

INTRODUCED: September 12, 2022

AN ORDINANCE No. 2022-265

To authorize the special use of the property known as 6228 Forest Hill Avenue for the purpose of a wall, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 10 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 6228 Forest Hill Avenue, which is situated in a R-2 Single-Family Residential District, desires to use such property for the purpose of a wall, which use, among other things, is not currently allowed by section 30-630.9(b), concerning permitted projections and encroachments in yards and courts, of the Code of the City of Richmond (2020), 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 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: OCT 10 2022 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 (2020), 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 6228 Forest Hill Avenue and identified as Tax Parcel No. C004-0185/010 in the 2022 records of the City Assessor, being more particularly shown on a plan entitled “Forest Hill Avenue, Improvement Project,” prepared by the City of Richmond, Department of Public Works, and dated April 25, 2017, 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 wall, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Willow Oaks Country Club – Permit Drawings,” prepared by Carousel Signs & Designs, and dated November 18, 2021, and hereinafter referred to as “the Plans,” a copy of which is 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 wall, substantially as shown on the Plans.

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

(c) All building materials and elevations pertaining to the Special Use shall be substantially as shown on the Plans.

(d) Signs pertaining to the Special Use shall be substantially as shown on the Plans.

(e) 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 (2020), 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 (2020), 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 (2020), 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 (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

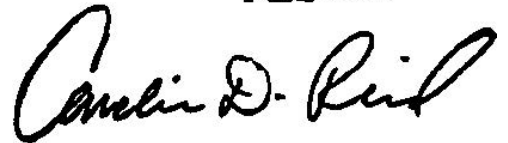
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or

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.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Carolin D. Reed". The signature is written in a cursive style with a large initial 'C'.

City Clerk



City of Richmond

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

Item Request File Number: PRE.2022.0219

O & R Request

DATE: August 16, 2022

EDITION: 1

TO: The Honorable Members of City Council

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

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

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

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review

RE: To authorize the special use of the property known as 6228 Forest Hill Avenue for the purpose of a fence or wall, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 6228 Forest Hill Avenue for the purpose of a fence or wall, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit which would allow the construction of an ornamental masonry wall with signage. The property is located in the R-2 Single-Family Residential District where the height limit for fences or walls is four feet. The proposed height the support columns for masonry wall exceeds four feet. Therefore a special use permit is 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 October 3, 2022, meeting.

BACKGROUND: The Willow Oaks Country Club is situated on a 152 acre property located on the north side of Forest Hill Avenue. The access road to the property is located between the intersections of Hawthorne Road and Glyndon Lane. The area on both sides of this road was well landscaped and contained an ornamental

brick wall. Recently Forest Hill Avenue was widened and in doing so this landscaping and a portion of the existing were removed. The applicant proposes to reestablish this entranceway amenity. Among other features, the proposal includes the installation of a masonry wall four feet in height and supported by five foot tall columns.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Institutional. This designation is defined as a "Public and quasi-public entities, such as local, state, and federal government, hospitals, universities, schools, and religions institutions.

The James River abuts to the north of the property. Powhite Parkway abuts to the east. Properties to the south and west contain single-family neighborhoods.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

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

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: September 12, 2022

CITY COUNCIL PUBLIC HEARING DATE: October 10, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
October 3, 2022

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application and Narrative, Plans, Survey, Map

STAFF: David Watson, Senior Planner, Land Use Administration (Room 511) 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) 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: 6228 FOREST HILL AVE Date: 10/25/2021
 Tax Map #: 00040185010 Fee: _____
 Total area of affected site in acres: .018 ACRES

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

Zoning

Current Zoning: R-2
 Existing Use: COUNTRY CLUB (WILLOW OAKS)

Proposed Use

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

NEW ENTRANCE SIGN & MASONRY WALLS
 Existing Use: EXISTING ENTRANCE PARTIALLY REMOVED DUE TO ROAD CONSTRUCTION

Is this property subject to any previous land use cases?

