

INTRODUCED: November 13, 2018

AN ORDINANCE No. 2018-309

To authorize the special use of the property known as 2024 West Broad Street for the purpose of permitting a roof-mounted sign, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 10 2018 AT 6 P.M.

WHEREAS, the owner of the property known as 2024 West Broad Street, which is situated in a B-3 General Business District, desires to use such property for the purpose of a roof-mounted sign, which use, among other things, is not currently allowed by section 30-515 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 congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 17 2018 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 2024 West Broad Street and identified as Tax Parcel No. N000-1095/005 in the 2018 records of the City Assessor, being more particularly shown on a plat entitled “Plat for SUP for Roof Sign at 2024 W. Broad St., Parcel N0001095005 Sauer Properties Inc in the City of Richmond, VA.,” prepared by E.D. Lewis & Associates, P.C., and dated October 4, 2018, 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 a roof-mounted sign, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Whole Foods Market,” prepared by Triangle Sign & Service, and dated May 22, 2018; on the plans entitled “The Sauer Center, Illustrative Master Plan,” prepared by HG Design Studio, and dated April 10, 2018; and the plans entitled “The Sauer Center, City of Richmond, VA.,” prepared by E.D. Lewis & Associates, P.C., dated September 21, 2015, and last revised January 3, 2017, hereinafter referred to, collectively, 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 a roof-mounted sign, substantially as shown on the Plans.

(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.2018.383

O & R REQUEST

4-8262

OCT 17 2018

Office of the
Chief Administrative Officer

O & R Request

DATE: October 16, 2018

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.)

SL 1931/16

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

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

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

RE: To authorize the special use of the property known as 2024 West Broad Street for the purpose of permitting a roof-mounted sign, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 2024 West Broad Street for the purpose of permitting a roof-mounted sign, upon certain terms and conditions.

REASON: The applicant has proposed a roof-mounted sign for the Whole Foods store at the Sauer Center development. This type of sign 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 December 3, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property, known as 2024 West Broad Street, is comprised of approximately 3.5 acres and is located on West Broad Street between North Meadow Street and DMV Drive. The subject property is a part of the Sauer Center development, and is proposed to be improved with a Whole Foods

grocery store. The proposed roof-mounted sign would be located on the Whole Foods building.

The subject property is designated for Nodal Mixed-Use land use by the Pulse Corridor Plan. The Pulse Plan describes areas with a Nodal Mixed-Use designation as “transit-oriented district[s] located immediately adjacent to the Pulse BRT or other frequent transit service at key gateways and prominent places in the city in order to provide for significant, urban-form development in appropriate locations (p. XI).”

The subject property is located in the B-3 General Business District, as are properties to the east and west. Properties to the north are zoned M-1 Light Industrial, properties to the south are zoned UB-Urban Business. A mix of office, commercial, industrial, vacant, mixed-use, and residential land uses are present in the vicinity.

FISCAL IMPACT: 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: November 13, 2018

CITY COUNCIL PUBLIC HEARING DATE: December 10, 2018

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, December 3, 2018.

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, Draft Ordinance, Survey, Plans, Map

STAFF: Matthew Ebinger, Principal Planner
Land Use Administration 804-646-6308



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

Property Address: 2024 West Broad Street Date: 10/03/2018
 Tax Map #: N0001095005 Fee: \$300
 Total area of affected site in acres: 0

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

Zoning

Current Zoning: B-3
 Existing Use: commercial

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
commercial - Whole Foods Market. Addition of Rooftop Sign. Refer to Applicant's Report.

Existing Use: commercial - formerly Pleasants Hardware site

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: Dewey Gills

Company: Freeman Morgan Architects
 Mailing Address: 7229 Forest Avenue, suite 209
 City: Richmond, State: VA Zip Code: 23226
 Telephone: (804) Fax: ()
 Email: dgills@freemanmorgan.com

Property Owner: Sauer Properties

If Business Entity, name and title of authorized signee: Bradford Sauer, Exec. Vice President

(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: 2000 West Broad Street
 City: Richmond, State: VA Zip Code: 23220
 Telephone: (804) Fax: ()
 Email: bsauer@cfsauer.com

Property Owner Signature: Bradford Sauer, Executive Vice President

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
Whole Foods Market at The Sauer Center
October 03, 2018

This Special Use Permit (SUP) application is for the addition of a rooftop sign on the new Whole Foods Market at The Sauer Center, located at 2024 West Broad Street in Richmond, Virginia. Whole Foods Market is located in a B-3 (General Business) District and meets all zoning criteria of this district. As a requirement of the B-3 District, a Plan of Development (POD) was filed for the entire Sauer Center development (including Whole Foods Market) in early 2017. The Plan of Development was conditionally approved by the City in June 2017. Subsequently, the building permit for the construction of Whole Foods Market was filed in August, 2017 and issued for construction in January, 2018.

Schedule Summary

- | | |
|---|---------------|
| • Plan of Development filed: | February 2017 |
| • Plan of Development approved (conditionally): | June 2017 |
| • Building Permit filed: | August 2017 |
| • Building Permit approved: | January 2018 |

The Sauer Center is being developed by Sauer Properties, the development entity of the C.F. Sauer Company. The CF Sauer Company is immediately identified by its own historic rooftop sign, advertising "Sauer's Vanilla". In fact, the use of rooftop signs has been a part of CF Sauer's identity and culture since its founding over 100 years ago. As a former industrial district of the City, rooftop signs were often used through the course of history to advertise large, industrial entities. One can also be seen at the nearby FFV Cookie Manufacturing facility. It is the desire of Sauer Properties to showcase this industrial history and extend this prototypical rooftop feature into The Sauer Center development. The addition of a rooftop sign at the Whole Foods Market, therefore, would be compatible with the use of similar rooftop signs in the surrounding area and appropriate for use at The Sauer Center. The proposed sign, as shown on the attached drawings, includes approximately 118 square feet of backlit letters (with Plexiglas faces) mounted on an open steel frame (painted black) of approximately 257 square feet in area.

This proposed special use 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 Whole Foods Market building meets all applicable zoning requirements and the request for the addition of a rooftop sign does not infringe on the conditions listed above.

PROJECT SCHEDULE

SIGN TYPE/ DESCRIPTION:	QTY.:	PG.
A. ILLUM. FACE-LIT REMOTE CHANNEL LETTERS	ONE (1)	5
B. ILLUM. FACE-LIT CH LTRS on CUSTOM ROOF FRAMING/MTG STRUCTURE	ONE (1)	7
C. ILLUM. FACE-LIT REMOTE CHANNEL LETTERS	ONE (1)	11
D. ILLUM. FACE-LIT, D/F BLADE SIGN w/ 'WFM LOGO'	ONE (1)	13

PROJECT:

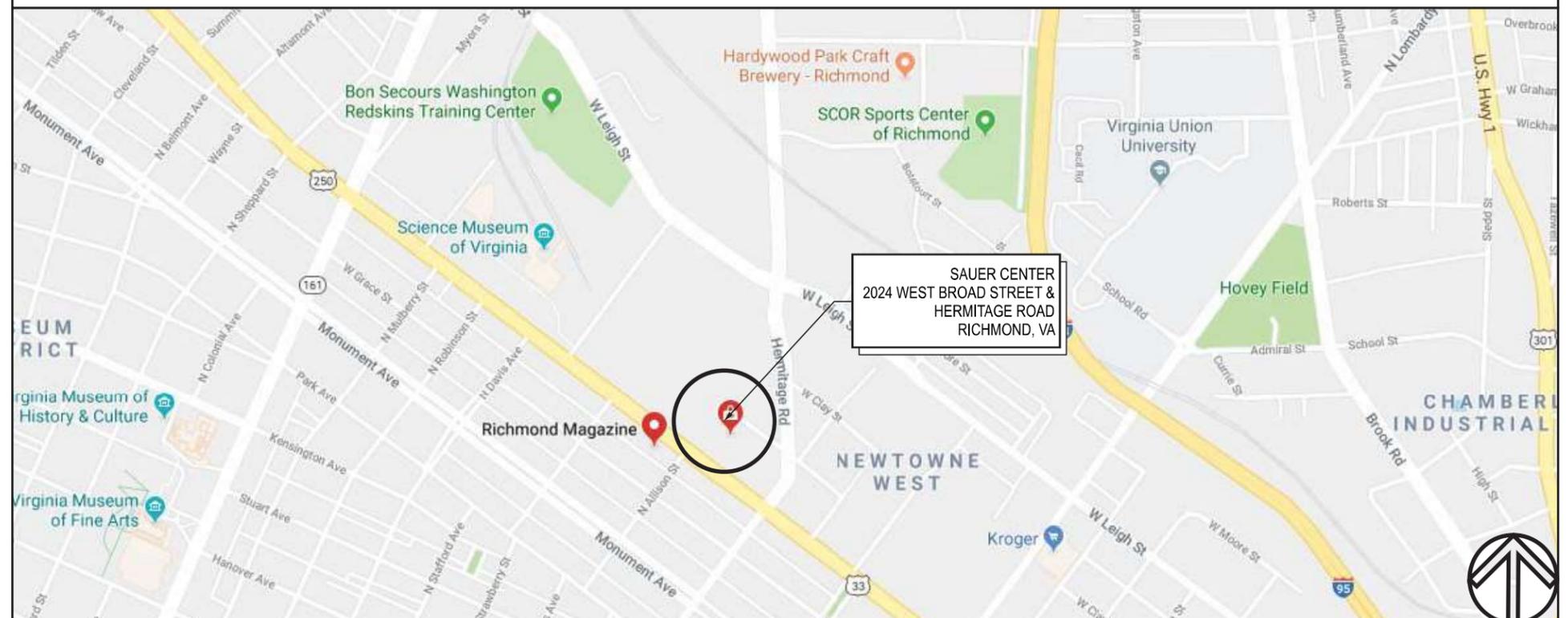


SAUER CENTER
2024 WEST BROAD STREET & HERMITAGE ROAD
RICHMOND, VA 23220

REVISIONS

#	DATE	DB	NOTES
R1	5.29.2018	JH	-UPDATED SIGN D - BLADE SIGN MOUNTING/SECTION DETAIL.

VICINITY MAP



TRIANGLE
SIGN & SERVICE

CLIENT & LOCATION



SAUER CENTER
2024 WEST BROAD STREET &
HERMITAGE ROAD
RICHMOND, VA 23220

LEAD NO.
172762 R1
SALESMAN
B. NETHEN

DATE
5.22.2018
DRAWN BY
JJH

REVIEWED BY
SEG. NO.

