



## Legislation Details (With Text)

|                       |   |                      |   |              |  |
|-----------------------|---|----------------------|---|--------------|--|
| <b>File #:</b>        | ORD. 2021-029   | <b>Version:</b>      | 1 | <b>Name:</b> |  |
| <b>Type:</b>          | Ordinance   | <b>Status:</b>       |   | Adopted      |  |
| <b>File created:</b>  | 1/8/2021  | <b>In control:</b>   |   | City Council |  |
| <b>On agenda:</b>     | 3/1/2021  | <b>Final action:</b> |   | 3/8/2021     |  |
| <b>Title:</b>         | To authorize the special use of the property known as 1518 Pulaski Street for the purpose of a personal fitness business within an accessory building, upon certain terms and conditions. |                      |   |              |  |
| <b>Sponsors:</b>      | Mayor Stoney (By Request)   |                      |   |              |  |
| <b>Indexes:</b>       |   |                      |   |              |  |
| <b>Code sections:</b> |   |                      |   |              |  |
| <b>Attachments:</b>   | 1. Ord. No. 2021-029, 2. Staff Report, 3. Application Form & Applicant's Report, 4. Plans and Survey, 5. Map, 6. Petition of Support  |                      |   |              |  |

| Date     | Ver. | Action By           | Action                   | Result |
|----------|------|---------------------|--------------------------|--------|
| 3/8/2021 | 1    | City Council        | adopted                  | Pass   |
| 3/1/2021 | 1    | Planning Commission | recommended for approval |        |
| 2/8/2021 | 1    | City Council        | introduced and referred  |        |

To authorize the special use of the property known as 1518 Pulaski Street for the purpose of a personal fitness business within an accessory building, upon certain terms and conditions.

WHEREAS, the owner of the property known as 1518 Pulaski Street, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a personal fitness business within an accessory building, which use, among other things, is not currently allowed by section 30-412.2 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 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 1518 Pulaski Street and identified as Tax Parcel No. N000-0813/007 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “Physical Improvement Survey of Western 20’ of Lot 23 and Eastern 10’ of Lot 22 , Block 12, the Plateau Subdivision, Richmond Virginia,” prepared by Deitz Land Surveying PLLC, and dated May 5, 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 personal fitness business within an accessory building, hereinafter referred to as “the Special Use,” substantially as shown on

the plans entitled “Shed,” prepared by Russell Moore, with pages 1 through 4 dated July 23, 2020, and page 5 dated July 29, 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 personal fitness business within an accessory building, substantially as shown on the Plans.

(b) Two off-street parking spaces shall be provided on the Property, substantially as shown on the Plans. The parking spaces shall be paved with gravel.

(c) Elevations, building materials, and site improvements shall be substantially as shown on the Plans.

(d) The height of the Special Use shall not exceed the height 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.

(f) The Special Use shall be limited to one personal trainer and one patron during business hours.

(g) Business hours for the Special Use shall be from 6:00 a.m. to 8:00 p.m., Monday through Friday.

§ 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.

### **O & R Request**

**DATE:** January 11, 2021

**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, 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 special use of the property known as 1518 Pulaski Street for the purpose of a  
personal fitness and training use within an accessory building, upon certain terms and  
conditions.

**ORD. OR RES. No.**

**PURPOSE:** To authorize the special use of the property known as 1518 Pulaski Street for the purpose of a  
personal fitness and training use within an accessory building, upon certain terms and conditions.

**REASON:** The applicant is requesting a Special Use Permit for the purpose of personal fitness and training  
use within an accessory building within an R-6 Single-Family Residential District. The proposed use is not  
currently allowed by section 30-412.2 of the Code of the City of Richmond 2021, regarding permitted  
accessory uses and structures, 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 March 1, 2021, meeting.

**BACKGROUND:** The property is located in the Highland Park Southern Tip neighborhood on Pulaski Street  
between 4th and 5th Avenues. The property is currently improved with a 1,462 sq. ft. single family detached  
dwelling situated on a 4,200 sq. ft. (.10 acre) parcel of land. The application is to use an existing accessory  
building as a personal fitness and training office.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential. This  
category is viewed to include "...single-family houses on large or medium-sized lots more homogeneous in  
nature. The future development style includes houses "...on medium-sized and large-sized lots in a largely auto-  
dependent environment. Homes are setback from the street. Future developments continue and/or introduce a  
gridded street pattern to increase connectivity. Future single-family housing, accessory dwelling units,  
duplexes, and small multi-family residential buildings are built to a scale and design that is consistent with  
existing buildings." Bicycle and pedestrian access are prioritized and accommodated. Low residential density  
means that it is not possible to provide frequent transit within these areas; however, frequent transit may be  
found at the edges of these areas within more intense future land use designations. Many homes have driveways  
and/or garages, which are located of an alley behind the home if an alley is present. Buildings are generally one  
to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft. Residential density of 2 to 10 housing  
units per acre. Primary Uses include: Single-family houses, accessory dwelling units, and open space.  
Secondary Uses include: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and  
cultural. Secondary uses may be found along major streets. (p. 54)

The current zoning for this property is R-6 (Single Family Residential). All adjacent properties are located within the same R-5 Residential Zone.

**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:** \$1,800

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** February 8, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** March 8, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
March 1, 2021

**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:** Jonathan Brown, Senior Planner  
Land Use Administration (Room 511) 646-5734

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: