

INTRODUCED: December 14, 2020

AN ORDINANCE No. 2020-268

To authorize the special use of the property known as 406 Rear West Franklin Street for the purpose of a two-unit tourist home within an existing structure, 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 406 Rear West Franklin Street, which is situated in a RO-3 Residential-Office District, desires to use such property for the purpose of a two-unit tourist home, which use, among other things, is not currently allowed by sections 30-710.1(a)(7)(a), concerning the number of parking spaces required for particular uses, and 30-1220.122, concerning the definition of tourist home, of the Code of the City of Richmond (2015), as amended; and

AYES: 9 NOES: 0 ABSTAIN:

ADOPTED: JAN 11 2021 REJECTED: STRICKEN:

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 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 406 Rear West Franklin Street and identified as Tax Parcel No. W000-0214/027 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled “Exhibts B & C to the Declaration of the Commonwealth House Master Condominium, 406 W Franklin Street, City of Richmond, Virginia,” prepared by Draper Aden Associates, dated September 11, 2017, and last revised May 29, 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 two-unit tourist home within an existing structure, substantially as shown on the plans entitled “406 W. Franklin St., Land Unit 2 (Units 1&2),” prepared by River Mill Development, and dated August 12, 2020, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. Special Terms and Conditions. This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as a two-unit tourist home within an existing structure, with up to two bedrooms per unit, which units may be accessible from the exterior of the building, substantially as shown on the Plans.

(b) No units within the tourist home shall be rented to more than two adult persons per bedroom at any given time.

(c) Off-street parking shall not be required for the Special Use.

(d) The Owner shall ensure that the Zoning Administrator is furnished with contact information for the operator of the Special Use.

(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 (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.

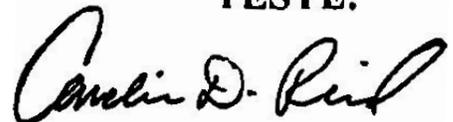
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, 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 "Camille D. Reed".

City Clerk

RECEIVED
By Barbara Fore at 3:09 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 2:06 pm, Dec 04, 2020

Item Request

File Number: PRE.2020.396

O & R Request

DATE: November 12, 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 406 Rear West Franklin Street, for the purpose of a two-unit tourist home, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 406 Rear West Franklin Street, for the purpose of a two-unit tourist home, upon certain terms and conditions.

REASON: The request is to authorize the conversion of a two-family detached dwelling into a two-unit tourist home. Tourist homes and short-term rentals are permitted uses in the RO-3 Residential Office District. However, as proposed, the tourist homes are not able to meet all feature requirements of the zoning district. 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 January 4, 2021, meeting.

BACKGROUND: The subject property is 40 feet in width and contains 6,213 square feet. Improvements to the property are a three-story building that fronts West Franklin Street and a two-story carriage house fronting the alley. It is the carriage house that is the subject of this special use request. The property is located in the RO-3 Residential Office District where tourist homes provided that access to the units is provided exclusively from within the building. The existing structure provides exterior

access to the living units. The zoning ordinance requires one parking space per unit and the proposal request elimination of this requirement.

The City of Richmond's Pulse Corridor Plan designates the subject property for Downtown Mixed-Use. *Central business district of the Richmond region features high-density development with office buildings, apartments, and a mix of complementary uses, including regional destinations. Higher-density pedestrian- and transit-oriented development encouraged on vacant or underutilized sites; new development should be urban in form and may be of larger scale than existing context. Active commercial ground floor uses required on street-oriented commercial frontages. Active ground floor uses and design required on priority street frontages. Driveway entrances required to be off alleys whenever possible; new driveways prohibited on street-oriented commercial and priority street frontages. Little to no setback of new development unless to create pedestrian-oriented amenities like plazas and outdoor dining. Surface parking prohibited as a principal use; when surface parking is provided as an accessory use, it should be located to the rear of buildings and screened by shade trees. Parking requirements are substantially less in these areas than other areas of the city and are largely eliminated.*

The properties to the east, west, and south of the subject property are located within the same RO-3 Residential Office zoning district. Adjacent and surrounding properties to the north are located in the B-4 Central Business District. Within the area of the subject property, properties to the east and west are occupied by professional offices. Other uses in the vicinity include residential, office, cultural, and hospitality uses.

