

9
5-18-02

Docket Item # 2
SPECIAL USE PERMIT #2002-0013

Planning Commission Meeting
May 7, 2002

ISSUE: Consideration of a request for a special use permit to operate a rooming house and for a parking reduction.

APPLICANT: James L. Goolsby

LOCATION: 1001 Queen Street

ZONE: CL/Commercial Low

PLANNING COMMISSION ACTION, MAY 7, 2002: On a motion by Mr. Komoroske, seconded by Mr. Dunn, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis. It was satisfied with the explanation from staff and the City Attorney that the requirement for an on-site operator has been met. Members discussed how rooming houses were a problem in the past, but are now regulated through the special use process. In addition, Mr. Holloway, the on-site operator of the rooming house, confirmed that parking is not an issue. Finally, members discussed the fact that the rooming house is providing an affordable housing option for the City.

Speakers:

Robert Meyers, a resident in the vicinity of the rooming house for fourteen years, spoke in opposition to the rooming house, explaining that it has been in violation of the Zoning Ordinance since 1987, that the non-owner resident only fulfills the intent of the Zoning Ordinance and not the Ordinance itself, that the applicant misrepresented the potential parking impacts and that there was a parking problem in the area, that guests at the rooming house could generate additional parking needs not addressed in the application, and that issues like noise and loading were not addressed in the application. Finally, he asked that the Commission defer the item.

Edward Jordan, owner of the subject property, spoke in support.

Willie Holloway, resident housekeeper at the rooming house, responded to questions raised by the Planning Commission. He stated that there is currently only one resident who drives and that is consistent with the history of the use since 1979. He explained that guests of the tenants do not stay overnight and that, although there may have been neighborhood complaints about the downstairs use in the past, he is not aware of any regarding the rooming house.



SUP #2002-0013

05/07/02



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation or other entity in which the applicant has a controlling interest. (P&Z)
2. The rooming house shall contain a maximum of 8 guest rooms. (P&Z)
3. Every sleeping room shall have a smoke detector, which shall be in good working order at all times. (P&Z)
4. The applicant shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and shall keep the rooming house and all parts of it, including the premises on which it is located, free of any accumulation of dirt, filth, rubbish and garbage, and effectively protect against vermin infestation. (P&Z)
5. The applicant shall be responsible for the peace and good order of the premises, and shall at all times see that the premises does not become a public or common nuisance by reason, among others, of the congregation of disorderly persons, inebriates, or persons using or selling controlled substances. (P&Z)
6. The applicant shall submit to annual inspections of the premises, to be scheduled by city staff for the purpose of assuring that the rooming house is in conformance with with the conditions of this permit and with the USBC and the Fire Code. (P&Z)
7. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department regarding a security survey for the rooming house. (Police)
8. The Director of Planning and Zoning shall review the special use permit one year from the date of approval, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

Staff Notes: Any exterior alterations, including, signs require Board of Architectural Review approval. In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

DISCUSSION:

1. The applicant, James Goolsby, requests special use permit approval for the operation of a rooming house located at 1001 Queen Street.
2. The subject property is one lot of record with 32.5 feet of frontage on North Patrick Street, 60 feet of depth and a total lot area of 1950 square feet. The site is developed with a two-story building. The rooming house occupies the second floor and is accessed from Queen Street. Old Town Wireless occupies the first floor of the building at 300 N. Patrick Street and a church occupies a separate first floor unit on Queen Street. The remainder of the block is developed with residential uses except for the offices that are located across the street from the subject property, and a small health clinic that occupies the southwest corner of North Patrick and Queen Streets.
3. The second story of the two-story building is now and has been for at least 24 years operating as a rooming house managed by Mr. James Goolsby, the applicant. The applicant has not previously had a special use permit to operate the rooming house, although the facility has had a business license since 1978. Staff recently inspected the subject property after a citizen complaint was filed. Staff determined that special use permit approval had not been granted and informed the applicant of the requirement. He filed this application as a result.
4. There are eight rooms in the rooming house with two full bathrooms. The bedrooms range in size from 90 to 130 square feet (see attached plan). The kitchen has two refrigerators and a microwave, toaster, coffee machine, and electric pan, but no oven or stove. Each of the bedrooms is furnished, but linen and laundry service is not provided. Phone and television jacks are provided in each bedroom for tenants who have a phone or television set.
5. The applicant does not advertise room availability. Tenants find the facility typically by word of mouth. Tenants commonly stay three to four months or longer. Tenants are interviewed before moving in to see if they are employed or have any problems with drugs or drinking (see attached application). The current rent is \$70 to \$90 per week depending on the size of the room. Rooms are generally rented to single individuals, not to couples or families. Tenants are typically male.