REVISION

SHEET NO.

1 of 15

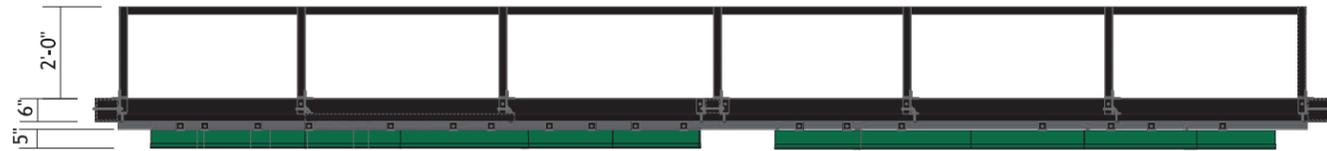
ILLUM. FACE-LIT CH LTRS on CUSTOM ROOF FRAMING/MTG STRUCTURE

B

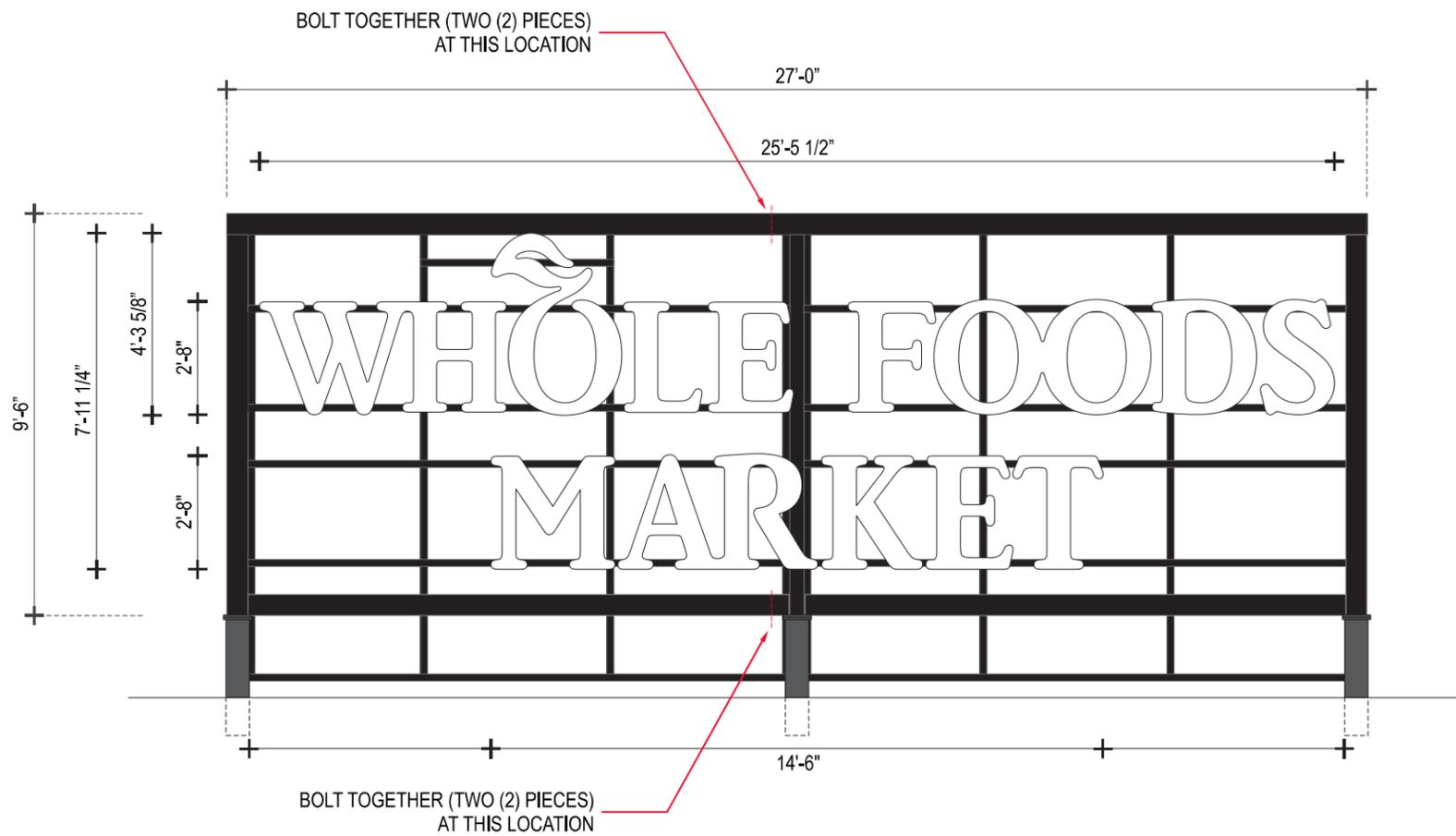
SCALE: 1/4"=1'-0"