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: 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 Administration 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, Property and Plans, Application and Narrative, Map

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036
David.Watson@Richmondgov.com

SUP-077388-7020



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

Application is hereby submitted for (check one)

- [X] special use permit, new
[] special use permit, plan amendment
[] special use permit, text only amendment

Project Name/Location

Property Address 406 REAR W Franklin Street Date
Tax Map # W0000214027 Fee
Total area of affected site in acres 03

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

Zoning

Current Zoning R13
Existing Use Two-family dwelling

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
Use of two dwelling units within existing detached accessory building as tourist homes, relief from required parking

Existing Use Two-family dwelling

Is this property subject to any previous land use cases?

Yes [X] No [] If Yes, please list the Ordinance Number
BZA Case heard on August 11, 1942

Applicant/Contact Person: Mark Baker / Charla Wilson

Company Baker Development Resources
Mailing Address: 1519 Summit Avenue, Suite 102
City Richmond State VA Zip Code 23222
Telephone (804) 874-6275 Fax
Email markbaker@bakerdevelopmentresources.com

Property Owner: VCU CARRIAGE HOUSE LLC

If Business Entity, name and title of authorized signee

(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: 1025 Preservation Road
City Midlothian State VA Zip Code 23113
Telephone (804) 357-6305 Fax
Email: wmbalentine@gmmlc.com

Property Owner Signature: William Balentine

Digitally signed by William Balentine
Date: 2016.08.22 11:11:42 -0400

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

August 14, 2020

Special Use Permit Request

406 Rear West Franklin Street, Richmond, Virginia

Map Reference Number: W000-0214/027

Submitted to:

City of Richmond

Department of Planning and Development Review

Land Use Administration

900 East Broad Street, Suite 511

Richmond, Virginia 23219

Submitted by:

Baker Development Resources

1519 Summit Ave., Suite 102

Richmond, Virginia 23230

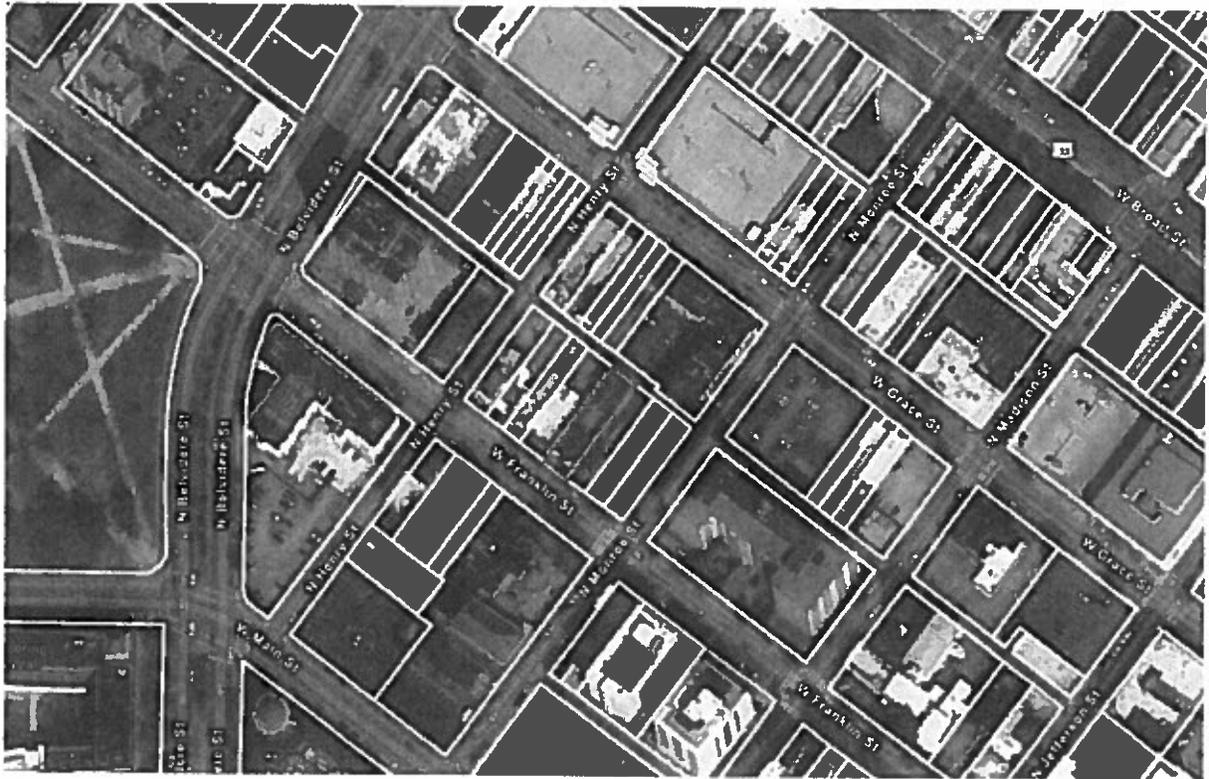
Introduction

The property owner is requesting a special use permit ("SUP") for 406 Rear West Franklin Street ("the Property"). The SUP would authorize the use of a two-family detached dwelling as tourist home guest units, which do not meet all the applicable feature requirements of the underlying zoning.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located at the rear of 406 West Franklin Street between North Henry and North Monroe Streets. The Property is referenced by the City Assessor as tax parcel W000-0214.027. According to the City Assessor's records, The Property contains approximately 1,353 square feet of lot area and has alley access to an improved public alley.



The Property is improved with a three-story building fronting on West Franklin Street (406 West Franklin Street) and a two-story carriage house fronting on the alley (406 Rear West Franklin Street), both of which were built in 1910. The Property is subject to a condominium regime with the buildings under different ownership. The carriage house building is the subject of this request and has most recently been used as a two-family dwelling. The three-story original main building is occupied by offices and it, along with the common area, are referenced separately by the City Assessor as tax parcels W000-0214.026 and W000-

0214/019. According to City Assessor's records, the carriage house building includes 1,998 square feet of finished floor area. The properties to the east and west are both occupied by professional offices. Other properties in the vicinity include residential, office, cultural, social and hospitality uses.



EXISTING ZONING

The Property is zoned RO-3 Residential Office. The surrounding properties on West Franklin are also zoned RO-3, while other more intense zoning districts, such as B-4 (Central Business) and TOD-1 (Transit-Oriented Nodal), are found nearby to the north and to the south.

The RO-3 District permits the Tourist Home use subject to the feature requirement, among others, that access to individual guestrooms is provided exclusively from within the building.

POLICY GUIDANCE FOR MONROE WARD LAND USE

Supporting policy with regard to future land use in Monroe Ward is included in the Downtown Plan (2007) and the Pulse Corridor Plan (2017), as well as the ongoing draft Richmond 300 Master Plan.

The Downtown Plan concludes about Monroe Ward: "[t]he neighborhood represents one of the greatest opportunities to expand the housing market and types of residential building types available Downtown. It also contains numerous sites and buildings that present opportunities for development and adaptive use." The plan noted the Monroe Ward is only 2 blocks from the City Center area and is "truly mixed use" with "a unique identity and scale created by a high concentration of civic and institutional uses." (*Downtown Plan*, p. 1.10).

The Pulse Corridor Plan is intended to support a walkable urban environment around Pulse stations. In this case the Property is located within the watershed of the Pulse Corridor with the nearby Arts District Station. The Arts District Station Area Vision is stated: "Historic buildings are preserved and complemented by denser development on vacant lots that generates more activity through a greater concentration of residents, shoppers, workers, and tourists who are attracted to the residential options, retail and restaurant destinations, jobs, and cultural attractions...." The Pulse Corridor Plan's Future Land Use statement includes "[t]he future land use for Monroe Ward builds on the incredibly dynamic and diverse existing building stock, creating a truly eclectic urban neighborhood," (*Pulse Corridor Plan*, p. 84).

As with existing policy guidance, the draft Richmond 300 Master Plan, which is approaching completion, includes illustrative materials that underscore the vibrant mixed-use character of Monroe Ward. The Richmond 300 documents and the other cited plans support continuing diversity of uses in an area that is rated a "Walkers Paradise."

