



City of Richmond

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

Legislation Text

File #: ORD. 2019-346, **Version:** 1

To authorize the special use of the property known as 18 West Franklin Street for the purpose of a tourist home with up to five rooms or groups of rooms, upon certain terms and conditions.

WHEREAS, the owner of the property known as 18 West Franklin Street, which is situated in a RO-3 Residential-Office District, desires to use such property for a tourist home with up to five rooms or groups of rooms, which use, among other things, is not currently allowed by section 30-710.1 of the Code of the City of Richmond (2015), as amended, concerning the number of off-street parking spaces required for uses located in the RO-3 Residential Office District.

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2019), 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 18 West Franklin Street and identified as Tax Parcel No. W000-0104/022 in the 2019 records of the City Assessor, being more particularly shown on a plat entitled “Plat of Property Situated on the Northern Line of Franklin Street and East of Adams Street. Richmond, Va.,” prepared by Chas. H. Fleet & Assocs., and dated March 11, 1985, 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 a tourist home with up to five rooms or groups of rooms, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “18 West Franklin Street, Richmond, Virginia,” prepared by Johannas Design Group, and dated September 26, 2007, and revised August 7, 2019, and the plans entitled “18 West Franklin Street, Site Plan for 5 Units,” prepared by an unknown preparer, and dated November 16, 2018, 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 tourist home with up to five rooms or groups of rooms, which rooms or groups of rooms may be accessible from the exterior of the building, substantially as shown on the Plans.

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

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

(d) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(e) No fewer than two on-site parking spaces shall be provided on the Property, substantially as shown on the Plans.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, 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.

O & R Request

DATE: November 8, 2019

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

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 use of the property known as 18 West Franklin Street for the purpose of permitting up to five rooms or groups of rooms for short-term rental, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the use of the property known as 18 West Franklin Street for the purpose of permitting up to five rooms or groups of rooms for short-term rental, upon certain terms and conditions.

REASON: The subject property is located in the Residential Office (RO-3) Residential District. Tourist homes are not permitted by right nor with a conditional use permit in this 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 6, 2020, meeting.

BACKGROUND: The subject property is a .092 acre property with improvements. City records note that the structure was built in 1895 and has 5,030 square feet of living area with an additional 2,045 square feet of unfinished basement area. Though built originally as a single-family dwelling, the most recent use has been for offices. The property is located on West Franklin Street between North Adams and North Foushee Streets, in the Monroe Ward Neighborhood of the Downtown Planning District. The property is also located within the Zero Blocks East and West Franklin Street City Old & Historic District.

The City of Richmond's Pulse Corridor Plan designates a future land use category for the subject property as Downtown Mixed Use. Specifically, the plan notes that the *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.* The Plan also states that "the future land use for Monroe Ward builds on the incredibly dynamic and diverse existing building stock, creating a truly eclectic urban neighborhood." (P.84, Pulse Corridor Plan).

Properties abutting to the east, west and north are owned by the Downtown YMCA, with the western and northern properties containing parking lots. The Jefferson Hotel is located across West Franklin Street to the south. The properties located to the south, east and west of the subject property are located in the RO-3 Residential Office District and the property located to the north is in the B-4 Central Business District.

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: None

BUDGET AMENDMENT NECESSARY: None

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: December 9, 2019

CITY COUNCIL PUBLIC HEARING DATE: January 13, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, January 6, 2020

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 Form, Applicant's Report, Plans, Survey, Map

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

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

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