QTY.: ONE (1)

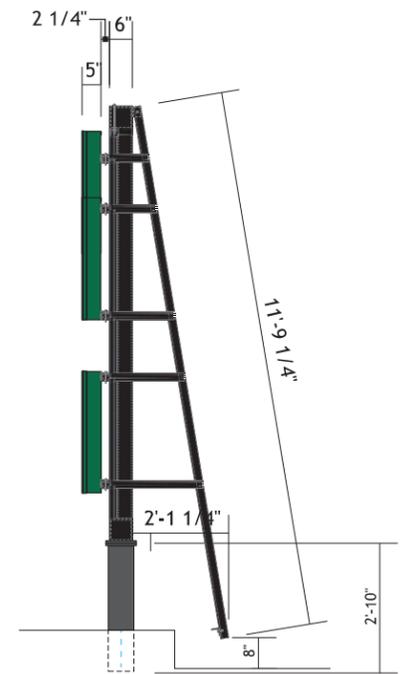
AREA: 95.25' x 305.50' = 29207.88



PLAN (B.3)



TYP. FRONT (B.1)



TYP. SIDE (B.2)

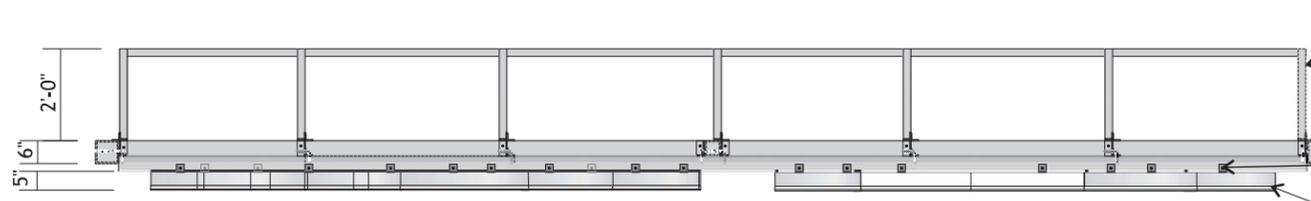
PAINTED TO MATCH PMS #7727 C	BLACK GALVANIZED STEEL FINISH

TRIANGLE SIGN & SERVICE	CLIENT & LOCATION WHOLE FOODS MARKET	SAUER CENTER 2024 WEST BROAD STREET & HERMITAGE ROAD RICHMOND, VA 23220		LEAD NO. 172762 R1	DATE 5.22.2018	REVIEWED BY	REVISION	SHEET NO. 7 of 15
		SALESMAN B. NETHEN	DRAWN BY JJH	SEG. NO.				
11 AZAR COURT • P.O. BOX 24186 • BALTIMORE, MARYLAND 21227 • T: 410-247-5300 • F: 410 247-1944 • REPRODUCTION IN WHOLE OR PART PROHIBITED WITHOUT EXPRESS PERMISSION OF TRIANGLE S & S • WWW.TRIANGLESIGN.COM								

