INTRODUCED: September 11, 2017

### AN ORDINANCE No. 2017-187

To amend Ord. No. 2014-226-207, adopted Nov. 10, 2014, which authorized the special use of the property known as 707 East Main Street for two signs, to permit instead the installation of one new roof sign, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

### PUBLIC HEARING: OCT 9 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2014-226-207, adopted November 10, 2014, be and is hereby amended and reordained as follows:

WHEREAS, the owner of the property known as 707 East Main Street, which is situated in a B-4 Central Business District, desires to use such property for the purpose of installing [two] <u>one new</u> roof [signs] sign, which [signs] sign, among other things, [are] is not currently allowed by section [114-516] <u>30-516</u> of the Code of the City of Richmond [(2004)] (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 AYES: <u>9</u> NOES: <u>0</u> ABSTAIN:

ADOPTED: OCT 9 2017 REJECTED: STRICKEN:

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 [114-1050.1] <u>30-1050.1</u> of the Code of the City of Richmond [(2004)] (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 707 East Main Street and identified as Tax Parcel No. W000-0011/014 in the [2014] 2017 records of the City Assessor, being more particularly shown on a survey entitled "ALTA/ACSM Land Title Survey of Three Parcels of Land Containing 0.726 Acres and Located at the Corner of Main Street, 8th Street & Cary Street, City of Richmond, Virginia," prepared by Youngblood, Tyler & Associates, P.C., and dated October 17, 2007, a copy of which is attached to and made a part of [this ordinance] Ordinance No. 2014-226-207, adopted November 10, 2014, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of installing [two (2) roof signs] one new roof sign, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled ["Eight & Main Building - Skyline Signage,"] "Dominion Energy, Signage Recommendations, 8th & Main - Richmond, 707 East Main Street, Richmond, VA," prepared by ssg., dated [April 16, 2014] February 23, 2017, and last revised [April 23, 2014] April 3, 2017, [and substantially as shown on the plans entitled "Dominion," prepared by Architectural Graphics Incorporated, and dated July 16, 2014, both] 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) [Two roof signs] One roof sign shall be installed on the Property[. One of these signs shall be mounted on the roof above the south face of the building, and the other sign] and shall be mounted on the roof above the west face of the building, substantially as shown on the Plans.

(b) The roof signage shall not exceed an [aggregate] area of [five hundred (500)] 335 square feet[, allowing a maximum of two hundred fifty (250) square feet per individual roof sign]. The height of [each] the sign shall not exceed [twelve (12)] 13 feet and the width of [each] the sign shall not exceed [thirty eight and a half (38 1/2)] 36 feet. All roof signage shall be substantially configured and arranged as shown on the Plans.

(c) Materials and colors for the roof signs shall be substantially as shown on the Plans.

(d) The roof signs shall be internally illuminated 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, shall be approved by the Director of Public Utilities prior to the issuance of building permits.

(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 [(2004)] (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 [114-1220] 30-1220 of the Code of the City of Richmond [(2004)] (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 [114-1050.7] 30-1050.7 through [114-1050.11] 30-1050.11 of the Code of the City of Richmond [(2004)] (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 [114-1080] 30-1080 of the Code of the City of Richmond [(2004)] (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.

### City of Richmond

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

	1	tem Request				
File Number: PRE. 2017.350						
IR	ECIEIVED			O & R REQUEST		
	AUG 3 1 2017			4-6947 AUG 2 3 2017		
OF	FICE OF CITY ATTORNEY	O & R Request		Office of the		
DATE:	August 22, 2017		EDITION:1	Chief Administrative Officer		
TO:	The Honorable Members o	f City Council				
THROUGH: The Honorable Levar M. Stoney, Mayor (This is no way reflects a recommendation on behalf of the Mayor.)						
	Selena Cuffee-Glenn, Chie		500	Λ.		
THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Part 8-23-1 Planning						
FROM:	Mark A. Olinger, Director,	Department of Planning and	d Development Re	eview		
RE:	Special use permit amendm	nent for roof signage at 707	East Main Street.			
ORD. OR RES. No.						