Yes No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: JAMES FOLEY

Company: CAROUSEL SIGNS & DESIGNS, INC
 Mailing Address: 6501 DICKENS PLACE
 City: Richmond State: VA Zip Code: 23230
 Telephone: (804) 620-3200 Fax: (804) 620-3210
 Email: jay@carouselsigns.com

Property Owner: Willow Oaks Country Club INC

If Business Entity, name and title of authorized signee: [Signature] CHRIS WELLES

(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: 6228 FOREST HILL AVE
 City: Richmond State: VA Zip Code: 23225
 Telephone: (804) 272-1451 Fax: _____
 Email: _____

Property Owner Signature: [Signature] CHRIS WELLES

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)

Application Report – Willow Oaks County Club

Special Use Permit

The reason for this application is to address the City's height limit in regards to Willow Oaks' R-2 Zoning. Working with David Duckhardt and Josh Young with the City, it was determined the height requirements for a masonry column was 5.5' and 4' for masonry walls. Willow Oaks would like to obtain a Special Use Permit to allow for additional height on both as shown in the attached design included in this application.

Willow Oaks Country Club is proposing a construction a new masonry entrance feature with signage. Their current wall was partially removed by the City as part of the road widening project of Forest Hill Avenue. Their old sign was also removed during construction. There would be no impact to employee staffing, hours of operation, and vehicular traffic if this application is approved and the new entrance feature is built.

The design and materials used will closely match those found throughout Willow Oaks, along with entrance features to adjacent neighborhoods. While the new entrance design is not as long as the old entrance in terms of footprint, it will take up the same general space at the entrance with regards to setbacks.

Please note the following:

- The new entrance feature will not be detrimental in any way to the surrounding community. The general footprint will be very similar to the current wall, only taller if approved. The feature will remain on Willow Oaks property and outside the ROW.
- The new entrance feature will not create any additional congestion. The general footprint will be very similar to the current wall, only taller if approved. The feature will remain on Willow Oaks property and outside the ROW.
- The new entrance will not create any fire, panic, or other dangers. The general footprint will be very similar to the current wall, only taller if approved. The feature will remain on Willow Oaks property and outside the ROW.
- The new entrance will not create an overcrowding of land or undue concentration of population. The general footprint will be very similar to the current wall, only taller if approved. The feature will remain on Willow Oaks property and outside the ROW.

-The new entrance will not adversely affect or interfere with any public or private entity/utility. The general footprint will be very similar to the current wall, only taller if approved. The feature will remain on Willow Oaks property and outside the ROW.

-The new entrance will not interfere with adequate light or air. The general footprint will be very similar to the current wall, only taller if approved. The feature will remain on Willow Oaks property and outside the ROW.

Respectfully,

A handwritten signature in blue ink that reads "James B. Foley". The signature is written in a cursive style with a large, stylized initial "J".

James B. Foley

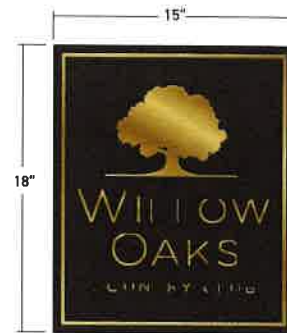
President

Carousel Signs and Designs

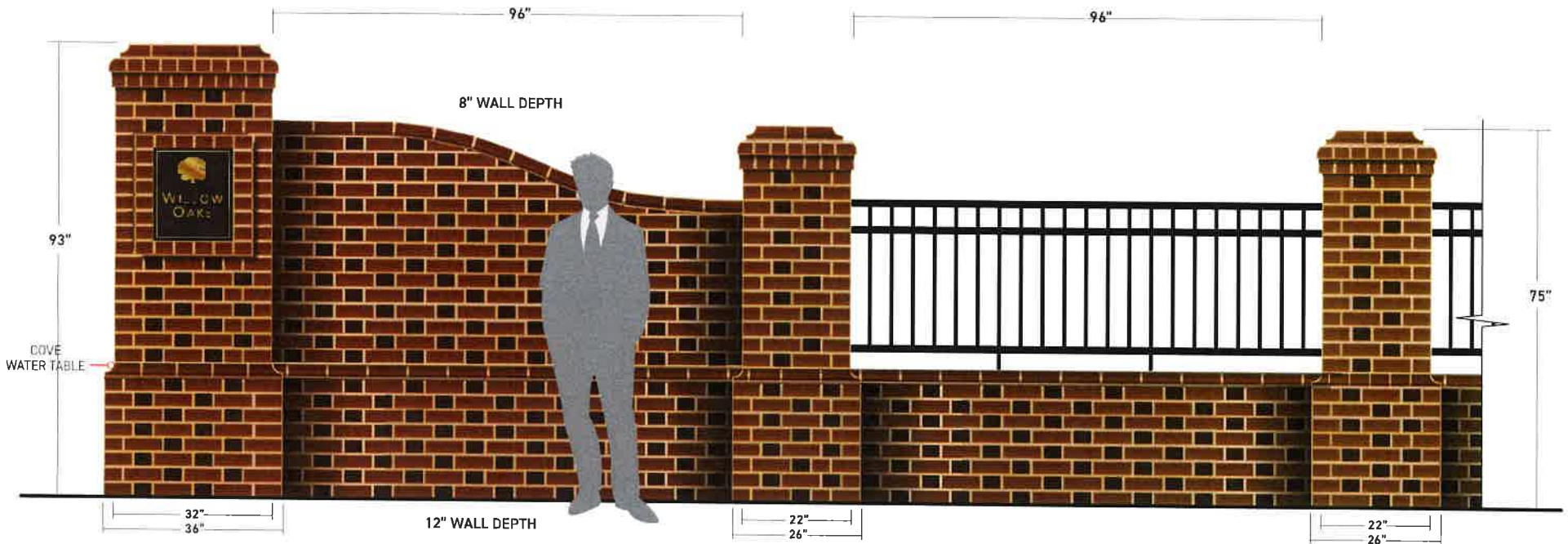
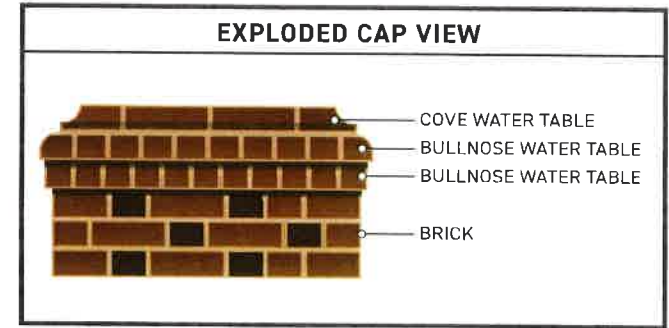
WILLOW OAKS COUNTRY CLUB
- PERMIT DRAWINGS
RIGHT SIDE ENTRANCE