ILLUM. FACE-LIT CH LTRS on CUSTOM ROOF FRAMING/MTG STRUCTURE - CONSTRUCTION DETAILS

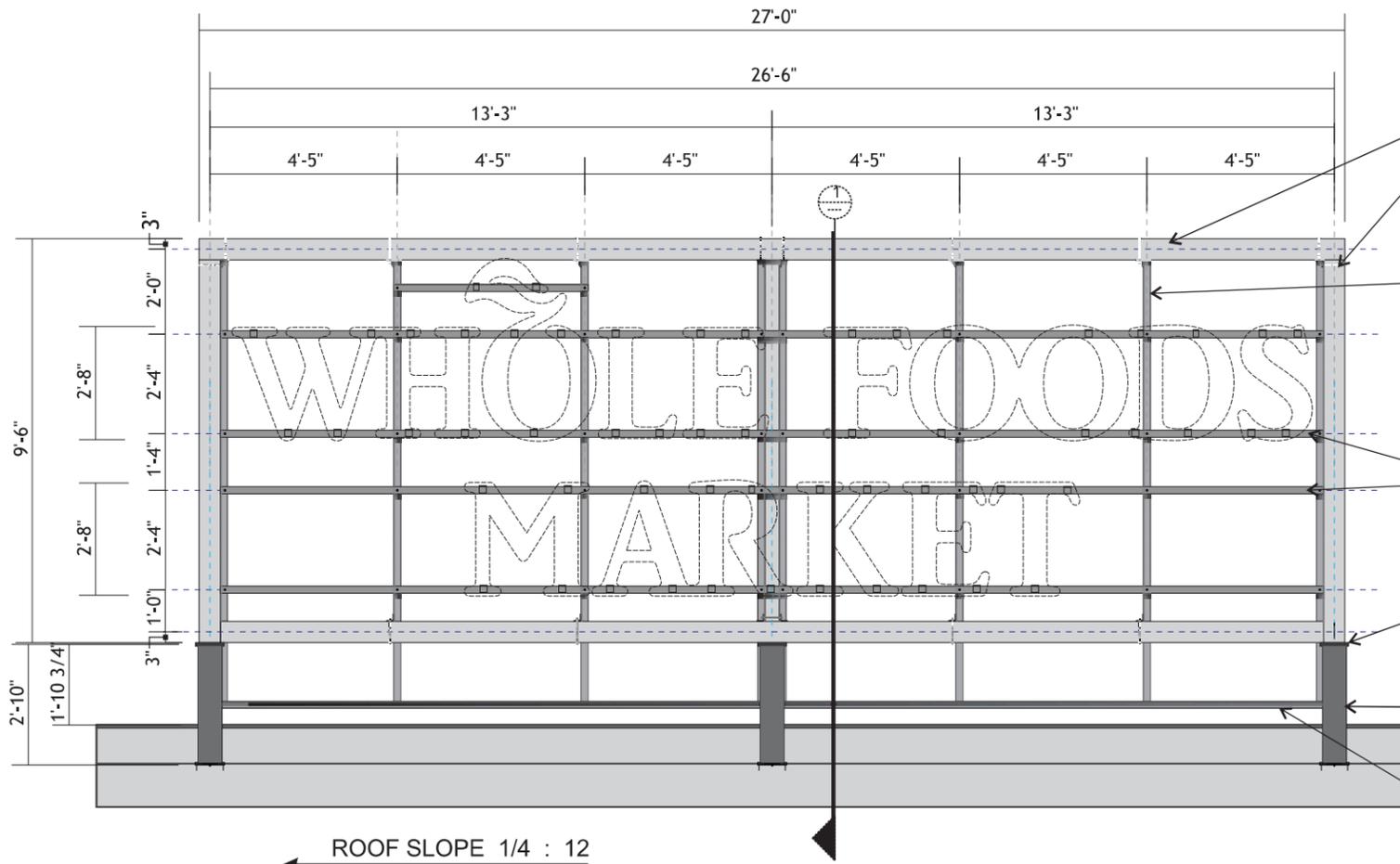
B-2

SCALE: 1/4"=1'-0"



PLAN VIEW

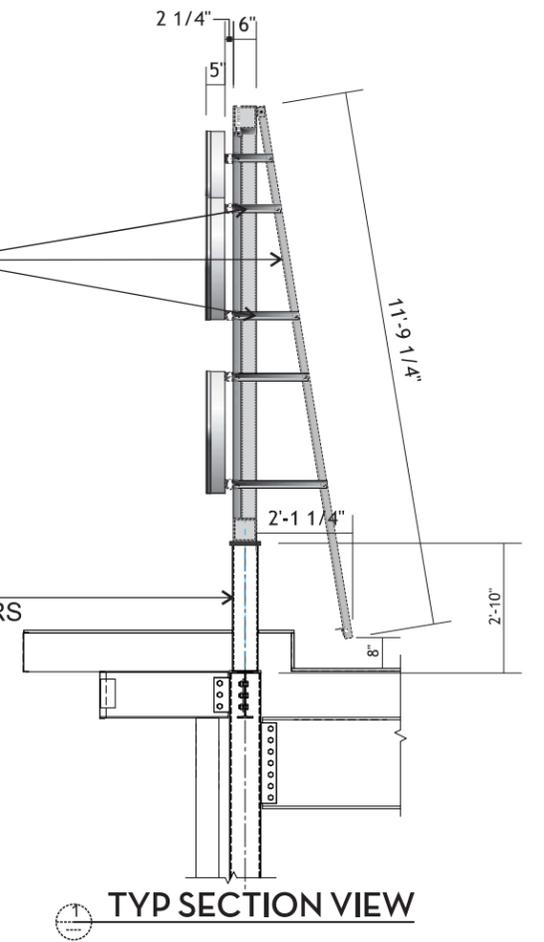
- DECORATIVE ALUMINUM ANGLE FRAMING KICK BACKS AT EACH 2x2 VERTICAL ANGLE SUPPORT
- 6" x 6" STEEL SQUARE TUBE MAIN FRAME, WELDED CONSTRUCTION,.
- 2x2 ALUMINUM ANGLE CLIPS FOR MOUNTING LETTERS TO 2x2 ALUM. SQUARE TUBE SUPPORTS WITH MECHANICAL FASTENERS AS NEEDED.
- INTERNALLY LIT CHANNEL LETTERS
FACE: WHITE
TRIM: 1" JEWELITE PAINTED TO MATCH PMS #7727 C / SATIN
RETURNS: 5" DEEP, .063" ALUM. TO MATCH PMS #7727 C / SATIN
ILLUMINATION: WHITE LEDS w/ POWER SUPPLIES



S/F ROOF TOP SIGN ELEVATION

- 6" x 6" STEEL SQUARE TUBE MAIN FRAME, WELDED CONSTRUCTION,.
- 2" x 2" ALUMINUM ANGLE VERTICAL SUPPORTS, PAINTED. BOLTED TO STEEL MAIN FRAME SO FACE OF ANGLE IS FLUSH WITH FACE OF 6X6 MAIN FRAME.
- DECORATIVE ALUMINUM ANGLE FRAMING AND KICK BACKS AT EACH 2x2 VERTICAL ANGLE SUPPORT
- 2" x 2" ALUMINUM SQUARE TUBE HORIZONTAL LETTER SUPPORTS, BOLTED TO FACE OF VERTICAL 2x2 ANGLE. .
- 6x6 STEEL SQUARE TUBE MAIN FRAME TO BE MOUNTED WITH 1/2x8x8 STEEL CAP AND MATCHING PLATES TO 8X8 STUB OUTS, (3) AT 13'-3" O.C. / VERIFY IN FIELD
- PIPE 6 x-STRONG GALV SIGN SUPPORT STUB BY OTHERS
- CONTINUOUS HORIZONTAL 2x2 ALUMINUM ANGLE

