

INTRODUCED: December 14, 2020

AN ORDINANCE No. 2020-271

To authorize the special use of the property known as 7048 Forest Hill Avenue for the purpose of a freestanding sign, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by
the City Attorney

PUBLIC HEARING: JAN 11 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 7048 Forest Hill Avenue, which is situated in a B-2 Community Business District, desires to use such property for the purpose of a freestanding sign, which use, among other things, is not currently allowed by section 30-514, concerning sign regulations for the B-2 Community 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 (2020), 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JAN 11 2021 REJECTED: _____ STRICKEN: _____

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 7048 Forest Hill Avenue and identified as Tax Parcel No. C004-0660/056 in the 2020 records of the City Assessor, being more particularly shown on a plan entitled “Tommy Car Wash, Prepared for BGC LLC, City of Richmond, VA,” prepared by Kimley Horn and dated January 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 freestanding sign, substantially as shown on the plans entitled “Tommy’s Express,” prepared by an unknown preparer, and dated August 4, 2020, and “Tommy’s Express Richmond VA, Tommy Car Wash Systems, P1446,” prepared by Progressive AE, dated December 14, 2017, and last revised January 8, 2019, 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 freestanding sign, substantially as shown on the Plans.

(b) The height and dimensions of the Special Use shall not exceed the height and dimensions shown on the Plans.

(c) The freestanding sign shall be internally illuminated.

(d) Landscaping for the freestanding sign shall be provided substantially as shown on the Plans. The shrub species shall consist of green velvet boxwood or similar species and shall be maintained at three feet in height.

(e) The message or image shown on the digital screen portion of the freestanding sign shall change not more than once over the course of one minute and shall not flash.

(f) One existing round wall sign shall be removed, substantially as shown on sheet A201 of the Plans.

(g) 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.

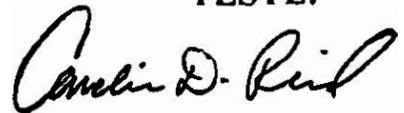
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property 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 with 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.

A TRUE COPY:

TESTE:



City Clerk

RECEIVED
By Barbara Fore at 3:15 pm, Nov 20, 2020

City of Richmond

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

RECEIVED
By Barbara Fore at 2:23 pm, Dec 04, 2020

Item Request

File Number: PRE.2020.084

O & R Request

DATE: November 13, 2020

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: Lenora G. Reid, Acting Chief Administrative Officer *lgr*



THROUGH: Sharon L. Ebert, 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 7048 Forest Hill Avenue for the purpose of permitting signage, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 7048 Forest Hill Avenue for the purpose of permitting signage, upon certain terms and conditions.

REASON: The B-2 Community Business zoning district allows up to 100 square feet of signage on a property. The proposed signage exceeds the maximum aggregate area 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 January 4, 2021, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The .81 acre subject property, known as 7048 Forest Hill Avenue, contains a carwash and is located in the Stratford Hills neighborhood of the Huguenot Planning District.

The Master Plan designates the area in which the subject property is located as Community Commercial. The Master Plan states that primary uses include office, retail, personal service and other commercial and service uses, intended to provide the shopping and service needs of residents of a number of nearby neighborhoods or a section of the City.

The subject property and those properties to the east, west and south are located in the B-2 Community Business District. Land uses in this area contain a variety of commercial uses. Adjacent to the north are single-family homes on properties located in the R-2 Single-Family Residential District.

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: December 14, 2020

CITY COUNCIL PUBLIC HEARING DATE: January 11, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, January 4, 2021.

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: Draft Ordinance, Application and Narrative, Property and Plans, Map

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



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) 645-6304
<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: 7048 Forest Hill Ave. Date: 12/3/17

Tax Map #: 0040460036 Fee: _____

Total area of affected site in acres: <1

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

Zoning

Current Zoning: B-2

Existing Use: car wash

Proposed Use

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

car wash - SUP is for sign variance

Existing Use: car wash

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Jessica Sutherland

Company: Talley Sign Company

Mailing Address: 1903 Chamberlayne Ave.

City: Richmond State: VA Zip Code: 23222

Telephone: (804) 649 0325 Fax: (804) 643 1271

Email: PERMIT@talley-sign.com

Property Owner: BGC Land LLC

★ If Business Entity, name and title of authorized signee: Rob Warrell owner

(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: 7033 Lakewood Drive.

City: Richmond State: VA Zip Code: 23221

★ Telephone: (913) 568-6674 Fax: ()

Email: robw@tcountymys.com

★ Property Owner Signature: [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)

To: City of Richmond Planning & Development
From: Rob Worrell / Owner & General Manager of Tommy's Express Car Wash located at 7048 Forest Hill Ave, Richmond, VA
Regarding: SUP for a Monument Sign
Date: 12/03/2019

Dear Planning & Development,

We continue to be excited about how the Forest Hill community has embraced our car wash. We now have 2,000 residents signed up for club memberships. We are grateful to be a part of a successful business partnership with the City Richmond.

I would like to follow up on my request for a monument sign. After consulting with City Councilperson Kristen Larson, I shared my proposed monument sign design with the Southampton Neighborhood Association. The Southampton Neighborhood Association supports my Tommy's Express monument sign proposal. Enclosed, you will find their message to me.

We believe the monument sign would be a value added addition to the look and feel of the neighborhood. As the plans show, it is a sharp, tasteful sign, and we will make sure the area around it is well-manicured. The signage on the surrounding businesses is a bit weathered and may unfairly reflect a tired business area. If you look on the other side of the street, you will see a different picture.

The monument sign would also be beneficial to our business. Per current building regulations, the wash is set back away from the street. It would be helpful for passersby to see the signage closer to the street. I worry that potential customers do not see the wash until after they are right on it and unable to turn in. I have also had people share that they did not know Tommy's Express is a car wash. A common mistake is that it is a used car lot. Our visibility is blocked by neighboring buildings on the same side of the road that sit only a few feet from Forest Hill. I believe these buildings were grandfathered in with regards to current zoning because they sit so close to the street. Nevertheless, these buildings limit the visibility of our wash, and accordingly, we request permission for a monument sign. Please know we respect and appreciate the current zoning laws; however, given our unique situation of having adjacent buildings blocking our view (because they sit so close to the street), we feel a monument sign would level the playing field and give us the same business visibility that our neighbors enjoy. I have enclosed pictures of street views from either direction for your consideration.

Our monument sign would be a value-add for the area. It is sharp and will give vitality to our side of the street. It would be a good balance to the shopping development across the street. Right now, some may see a tired side and a thriving side. We want anyone driving by to see a thriving area! This was the same feedback we received from the neighborhood association.

Furthermore, please know we would be willing to remove some of the signage currently placed on the building if the city feels it necessary to add the proposed monument sign. I would be more than happy to meet at the wash to review and discuss possible scenarios at your

convenience.

Please see the enclosed SUP application. It includes two different monument sign designs for your consideration. If you have any questions I can be reached at robw@teamtommys.com or 913-568-6674.

Thank you for your consideration, and please know your service to the City of Richmond is appreciated. We are thankful for your partnership.

Respectfully,



Rob Worrell
General Manager
Tommy's Express Car Wash

Applicant's Report per the SUP application

- We operate with 12 to 15 employees
- We are open M – Sat 7:00 am – 8:00 pm; Sunday 9:30 am – 6:30 pm
- We wash approximately 300 cars per day

The proposed monument sign will not:

- a. Be detrimental to the safety, health, morals and general welfare of the community involved;
- b. Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved;
- c. Create hazards from fire, panic or other dangers;
- d. Tend to cause overcrowding of land and an undue concentration of population;
- e. Adversely affect or interfere with the public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or
- f. Interfere with adequate light and air.