EXPLODED VIEW
LEFT SIDE



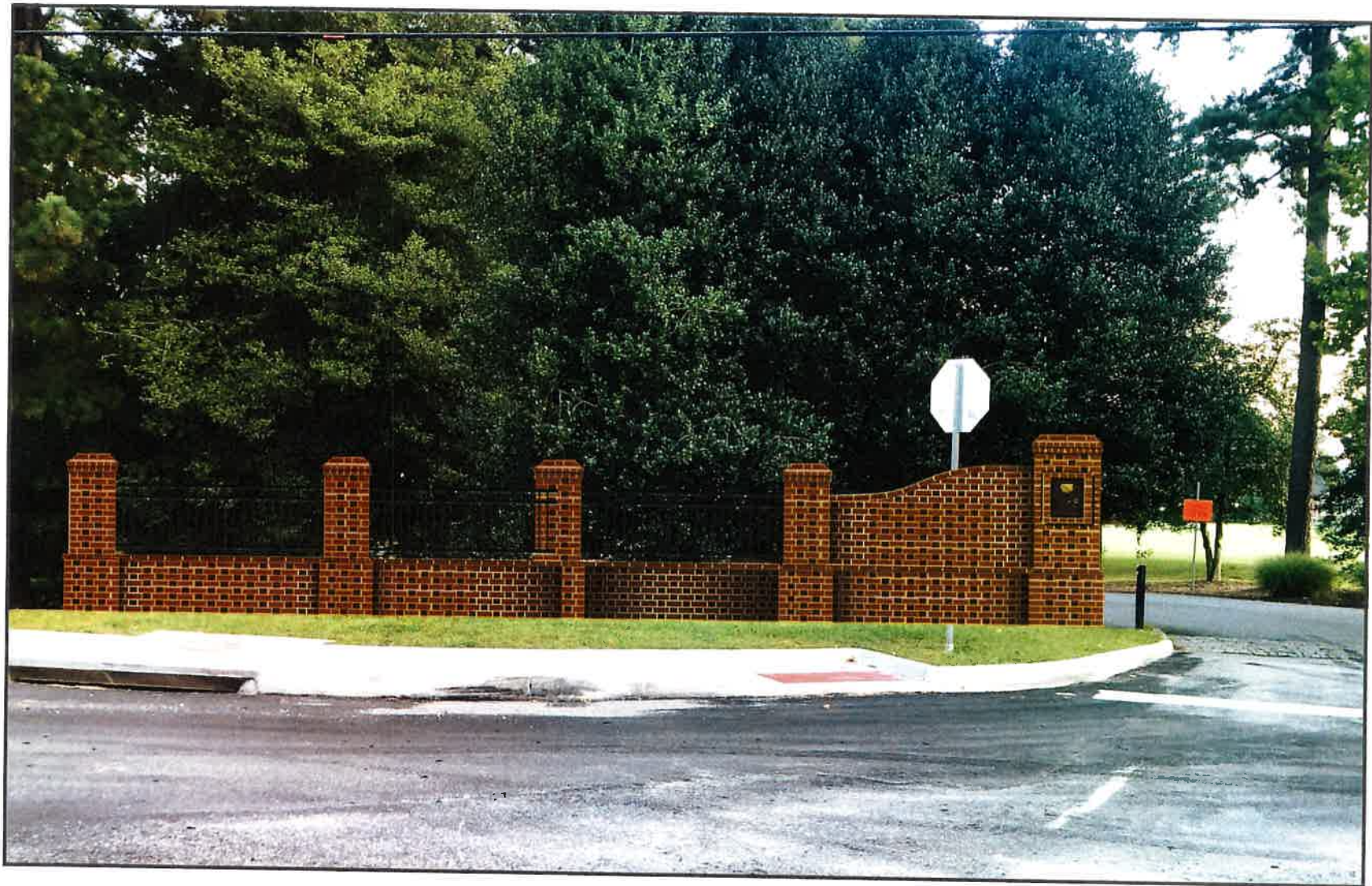
EXPLODED VIEW
RIGHT SIDE




	PROJECT: ID ENTRANCE	JOB: 24699	SALESPERSON: HS	DATE: 11 / 18 / 21 P2	SCALE: 3/8"=1'	
	CLIENT: WILLOW OAKS COUNTRY CLUB		DESIGNER: JB	This drawing must be approved and signed by the customer before production can begin. Any changes made after the drawing has been approved will be done at the customer's expense.		
	6501 DICKENS PLACE, RICHMOND, VA 23230		WWW.CAROUSELSIGNS.COM	p 804.620.3200		SIGNATURE:
	This drawing was created and copyrighted by Carousel Signs & Designs. It may not be used or reproduced in part or whole without the written consent of Carousel Signs & Designs.					PAGE 1 OF 4

WILLOW OAKS COUNTRY CLUB - PERMIT DRAWINGS

LEFT SIDE ENTRANCE




 CAROUSEL SIGNS & DESIGNS	PROJECT: ID ENTRANCE	JOB: 24699	SALESPERSON: HS	DATE: 11 / 18 / 21 P2	SCALE: 3/8"=1'	
	CLIENT: WILLOW OAKS COUNTRY CLUB			DESIGNER: JB	<small>This drawing must be approved and signed by the customer before production can begin. Any changes made after the drawing has been approved will be done at the customer's expense.</small>	
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	<small>This drawing was created and copyrighted by Carousel Signs & Designs. It may not be used or reproduced in part or whole without the written consent of Carousel Signs & Designs.</small>					SIGNATURE: _____
					PAGE 3 OF 4	