Proposal

PROJECT SUMMARY

The applicant wishes to authorize the use of the existing two-story two-family dwelling for use as two tourist home guest units. The tourist home use would allow the two-family dwelling to serve as a hospitality use with guest units available for occupancy by guests for periods of less than one month. This would provide for unique guest accommodations for members of the traveling public, including those with families, who are desirous of the ability to reside at a property that is residential in scale and character but conveniently located during their stay in the City.

PURPOSE OF REQUEST

The current RO-3 zoning permits the tourist home use with the condition that access is provided exclusively from within the building. However, with the interest of preserving the existing architecture of the structure, it is not possible to provide access exclusively from within the building. Also, in the interest of fostering the increasing walkability and transit-oriented development in the Monroe Ward neighborhood, the request would also waive the off-street parking requirement of two parking spaces. Although the Underlying zoning permits the proposed use, a special use permit is required as these feature requirements would not be met.

In exchange for the SUP, the intent of this request is to accommodate a use that is beneficial to the neighborhood while also preserving a structure that was originally intended for residential use. More specifically, this request would provide two high-quality, unique guest accommodations for use by the traveling public, in an area of the downtown best suited to it, due to the proximity to restaurants, retail, destinations/cultural attractions, transit, pedestrian infrastructure, and bicycle facilities.

PROJECT DETAILS

The existing two-story carriage is already occupied as two dwelling units. Each unit is configured with two bedrooms, two-baths and ample living area. Each unit contains approximately 1,000 square feet of floor area. The units would be luxuriously furnished as guest suites in order to provide for the needs of the traveling public. The units are designed as first and second floor flats, with individual entrances and an

exterior stair for access to the second floor unit. The proposed guest suites would compare favorably with other multi-family dwelling projects in the vicinity that are available for long term rental.

Off-street parking is not proposed. Given the use, some occupants will travel to the Property from the Richmond International Airport without vehicles. For those who do arrive by automobile, occupants will typically arrive in one vehicle. In this case, the available on-street parking and numerous off-street parking resources in the vicinity will more than adequately address the parking needs of the Property. The Richmond 300 parking study prepared by Desman Design Management found that, even at times of peak parking demand, up to 20% of the on-street parking spaces in the vicinity remain vacant.

Findings of Fact

The following are factors indicated in Section 17.11 of the Charter and Section 114-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- *Be detrimental to the safety, health, morals and general welfare of the community involved.*

The proposed special use permit will not impact the safety, health, morals and general welfare of the nearby neighborhoods.

- *Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.*

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. There will be negligible traffic generation associated with these uses. The proposed use of two dwelling units used as tourist home guest rooms would be limited in size, type and scale and would be intended to provide for the convenience of occupants within walking distance of downtown destinations, and therefore would avoid any traffic or parking concerns by nature of the scale of the use.

- *Create hazards from fire, panic or other dangers.*

The Property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- *Tend to overcrowding of land and cause an undue concentration of population.*

The proposed special use permit will not tend to over crowd the land or create 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.*

The proposed special use permit would not adversely affect or interfere with the above.

