SERVICE SIGN SHOP



Brushed aluminum channel letters sign.
Brushed aluminum letters sign, individually mounted, projected letters. Non illuminated.
Sizes and colors as depicted on the drawing.



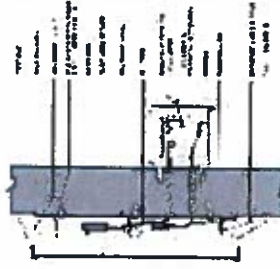
Channel letters red neon sign.
 Clear plexiglass faces, red neon lighting, black trim caps, black returns.
 Sizes and colors as depicted on the drawing.



Pierce Rd, Newmarket, Va. 23139
 CELL (804) 598-1127
 FAX (804) 598-6684
 Email: GarrisSigns@gmail.com

A FULL SERVICE SIGN SHOP
LEAD **NOON**
SPECIALISTS

Mounting diagrams



Sealed Base for New Market

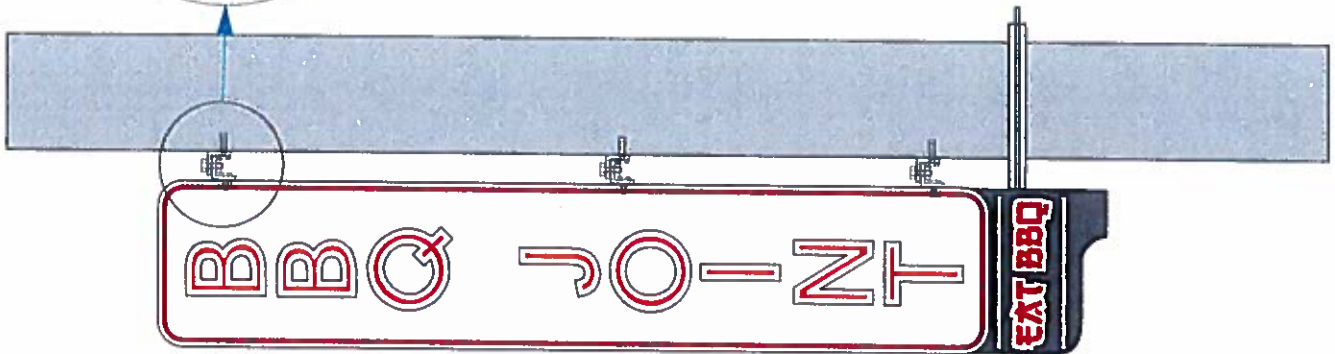
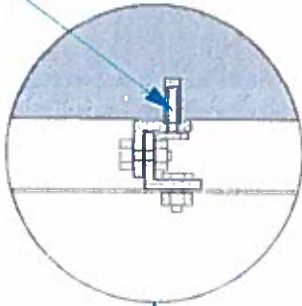
DESIGNER: MAVLUD
 DATE: 08/10/18

This is the original and unpublished property of Garris Signs and may not be copied, duplicated or published in any way without written approval of Garris Signs.



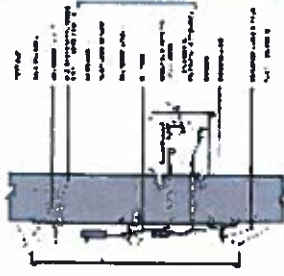
INSTALL IN ACCORDANCE WITH THE NEC AND LOCAL ELECTRICAL CODES.

3/4"x6" lag bolts and shields



Mounting diagram

Mounting diagrams



Examined For Use Where Shown

Approval

UL

DESIGNER: MAVLUD

DATE: 08/10/18

This is the original and unpublished property of Garbis Signs and may not be copied, duplicated or published in any way without written approval of Garbis Signs.



Underwriters Laboratories Inc.®

INSTALL IN ACCORDANCE WITH THE NEC AND LOCAL ELECTRICAL CODES.



Pierce Rd, Powhatan, Va. 23139
CELL (804) 598.1127
FAX (804) 598.6684
Email: GarbisSigns@mail.com

A FULL SERVICE SIGN SHOP
L NOON SPECIALISTS

EAST MARSHALL STREET

10' +/- PUBLIC ALLEY

CITY OF RICHMOND
BASELINE SKETCH USE

LEWIS & CLARK

211/2
APPROXIMATE
5450 3850 F1
0.125 ACRES

PLAT NO. 526

ENCROACHMENTS

No.	DESC.	DIMENSION	SQUARED FEET
1	CORNICE	0.6 x 44.3	26.6
2	AWNING	1.6 x 42.8	68.5
3	PROPOSED DOOR	3.0 x 3.0	9.0
4	PROPOSED SIGN	0.5 x 18.8	9.4
5	PROPOSED SIGN	3.0 x 2.4	7.2
6	PROPOSED DOOR	3.0 x 3.0	9.0
	TOTAL		129.7

ENCROACHMENT SURVEY OF
NO. 326 EAST BROAD STREET,
IN THE CITY OF RICHMOND, VIRGINIA.

GRAPHIC SCALE

McKNIGHT
SURVEYING & ENGINEERING
INCORPORATED
1111 N. 11TH ST.
RICHMOND, VA 23219
TEL: (804) 781-1111
FAX: (804) 781-1112

EAST BROAD STREET