WILLOW OAKS COUNTRY CLUB - PERMIT DRAWINGS

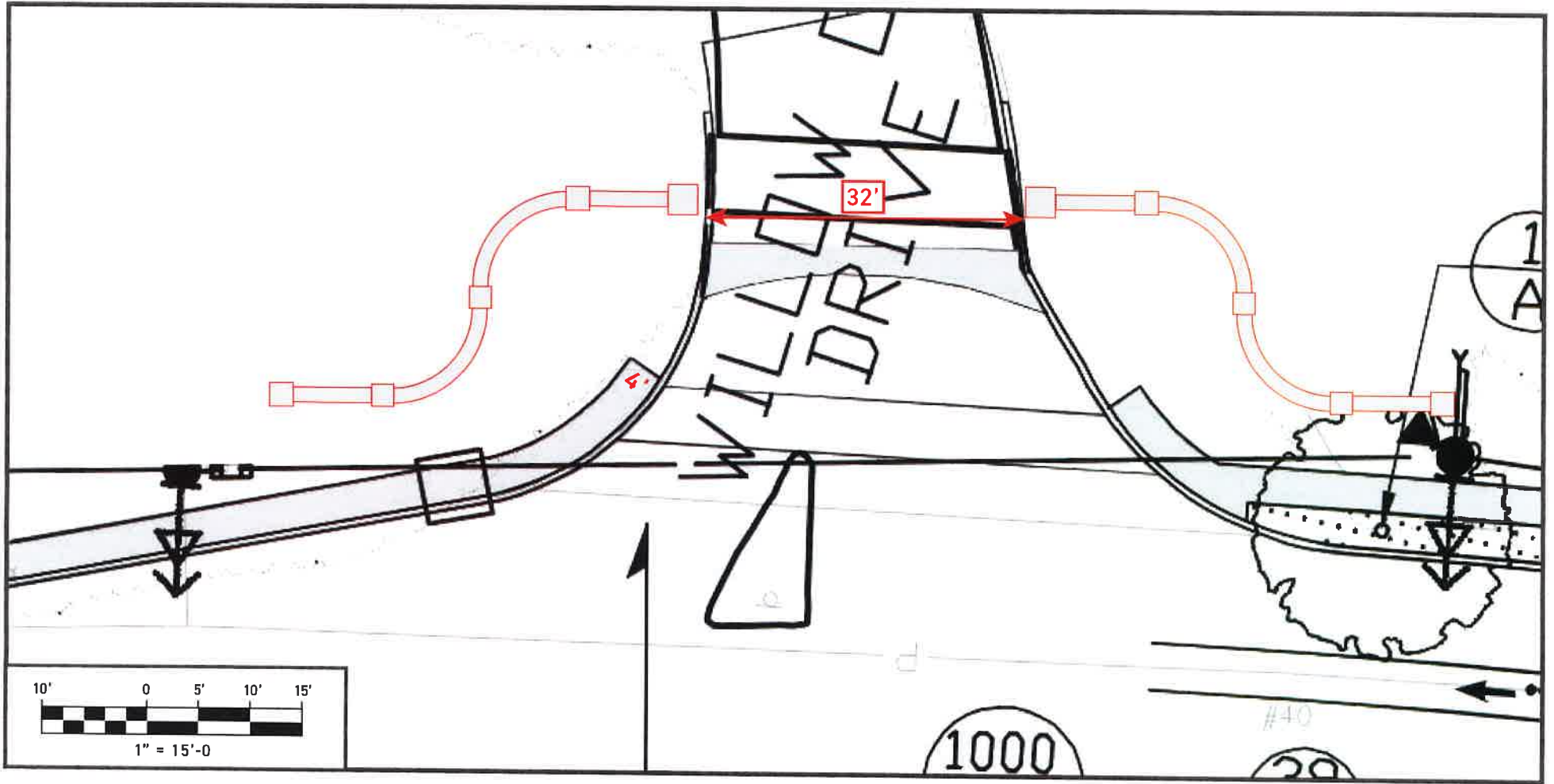
LEFT SIDE ENTRANCE