**PURPOSE:** To amend Ord. No. 2014-226-207, adopted November 10, 2014, to authorize the special use of the property known as 707 East Main Street for the purpose of installing one roof sign, upon certain terms and conditions.

**REASON:** The property is zoned in the B-4 Central Business district, which does not allow roof signs. A special use permit was approved in 2014, authorizing the two roof signs currently mounted on the roof above the west and south faces of the building. The applicant is proposing to remove the sign from above the south face of the building. The applicant is also proposing to replace the sign above the west face of the building with a new sign that does not meet the standards of the current special use permit, requiring an amendment to the special use permit.

**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 October 2, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

### File Number: PRE. 2017.350

**BACKGROUND:** The subject property consists of a 0.697 acre (30,361 SF) parcel of land improved with a 20-story office building constructed, per tax assessment records, in 1976. The property is located at the southwest corner of the intersection of East Main Street and South 8th Street, in the City Center district of the City of Richmond's Downtown Plan.

The property is zoned in the B-4 district, which does not allow roof signs. A variance was issued by the Board of Zoning Appeals in 1998 (Case Nos. 39-98 & 74-98) to allow an oversized wall sign at the top of the southern face of the building. The variance did not contemplate signage pertaining to the western face of the building. Therefore, a special use permit was approved in 2014, authorizing two roof signs, one above the south face of the building, one above the west face of the building. The special use permit limited the signage to an aggregate area of 500 SF (250 SF per individual roof sign). The height of each sign is limited to 12' and the width is limited to  $38 \frac{1}{2}$ '.

The applicant is proposing to remove the sign from above the south face of the building. The applicant is proposing to replace the sign above the west face of the building with a new sign that would be limited to an area of 335 SF, a height of 13' and a width of 36'.

The Downtown Plan designates the subject property as being in the "Urban Core Area". This area is characterized by high density, an intense mix of uses, and civic buildings of regional significance, distributed along urban blocks with wide sidewalks, regular street tree plantings, and buildings that front the street. City Center is an example of the urban core condition in Downtown Richmond, with tall buildings that contain a range of office, residential and retail space (p. 3.27).

The Pulse Corridor Plan designates the property for Downtown Mixed-Use land use, which features high-density development with office buildings, apartments, and a mix of complementary uses, including regional destinations (p. xi).

The subject property and adjacent properties are part of the larger B-4 district that encompasses much of the City Center district. A mix of office, commercial, multifamily residential, and governmental land uses are present in the vicinity.

**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:** \$1,200 application fee

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** September 11, 2017

CITY COUNCIL PUBLIC HEARING DATE: October 9, 2017

### **REQUESTED AGENDA:** Consent

### **RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, October 2, 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.: Amend Ord. No. 2014-226-207

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Matthew J. Ebinger, AICP, Principal Planner Land Use Administration (Room 511) 646-6308

PDR O&R No. 17-32

RICHMOND	Application for <b>SPECIAL USE PERMIT</b> 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 Property Adress: 707 East Man St Tax Map #: Wood-Ocil / 014 Fee: 81200.00 Total area of affected site in acres: 0.0	Treet Date: 8/11/2017
(See page 6 for fee schedule, please make check payable to the "City	of Richmond")
Zoning Current Zoning: B4 Existing Use: Office Building	
Proposed Use (Please include a detailed description of the proposed use in the requi We propose to install a new sign	ed applicants report) ilding's rost. on the building's rost. on the rost with our oid name,
Applicant/Contact Person: James L. Malla	<u> </u>
Applicant/Contact Person: <u>James C. Matter</u> Company: <u>Dominion Energy</u> , Inc. Mailing Address: <u>707 East Matin Stree</u> City: <u>Richmond</u> Telephone: <u>(804)</u> 771 <u>3090</u> Email: <u>jimemellon @ dominion energ</u>	State: VA Zip Code: 23219
Property Owner: Dominion Energy, Inc. If Business Entity, name and title of authorized signee:	formerly Dominion Resources, Inc
(The person or persons executing or attesting the execution of this Ap she has or have been duly authorized and empowered to so execute o	
Mailing Address: 707 East Main Stre City: <u>Richmond</u> Telephone: <u>(804)</u> 771 3090 Email: <u>jim. mellin @ dominionencryy</u>	State: VA Zip Code: 232/9 Fax: ()
Property Owner Signature: James L. Ma	llon
The names, addresses, telephone numbers and signatures of all owner sheets as needed. If a legal representative signs for a property owner, 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)