Customer
Location
Date
Revision

P1446

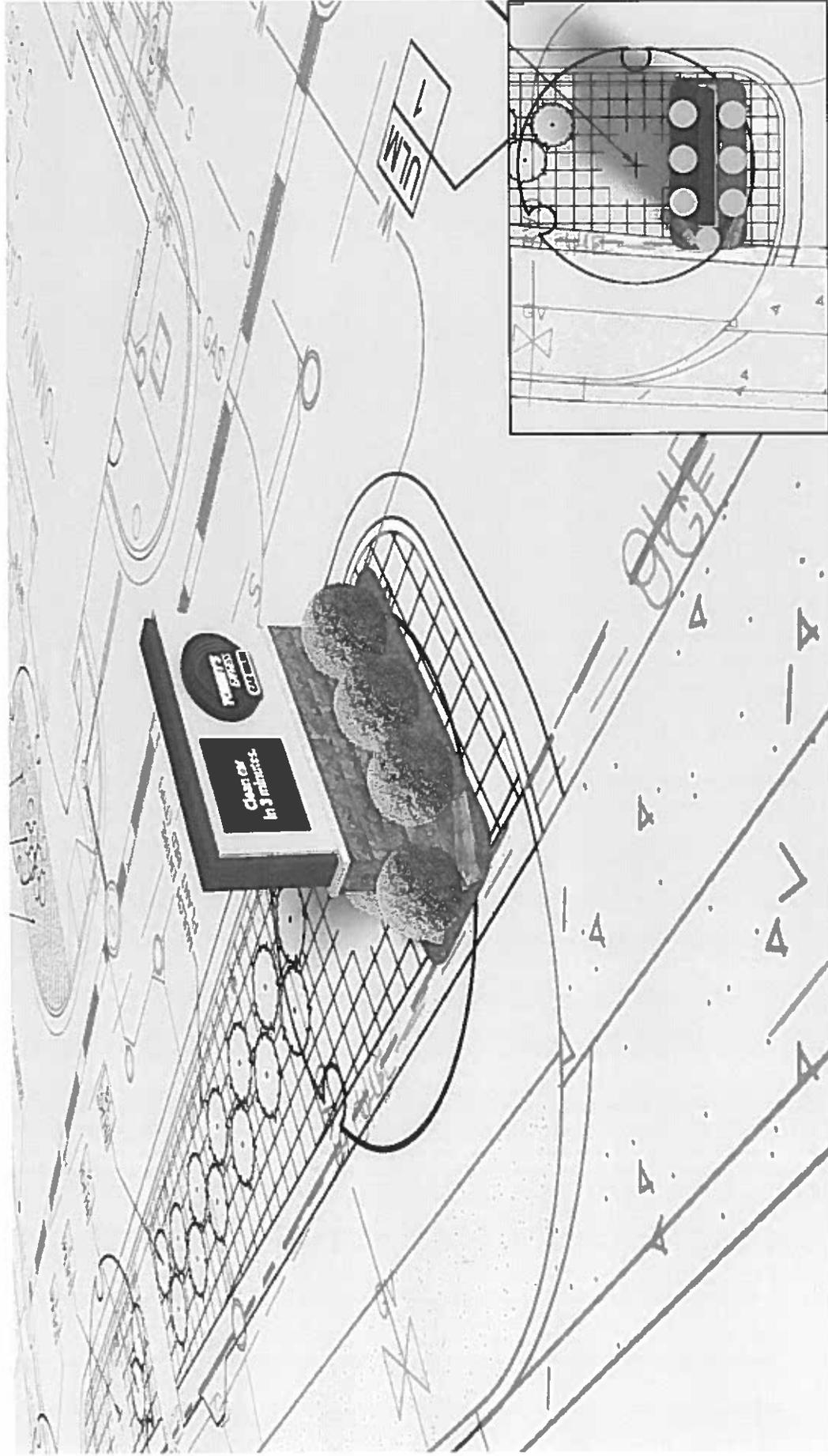
7048 Forest Hill Ave, Richmond, VA 23225