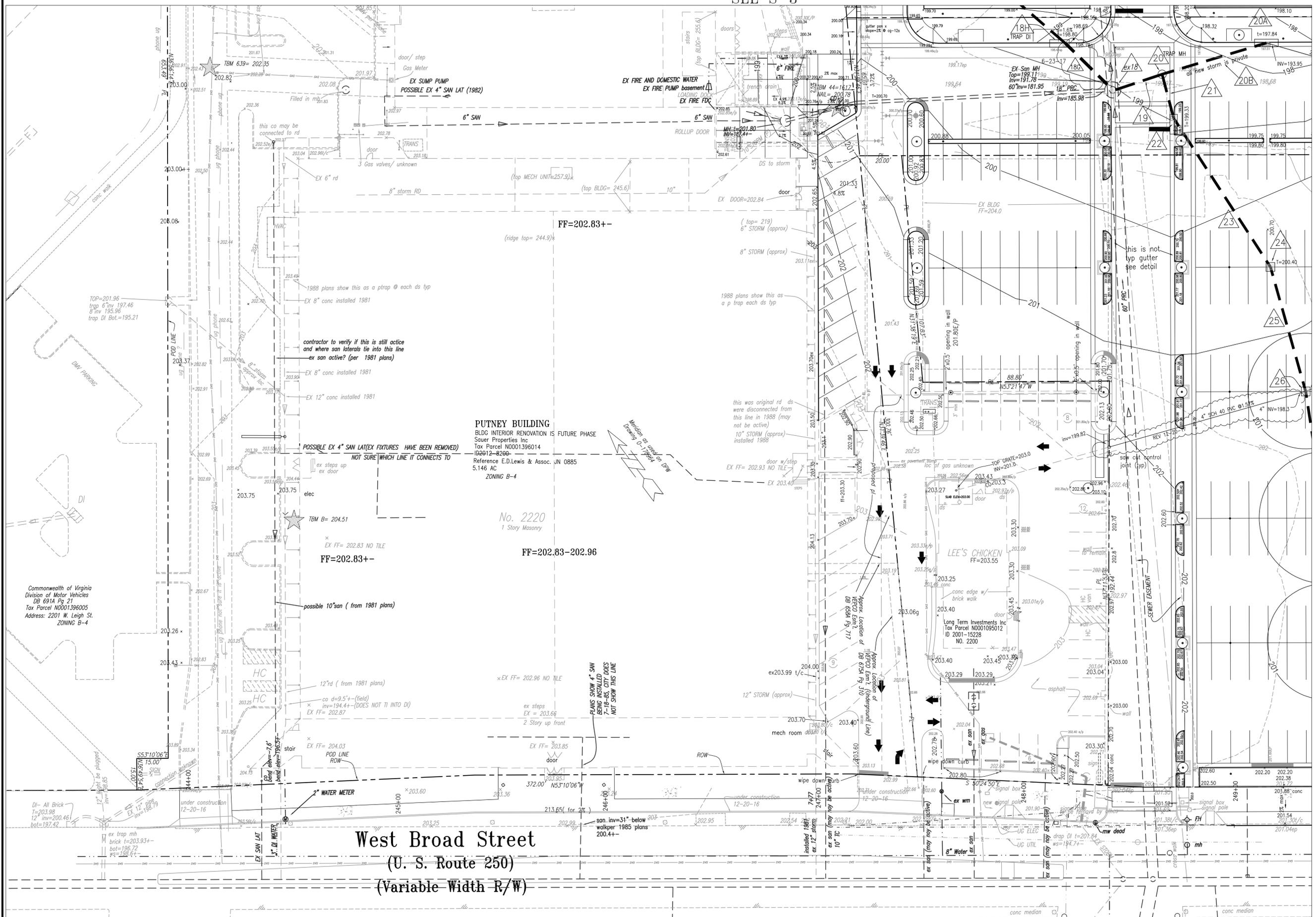
ALL FRAME AND GRID STRUCTURE TO BE PAINTED, BLACK, w/ GALVANIZED STEEL FINISH



TYP SECTION VIEW

	CLIENT & LOCATION 	SAUER CENTER 2024 WEST BROAD STREET & HERMITAGE ROAD RICHMOND, VA 23220	LEAD NO. 172762 R1	DATE 5.22.2018	REVIEWED BY	REVISION	SHEET NO.
		B. NETHEN	DRAWN BY JJH	SEG. NO.	9 of 15		

SEE S-3



SEE S-2

E.D. LEWIS & ASSOCIATE S.P.C.
 Consulting Engineers - Land Surveyors & Planners
 2116 Spencer Road - Richmond, VA 23230
 Phone: (804)285-3948 Fax: (804)282-1280