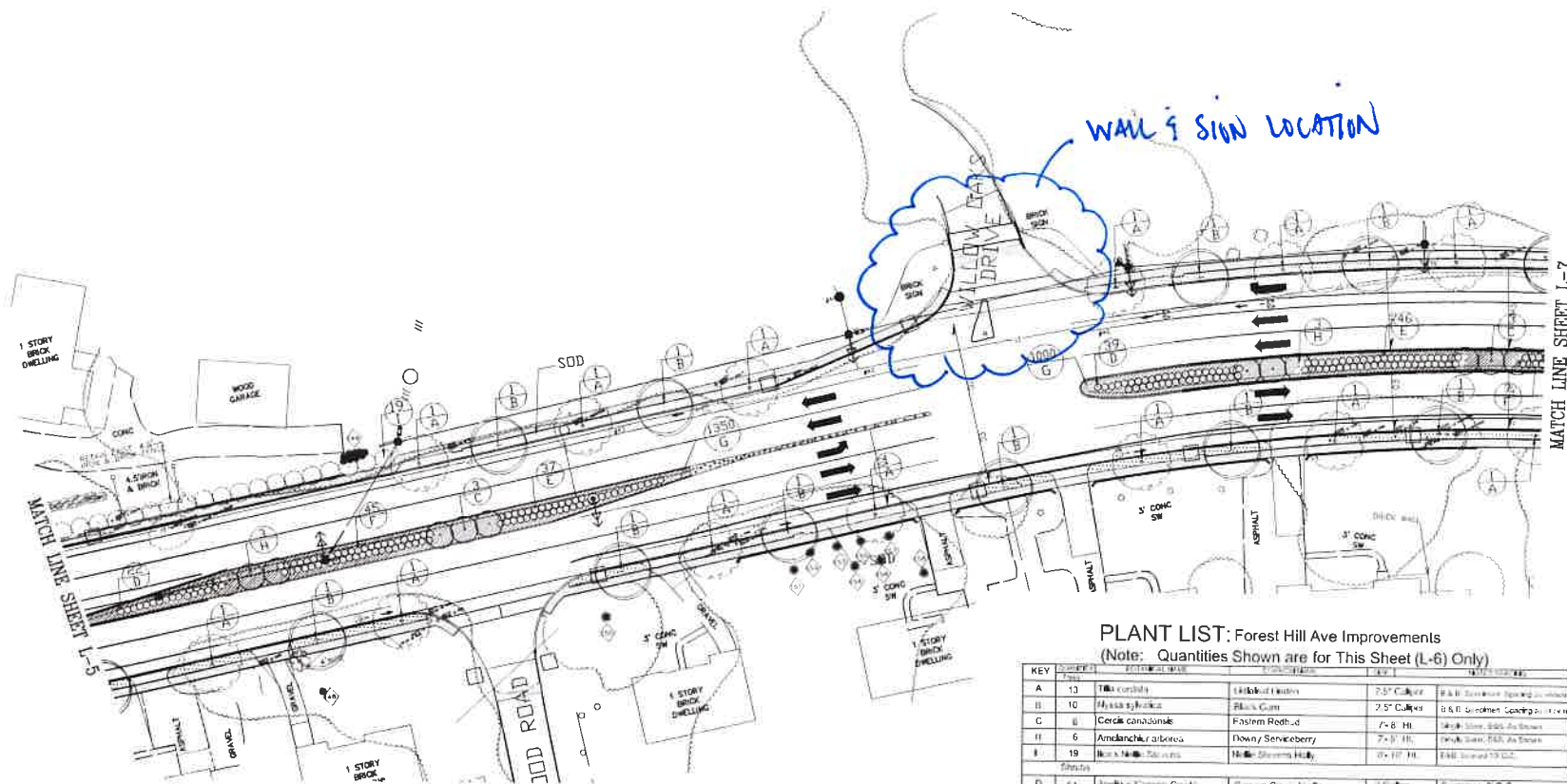
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					PAGE 4 OF 4	