08/04/20

01



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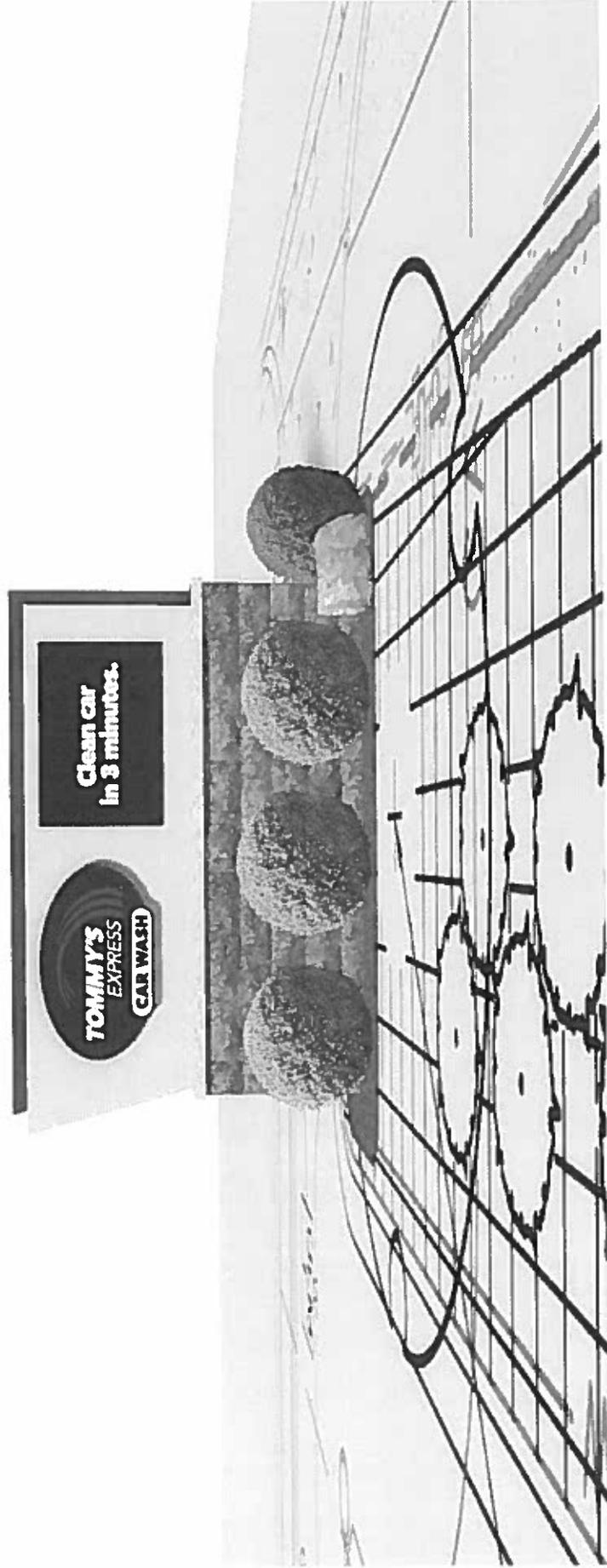
Signage Concept

Customer
Location
Date
Revision

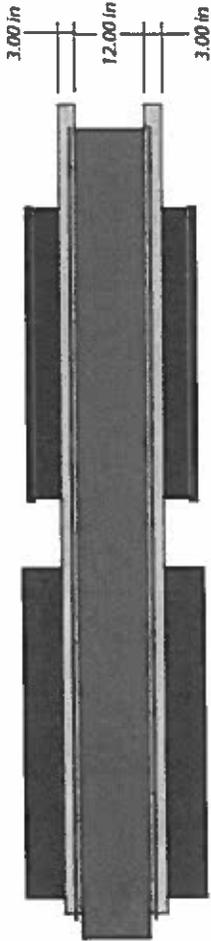
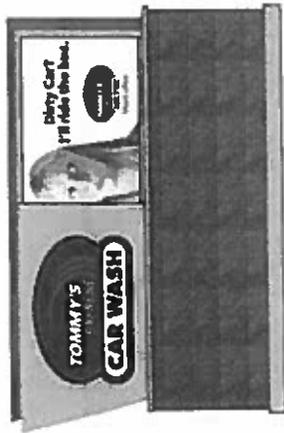
P1446
7048 Forest Hill Ave, Richmond, VA 23225
08/04/20
01