SUP Application | Last Revised September 12, 2016 | CITY OF RICHMOND 1

August 11, 2017 Department of Planning and Development Review Land Use Administration Division, Room 511 City Hall, 900 East Broad Street, Richmond, VA 23219

Dominion Energy SUP Amendment 8<sup>th</sup> & Main Building Rooftop Sign Request Applicant's Report

Per the filing procedures for Special Use Permit (Amendment), below is a description of the proposed sign and reasons why none of the conditions identified will be in existence when this sign has been installed.

- "Be detrimental to safety, health, morals and general welfare of the community involved" the sign will be installed safely on a weekend with strict safety measures typical of a Dominion Energy project. Besides that there will be no detriment to health, morals nor general welfare of the community.
- b. "Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved" The sign installation will be performed on a weekend day and a WISP (work in street permit), consequently there will be signage and other safety measures protecting public safety and the weekend day work will eliminate congestion.
- c. "Create hazards from fire, panic or other dangers" Lifting one sign onto the roof and attaching it will not cause any fire, panic or danger.
- d. *"Tend to cause overcrowding of land and undue concentration of population"* This building sign will not affect land or concentration of population in any way".
- e. "Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements" – This building sign will not affect any of the aforementioned items in any way.
- f. "Interfere with adequate light and air" This building sign will not impact light and air in any way and will simply replace an existing sign due to company name change.



Signage Recommendations 8th & Main - Richmond

707 East Main Street Richmond, VA



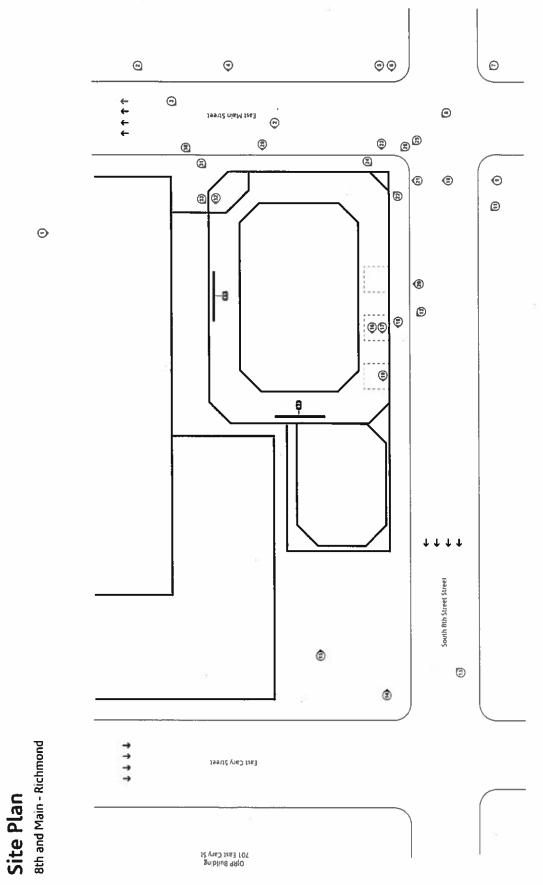
SSg



SSg.

Overview 8th and Main - Richmond

SSG.