WILLOW OAKS COUNTRY CLUB
- PERMIT DRAWINGS

PROPOSED LAYOUT



	PROJECT: ID ENTRANCE	JOB: 24699	SALESPERSON: HS	DATE: 11 / 18 / 21 P2	SCALE: 3/8"=1'	
	CLIENT: WILLOW OAKS COUNTRY CLUB		DESIGNER: JB	This drawing must be approved and signed by the customer before production can begin. Any changes made after the drawing has been approved will be done at the customer's expense.		
	6501 DICKENS PLACE, RICHMOND, VA 23230		WWW.CAROUSELSIGNS.COM	p 804.620.3200		SIGNATURE:
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PLANT LIST: Forest Hill Ave Improvements
(Note: Quantities Shown are for This Sheet (L-6) Only)

KEY	QUANTITY	DESCRIPTION	PLANT SPECIES	SIZE	INSTALLATION
A	13	Tree	Littleleaf Linden	7.5" Caliper	B & B. Screened Spaced on street
B	10	Shrub	Black Gum	7.5" Caliper	B & B. Screened Contour on street
C	6	Shrub	Eastern Redbud	7'-8" Ht.	Single Stem, B&B, As Stock
D	6	Shrub	Downy Serviceberry	7'-8" Ht.	Single Stem, B&B, As Stock
E	19	Shrub	White Star Magnolia	07'-10" Ht.	PAE. Screened 10 G.C.
F	61	Shrub	Canyon Creeper	3 Gallon	Container, J.O.C.
G	13	Shrub	Indian Hawthorn	5 Gallon	Container, J.O.C.
H	5	Shrub	Pink Knockout	J.Gallon	Container, B.O.C.
Groundcovers					
C	2,350	Plant	Blue Plantain Green Liliaceae	1 Gallon S&S	Container, 12" O.C. On 14" Eased 12" Spacing
SOD	500 SY	Material	Turf Type Tall Fescue SOD	Line, Seed, Fertilizer & Straw	All Disturbed Areas Not Designated As Soil Erosion Control Measure

F = Filtrina Location



FOREST HILL AVENUE IMPROVEMENT PROJECT



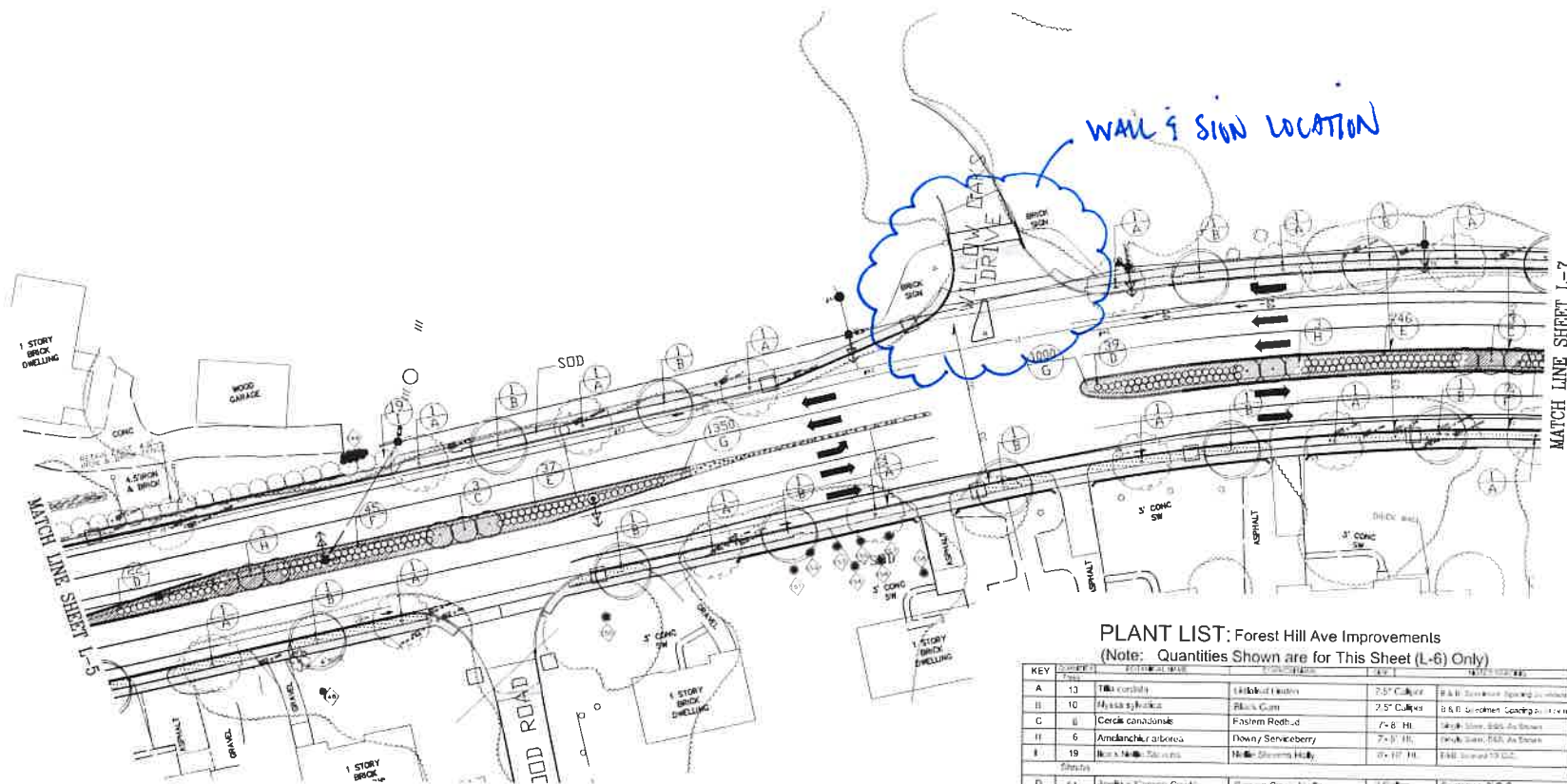
THE PROJECT	APPROVED BY
Signed: _____ Project Engineer	Signed: _____ Senior Project Engineer
Signed: _____ Senior Engineer	Signed: _____ Senior Designer / Value Engineer
Signed: _____ City Public Engineer	Signed: _____ Mayor of Public Works