6. The operator of the rooming house is not a resident, but he has a resident housekeeper on site to oversee the premises. The housekeeper, Mr. Willie Holloway, has been a resident for more than 20 years. He does not pay rent and does not have plans to move. The housekeeper's duties include the following:
- Maintain the peace and order and keep general watch over the premises.
 - Take out the trash and maintain the fire extinguishers.
 - Clean the rooming house at least once a week.
 - Interview potential residents.

Staff has determined that the resident housekeeper meets the intent of the ordinance that the operator reside on the premises.

7. On March 7, 2002, staff visited the premises and found them to be clean, very well kept and in good condition. Code Enforcement staff visited the premises and found all smoke detectors in working condition, all walls and ceilings free of any cracks or signs of leakage, the bathrooms in very clean and good condition, and only one violation which was the use of extension cords for permanent wiring. According to Code Enforcement staff, the violation was corrected within three days of the initial inspection.
8. Under section 8-200 (A) (3) of the zoning ordinance, a rooming house with 8 guest rooms is required to provide 2 parking spaces. In this case, the rooming house has no on site spaces, is unable to comply with the requirement, and has requested a parking reduction.

In support of the parking reduction, the housekeeper stated that tenants typically do not drive and they commonly use the bus for transportation. Only one of the current residents drives and according to the applicant, there has not been a problem finding street parking.

9. The applicant has successfully completed a background check conducted by the Alexandria Police Department as required by the zoning ordinance for applicants applying to operate a rooming house.
10. According to the Police Department, one call for service was reported for this address for the years 2000 and 2001. No police report was filed and it is uncertain whether the call was related to the rooming house or to another property.

11. The rooming house use originated in the 1951 zoning ordinance and was an effort to distinguish between single family homes and homes in which the owner rented out rooms to boarders. In the late 1980's and early 1990s, the City adopted a two-prong approach to the rooming house issue. First, by text amendment, the zoning ordinance acknowledged the existence of some illegal rooming houses, gave them all a five year abatement period and required that those that wished to continue obtain special use permit approval. In addition, the City Manager propounded a new administrative regulation designed to subject any rooming house that did continue to close scrutiny including annual registration, an annual fee and a program of annual inspections by Code Enforcement and Planning and Zoning.
12. The subject property was reviewed by the Board of Architectural Review on January 23, 2002 for alterations to the commercial space on the first floor facing North Patrick Street and for the after-the-fact installation of replacement windows and doors to the entire building. At the meeting, the Board required the applicant to make some exterior improvements by May 26, 2002. The owner of the property has informed staff that he is in the process of making the required improvements to the property.
13. Zoning: The subject property is located in the CL zone. Section 4-103 of the zoning ordinance allows a rooming house in the CL zone only with a special use permit.
14. Master Plan: The proposed use is consistent with the Braddock Road Metro Station small area plan chapter of the Master Plan which designates the property for commercial use.

STAFF ANALYSIS:

Staff has no objection to the continued use of the property at 1001 Queen Street as a rooming house, and supports the requested parking reduction. The rooming house has been in operation for at least 24 years with only one complaint reported to staff, which resulted in this application for special use permit. Staff believes that the applicant has demonstrated a high degree of concern regarding the management and operation of the facility. In addition, only a minor building code violation was found by Code Enforcement. Because the tenants generally do not drive, staff believes the lack of off-street parking will not be a problem. Finally, the rooming house provides a form of low-cost housing for residents who qualify under the terms of the operation.

Section 7-1900 of the zoning ordinance governing rooming houses provides guidance for staff assessing applications and minimum requirements for Council to impose when it approves a rooming house. Staff has found the applicant to comply with the minimum requirements for approved

rooming houses which include that the operator reside on the premises, be responsible for sanitary maintenance of the premises, and be responsible for the peace and good order of the premises. Staff has included conditions consistent with the zoning ordinance which require that the existing level of quality be maintained over time.

With these conditions, staff recommends that the special use permit be approved.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

F-1 T&ES believes this operation will not have a significant impact on available on-street parking in the neighborhood and recommends approval of the request.