THE SAUER CENTER
 CITY OF RICHMOND, VA.
 SITE PLAN



DATE: 9-21-15
 SCALE: 1"=20'
 DESIGNED: ML/JL
 DRAWN: ML
 CHECKED: ML

REVISIONS: 4-21-17 P-23-17
 11-30-17 DRAIN LEES
 12-20-17 DRAIN LEES
 1-3-17 Lee's

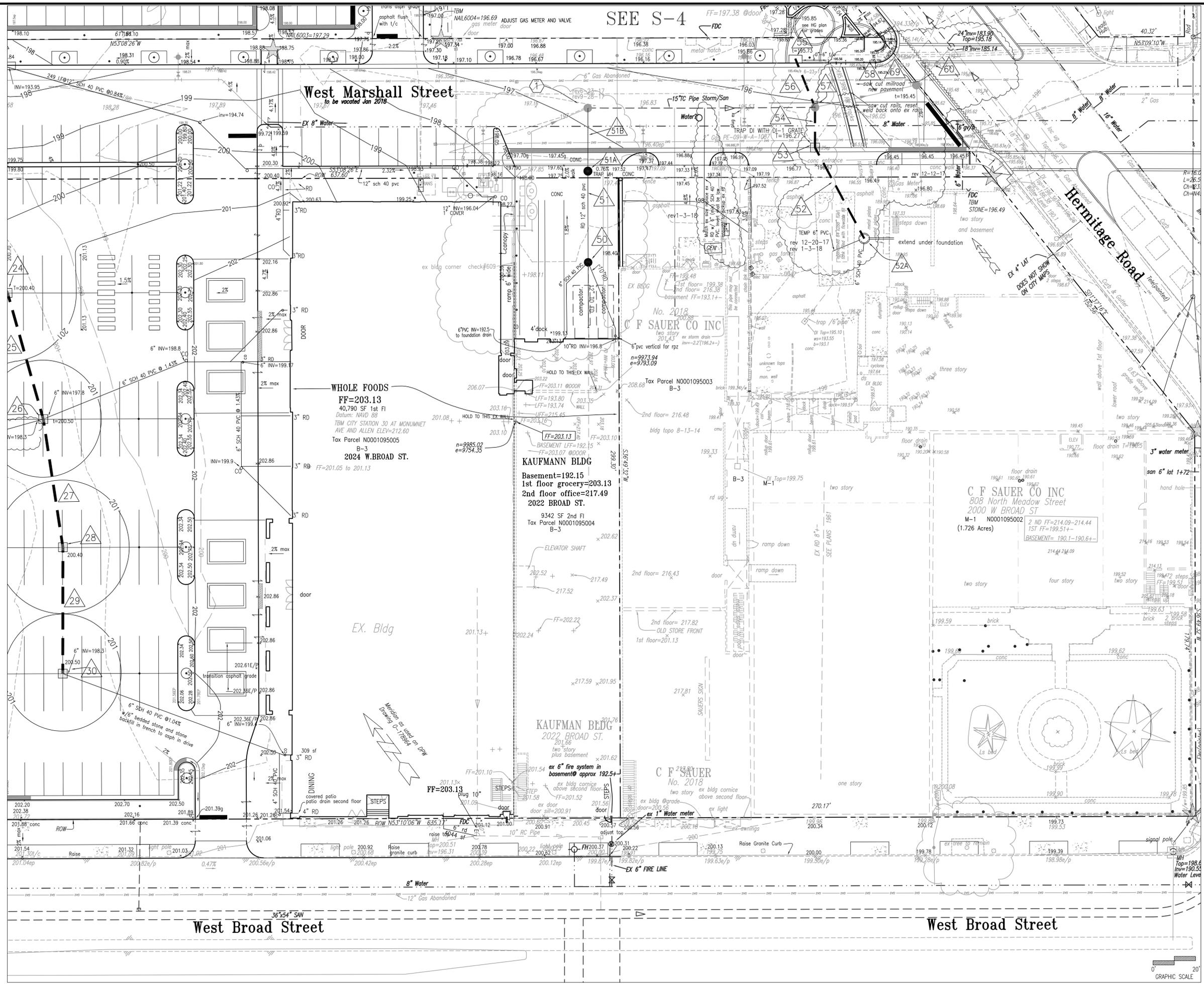


JN 21692
 S-1

F:\DWG\21692 Sauer\SITE PLAN\21692 site.dwg, 1/8/2018 8:27:48 AM, MONIE

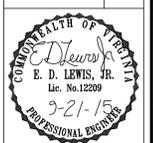
© E.D. LEWIS AND ASSOCIATES, P.C. EXPRESSLY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, COPIED, IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF E.D. LEWIS AND ASSOCIATES, P.C.