DEPARTMENT OF PUBLIC WORKS
RICHMOND, VIRGINIA

LANDSCAPE PLAN

Drawing # 0-26520
CIP: 040-291-0900

DATE	BY	REVISION
4-25-2017	LANDSCAPE PLAN	16 of 7



PLANT LIST: Forest Hill Ave Improvements
(Note: Quantities Shown are for This Sheet (L-6) Only)

KEY	QUANTITY	DESCRIPTION	PLANT SPECIES	SIZE	INSTALLATION
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D	6	Shrub	Downy Serviceberry	7'-8' Ht.	Single Stem, B&B, As Stock
E	19	Shrub	White Star Magnolia	07'-10" Ht.	PAE. Screened 10' C.C.
F	1	Filterna	Canyon Creek Ashoka	3' Caliper	Container, J.O.C.
G	1	Filterna	Indian Hawthorne	5' Caliper	Container, J.O.C.
H	1	Filterna	Pink Knockout Rose	J. Caliper	Container, B.O.C.
Groundcovers					
I	2,500	Plant	Blue Plantain Green Liliaceae	1' Caliper	Container, 12" O.C. On 18" Elevated 12" Spacing
SOD					
J	500 SY	Material	Century Rye Turf Sod (24" Ht.)		Install 10' sections on each side of street line along roadway
SOD					
K	500 SY	Material	Turf Type Tall Fescue SOD		Line, Seed, Fertilizer & Straw. All Disturbed Areas Not Designated As Sod
SOD					
L	500 SY	Material	Bluebonnet Hardwood Mulch		Communicate to sub-contractor quantity

F = Filterna Location



FOREST HILL AVENUE
IMPROVEMENT PROJECT



THE PROJECT	APPROVED BY
Signed: _____ Project Engineer	Signed: _____ Senior Project Administrator
Signed: _____ Assistant Engineer	Signed: _____ Senior Designer / Value Engineer
Signed: _____ City Public Engineer	Signed: _____ Mayor of Public Works

DEPARTMENT OF PUBLIC WORKS
RICHMOND, VIRGINIA

LANDSCAPE PLAN

Drawing # 0-26520
CIP: 040-291-0900

DATE	BY	REVISION
4-25-2017