Code Enforcement:

C-1 On 3/5/02 a fire safety and property maintenance inspection was performed at 1001 Queen Street. The building was found to be neat and clean. All building code requirements for rooming houses were being complied with. There was one fire code violation present, that being an illegal use of an electrical extension cord. That violation was corrected upon reinspection.

Health Department:

F-1 No comments.

Police Department:

R-1 The applicant is to consult with the Crime Prevention Unit of the Alexandria Police Department regarding security measures for the rooming house.

APPLICATION for SPECIAL USE PERMIT # 2002-0013

[must use black ink or type]

PROPERTY LOCATION: 1001 Queen St, Alexandria, Va 22314

FAX MAP REFERENCE: 064.030514 ZONE: _____

APPLICANT Name: James H. Goolsby

Address: 712N Patrick St, Alexandria, Va 22314

PROPERTY OWNER Name: Edward V. Jordan

Address: 1121 Callinwood Rd, Alexandria, Va 22308

PROPOSED USE: Rooming House

~~THE UNDERSIGNED~~ hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

~~THE UNDERSIGNED~~, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notices on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

~~THE UNDERSIGNED~~ hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

James H Goolsby
Print Name of Applicant or Agent

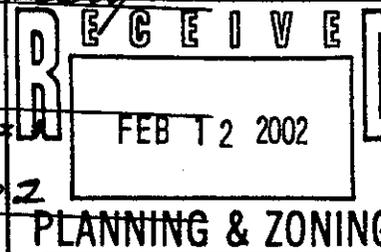
712N Patrick St, Alex Va
Mailing/Street Address

Alexandria Va 22314
City and State Zip Code

James H Goolsby
Signature

703-549-5255
Telephone # Fax #

Feb. 12, 2002
Date



DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

PARKING REDUCTION SUPPLEMENTAL APPLICATION

Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).

1. Describe the requested parking reduction. (e.g. number of spaces, stacked parking, size, off-site location)

NO REQUIRED PARKING HAS BEEN REQUESTED. 90-98 % of the time
tenants do not have automobiles. Over 25+ years there has not
been a problem. At present one tenant has an automobile for
two months with no problem.

2. Provide a statement of justification for the proposed parking reduction. QUEEN STREET

Zoning Ordinance requires ~~one~~ one space for each four guest rooms.
PARKING in 1000 block is "open". NO ASSIGNED SPACES..Parking
restricted only for "street cleaning." There are two (2) (Possibly (3))
spaces adjacent to the building on the north side of Queen St.
The "two hour" parking limit on Patrick Street has not adversely
effected the rooming house.

3. Why is it not feasible to provide the required parking? Not required.

4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces? Yes. No. not applicable

5. If the requested reduction is for more than five parking spaces, the applicant must submit a Parking Management Plan which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction. n/a

6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood. n/a

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile-oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) the Owner* Contract Purchaser
 Lessee or Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

* EDWARD V. JORDAN - 1121 COLLINGWOOD RD. ALEXANDRIA VA. 22308 *Edward V Jordan*

* JACQUELINE I. JORDAN - same

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license.
- No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8 1/2" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

This is a Rooming House located on the top level of the Bldg, 1001 Queen St, consisting of Eight (8) rooms & two (2) full baths.

One room is rented to one (1) person which is a total of Eight (8) people. These rooms are rented in the amount of \$70.⁰⁰ to \$91.⁰⁰ per wk, depending on the size of the room.

Some roomers stay for a period of 3-4 months and some stay longer.

Before any roomer can move in, they are interviewed to see if they are employed or have any problems (drug, drinking, etc).

All rooms are furnished. No Cooking, No Laundry.

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- a ~~new~~ ^{EXISTING} use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many ~~patrons, clients, pupils~~ ^{ROOMERS} and other such users do you expect? Specify time period (i.e., day, hour, or shift).