### List of Signs 8th and Main - Richmond

Existing Sign

12'-6" Logo with 4'-0" Illuminated Rooftop Letters

12'-6" Logo with 4'-0" Illuminated Rooftop Letters

Recommendation

12'-6" Illuminated Rooftop Sign with 3'-7" Letters

R2 Remove, Do Not Replace

# **Recommended Signs**

8th and Main - Richmond

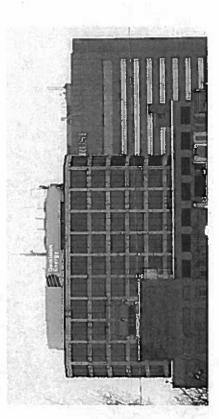
**Existing Sign** 

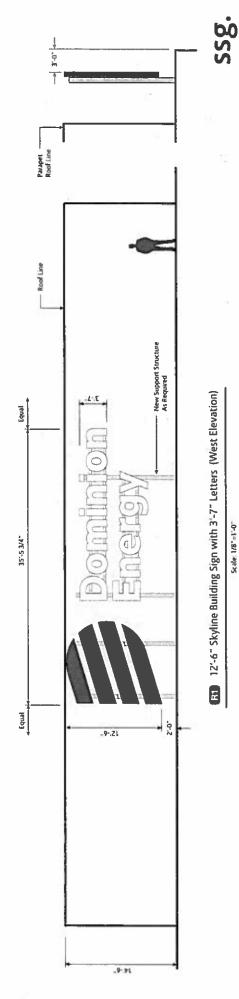
E1 12'-6" Logo with 4'-0" Illuminated Rooftop Letters



Recommendation

12'-6" Illuminated Rooftop Sign with 3'-7" Letters
Note: Sign to be centered on west elevation and not to exceed roof line





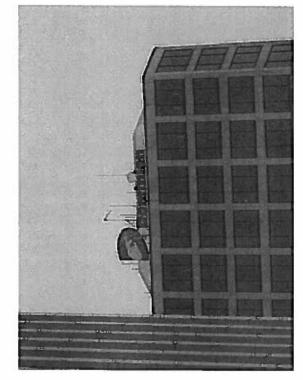
Scile 1/8"=1'-0"

# **Recommended Signs**

8th and Main - Richmond

Existing Sign

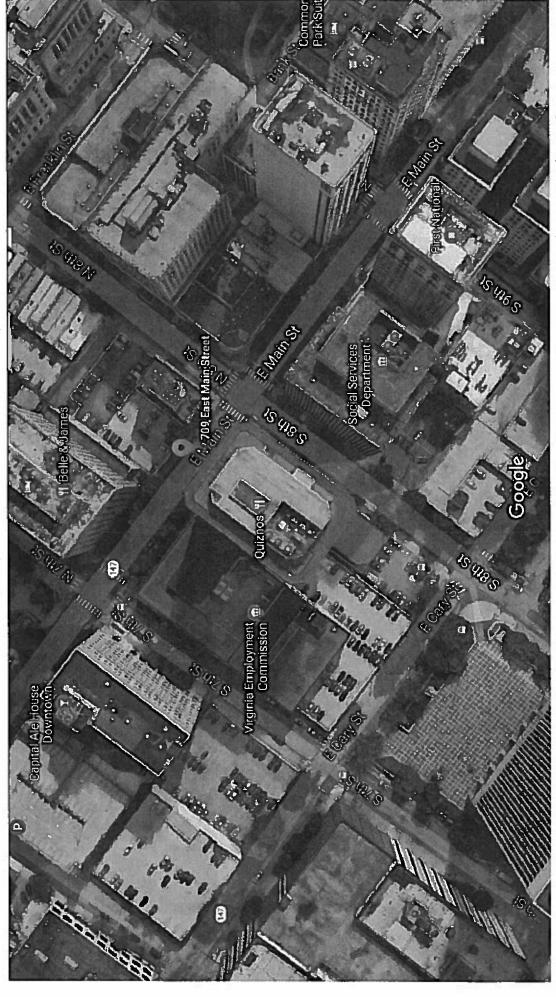
12'-6" Logo with 4"-0" Illuminated Rooftop Letters



Recommendation

 Remove, Do Not Replace

 Support Structure To Be Removed to 1'-0" Above Roof





709 E Main St