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Signage Concept

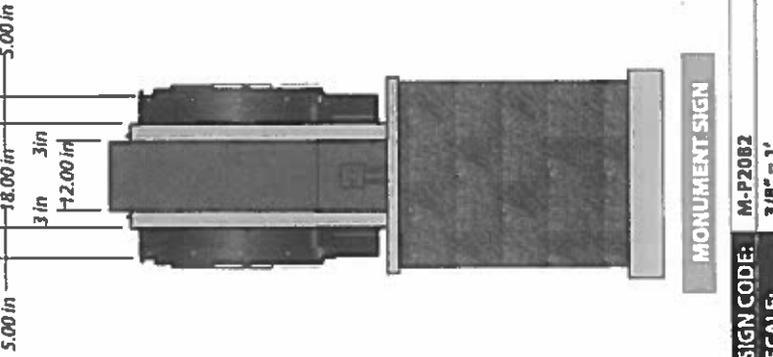
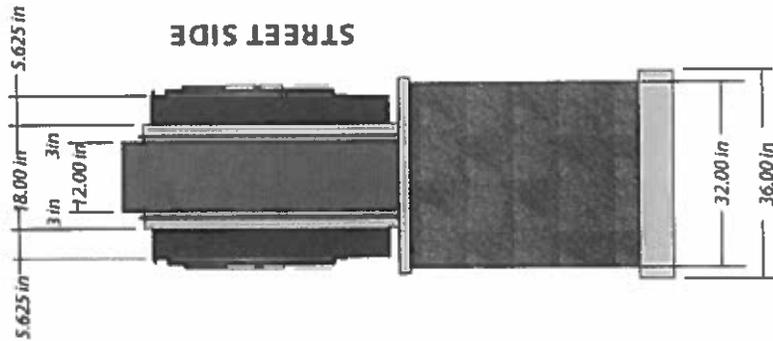


See M48 Details

41.375" h x 57.375" w
Vizidef MC Unit
(shipped to VCS by others)