SEE S-1



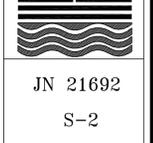
E.D. LEWIS & ASSOCIATES P.C.
 Consulting Engineers - Land Surveyors & Planners
 2116 Spencer Road - Richmond, VA 23230
 Phone: (804)285-3948 Fax: (804)282-1280

THE SAUER CENTER
 CITY OF RICHMOND, VA.
 SITE PLAN

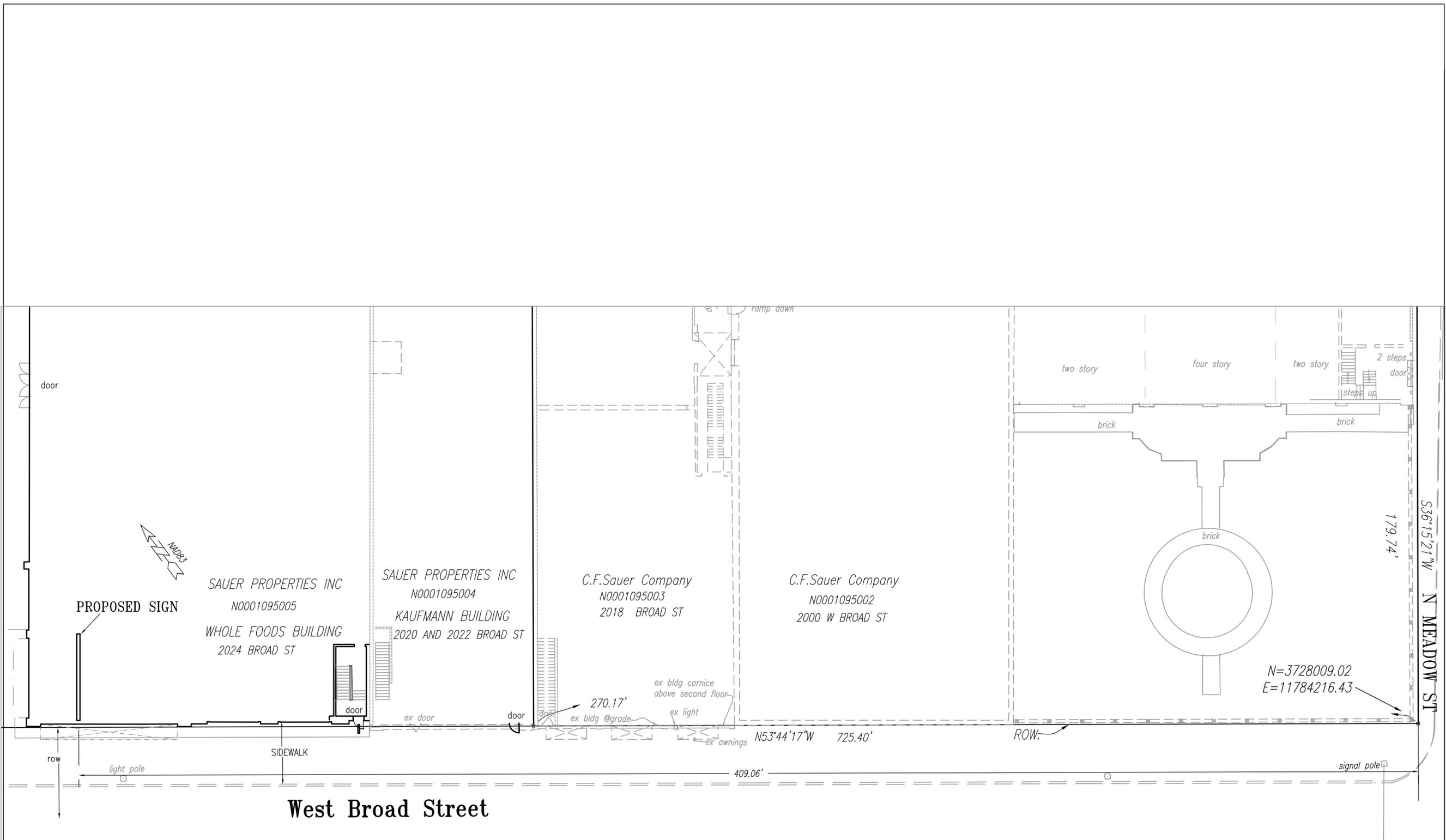


DATE: 9-21-15
 SCALE: 1"=20'
 DESIGNED: ML/JL
 DRAWN: ML
 CHECKED: ML

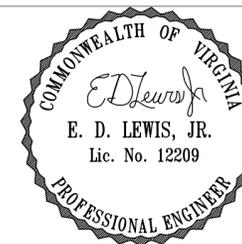
REVISIONS: 4-21-17
 6-23-17
 9-20-17 FIRE
 9-28-17 floor drain
 11-9-17 2000 basement
 12-20-17 STORM/SAN
 1-3-18 storm



F:\DWGS\21692 Sauer\plats\ENC\ROACHMENTS\2024 W Broad st. WHOLE FOOD SUP SIGN.dwg, 10/4/2018 5:12:54 PM, MONTE



West Broad Street



PLAT FOR SUP FOR ROOF SIGN AT 2024 W. BROAD ST., PARCEL N0001095005 SAUER PROPERTIES INC IN THE CITY OF RICHMOND, VA.



10-4-18 SCALE: 1"=20'
 E.D. LEWIS & ASSOCIATES P.C.
 Consulting Engineers · Land Surveyors & Planners
 2116 Spencer Road · Richmond, VA 23230
 Phone 804.285.3948