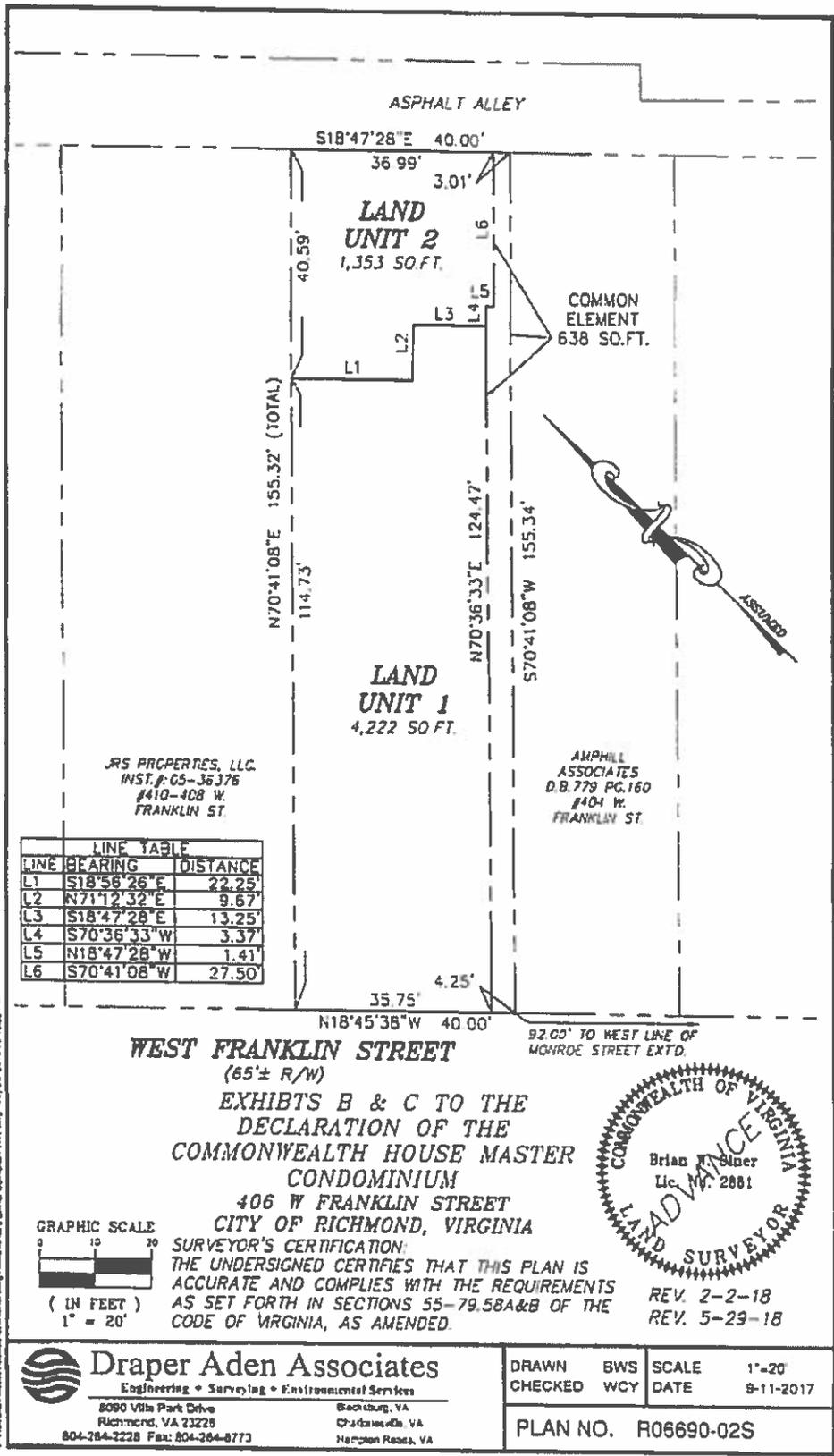
- *Interfere with adequate light and air.*

The light and air available to the subject and adjacent properties will not be affected. The building is existing and this request does not relate to future expansions of the building.

Summary

In summary we are enthusiastically seeking approval for this SUP, which would authorize the reuse of the historic carriage house as two tourist home guest units. We believe that this proposal provides an excellent opportunity for this significant structure to be repurposed for a use that is compatible with the neighborhood in terms of use and character. From a policy perspective, the two-family dwelling for short term rental use is consistent with the mix of uses envisioned for the vicinity and will add to the overall vibrancy of the area. The proposed use would also be complementary to the many cultural attractions, retail and restaurant destinations in the vicinity, which would benefit from the patronage of travelers who would occupy the individual dwelling units.

Plat



Draper Aden Associates
Engineering • Surveying • Environmental Services
8090 Villa Park Drive
Richmond, VA 23228
804-284-2228 Fax: 804-364-8773

Roanoke, VA
Charlottesville, VA
Hempden Roads, VA

DRAWN	BWS	SCALE	1"-20"
CHECKED	WCY	DATE	9-11-2017
PLAN NO. R06690-02S			