See MWS13-CW Details

Side B



STREET SIDE

BUILDING SIDE

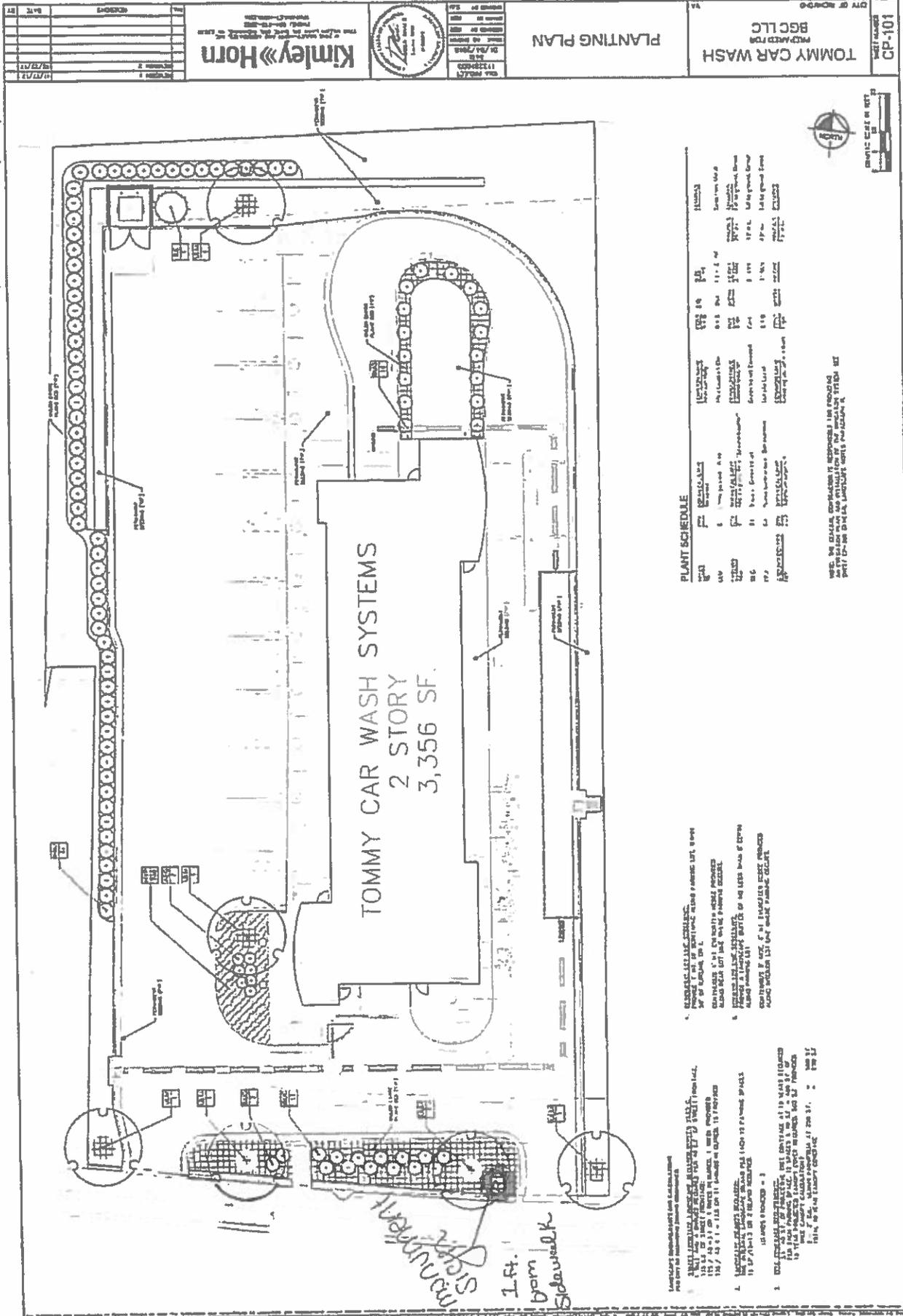


MONUMENT SIGN

SIGN CODE:	M-P2082
SCALE:	3/8" = 1'
DATE:	10.02.19A

QUANTITY:	1
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1048 Forest Hills Avenue



Kimley-Horn
 CONSULTING ENGINEERS
 112200000
 11/22/2000
 11/22/2000
 11/22/2000



PLANTING PLAN

TOMMY CAR WASH
 PREPARED FOR
BGC LLC
 017 OF 000000

CP-101

PLANT SCHEDULE

NO.	PLANT	QUANTITY	DATE	PLANT	DATE	PLANT	DATE
1
2
3
4
5
6
7
8
9
10

NOTE: THE CLIENT ASSUMES RESPONSIBILITY FOR PROVIDING ALL NECESSARY INFORMATION AND VERIFICATION OF THE REGULATORY AGENCIES. THE CONSULTANT HAS CONDUCTED VISUAL VERIFICATION OF THE REGULATORY AGENCIES. THE CONSULTANT HAS CONDUCTED VISUAL VERIFICATION OF THE REGULATORY AGENCIES.

1. EXISTING PLANTING TO REMAIN: ALL EXISTING PLANTING TO REMAIN SHALL BE MAINTAINED AND PROTECTED THROUGHOUT CONSTRUCTION.

2. NEW PLANTING: ALL NEW PLANTING SHALL BE INSTALLED AS SHOWN ON THIS PLAN. PLANTING SHALL BE INSTALLED AS SHOWN ON THIS PLAN.

3. PLANTING SPECIFICATIONS: ALL PLANTING SHALL BE INSTALLED AS SHOWN ON THIS PLAN. PLANTING SHALL BE INSTALLED AS SHOWN ON THIS PLAN.

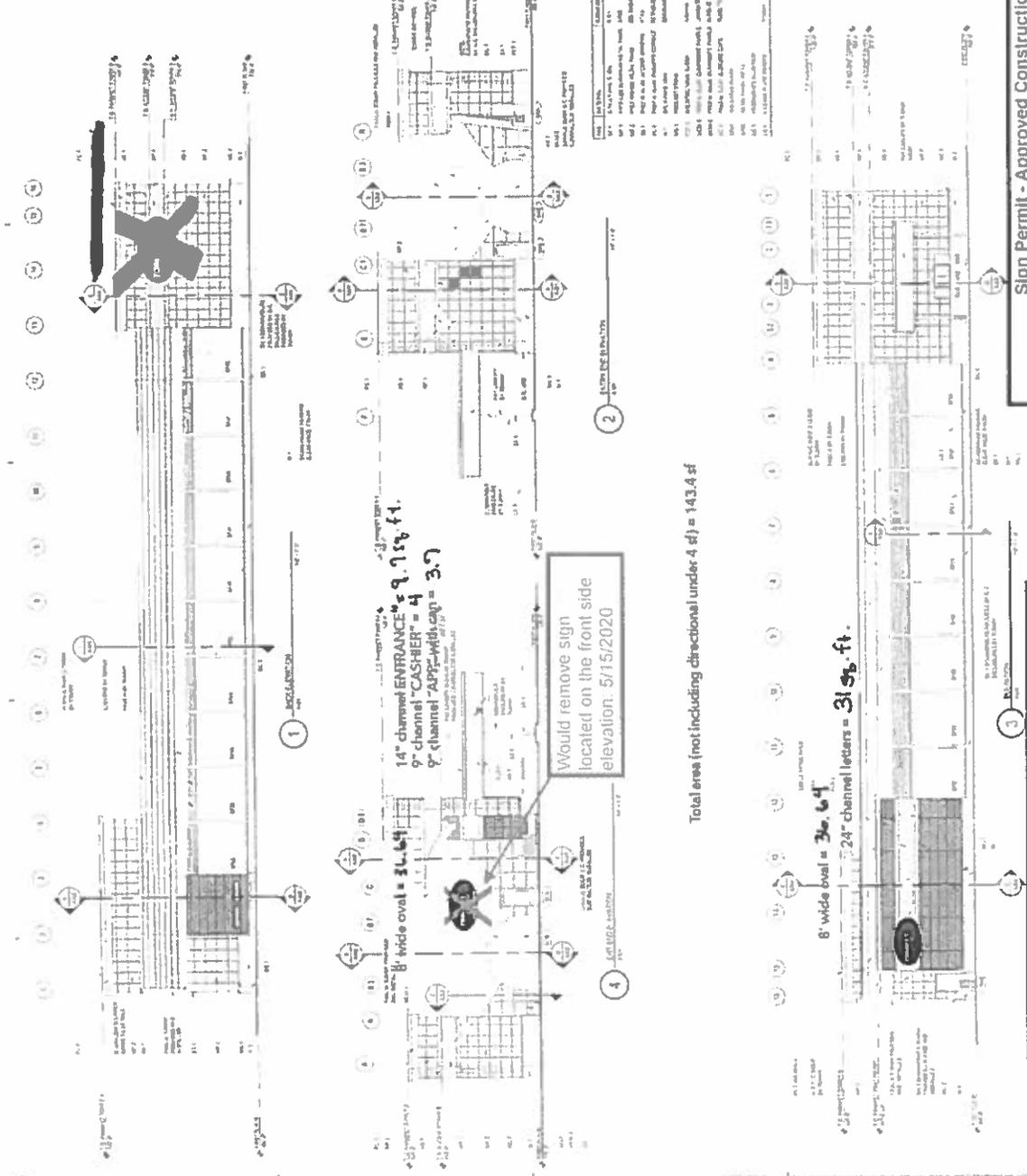
4. PLANTING SCHEDULE: ALL PLANTING SHALL BE INSTALLED AS SHOWN ON THIS PLAN. PLANTING SHALL BE INSTALLED AS SHOWN ON THIS PLAN.

TOMMY CAR WASH SYSTEMS
 2 STORY
 3,356 SF.

Significant
 I.R.
 from sidewalk

Please see item highlighted in green to display most recent update: 5/15/2020

EXTERIOR MATERIALS LEGEND



Would remove sign located on the front side elevation. 5/15/2020

Total area (not including directional under-4 ft) = 143.4 sf

8' wide oval = 36.64
24" channel letters = 31.56 ft.

NOTICE
This approval does not include any review of the mechanical, electrical, plumbing or other trade plans. This approval does not authorize any MEP work to begin.

Sign Permit - Approved Construction Documents
Under general authority of the Building Code, this approved set of construction documents shall be kept on the job site at all times and shall not be altered without approval from the Building Official. This permit does not approve any Electrical, Mechanical or Plumbing work. This approval does not relieve the builder from complying with manufacturer instructions, Virginia Uniform Statewide Building Code and City of Richmond regulations whether noted, implied or omitted.
Plans Approved: 7048 Forest Hill Avenue PERMIT SIGN-046852-2019
01/08/2019 2:45:08 PM

Tommy's Express Richmond VA
Tommy Car Wash Systems
Progressive/ap

P1446

OWNER: TOMMY'S EXPRESS RICHMOND VA
DESIGNER: PROGRESSIVE/AP



DATE: 01/08/2019
TIME: 2:45:08 PM

EXTERIOR ELEVATIONS
A201