Eight (8) Roomers

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

NONE

6. Please describe the proposed hours and days of operation of the proposed use:

Day: _____	Hours: _____
<u>7 Days per WK</u>	<u>24</u>
_____	_____
_____	_____
_____	_____

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

No unusual noise
Will comply with City Noise Ordinance

B. How will the noise from patrons be controlled?

8. Describe any potential odors emanating from the proposed use and plans to control them:

None

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

Regular Household

B. How much trash and garbage will be generated by the use?

Stored in Dumpster on Property

C. How often will trash be collected?

Two (2) Times a WK - Private Hauler

D. How will you prevent littering on the property, streets and nearby properties?

No Issue

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

Complies with Fire Code Req
Smoke Detectors, Fire Ex

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

No Parking Spaces Needed

B. How many parking spaces of each type are provided for the proposed use:

_____ Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

N/A

C. Where is required parking located? on-site off-site (check one)

If the required parking will be located off-site, where will it be located:

N/A

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? None N/A

B. How many loading spaces are available for the use? _____

C. Where are off-street loading facilities located? _____

D. During what hours of the day do you expect loading/unloading operations to occur?

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Adequate

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

1350 sq. ft. (existing) + — sq. ft. (addition if any) = 1350 sq. ft. (total)

19. The proposed use is located in: (check one)

a stand alone building a house located in a residential zone a warehouse

a shopping center. Please provide name of the center: _____

an office building. Please provide name of the building: _____

other, please describe: _____

**J G Rooming House
1001 Queen Street
Alexandria, VA 22314**

**Rules and Regulations
for
All Tenants**

- No Persons involved in Drugs, Narcotics, or Prostitution shall not be on premises at anytime.
- No Tenants shall enter another Tenants room.
- No Tenants are to use another Tenants food or drink in the refrigerator.
- No fighting, or disturbances of any kind are allowed on the premises.
- Rooming House entrance must be closed and locked at all times.
- Tenants are to only let their guests in or out of the building.
- Tenants are to inform their neighbor when they have guests.
- Rent must be paid on time _____. Tenants must give two (2) days notice in advance when rent will be late; being delinquent will result in eviction.
- Security deposit is to be paid _____ in advance. Tenant must give _____ notice in advance upon vacating premises. Room is to be left in the manner of which found upon occupancy, failure to comply results in eviction and forfeiture of deposit.
- Tenants will clean what they use in kitchen, to include pots, pans, ovens, tables, spills and floor.
- Tenants will clean what they use in bathrooms, to include tub, face bowl, toilet, spills, and floor.
- Tenants are responsible for their guests' behavior. Guests staying more than two (2) nights per week will incur a charge.
- Tenants will keep room clean; there is a biweekly room inspection. Cooking appliances, cooking and storage are not allowed in the rooms. Rooms are to be kept in the manner of which found upon occupancy, failure to comply results in eviction and forfeiture of deposit.

THIS IS A NOTICE

X _____
Signature Date

Job Name _____

Work # _____

APPLICATION for SPECIAL USE PERMIT # 2002-0013

[must use black ink or type]

PROPERTY LOCATION: 1001 Queen St, Alexandria, Va 22314

TAX MAP REFERENCE: 064.030514 ZONE: CL

APPLICANT Name: James H. Goolsby

Address: 712N Patrick St, Alexandria, Va 22314

PROPERTY OWNER Name: Edward V. Jordan

Address: 1121 Collingwood Rd, Alexandria, Va 22308

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James H Goolsby
Print Name of Applicant or Agent

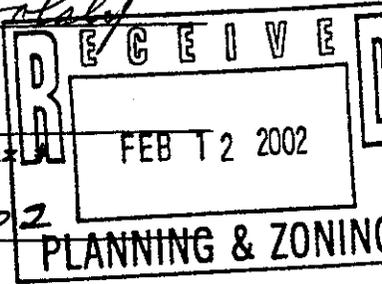
712N Patrick St, Alex Va
Mailing/Street Address

Alexandria Va 22314
City and State Zip Code

James H Goolsby
Signature

703-549-5255
Telephone # Fax #

Feb. 12, 2002
Date



DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 5/7/02 Recommend Approval 7-0

ACTION - CITY COUNCIL: 5/18/02PH-- See attached.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

**Board of Architectural Review (continued)
Parker-Gray District (continued)**

Councilman Speck stated that we need to challenge ourselves to look for new and additional and creative ways to be sure that no one comes here and says that they are appealing something because they didn't know they had to do something. Staff needs to look at this.

Mayor Donley noted that we have done a number of things in the past. We have had mailings that have gone out, we've held contractor conferences, and the Historic Alexandria Foundation has done seminars primarily in the Old and Historic Alexandria District. Mayor Donley suggested that this might be a good task for the Historic Alexandria Foundation to consider for the Parker-Gray District as well. Regarding Code Enforcement, he suggested maybe we need to put a sticker on every phone that says "Remember the BAR." Whatever it is, just to prompt people. It is not our job to proscribe what it is you need to do, our job is to tell staff we need to do a better job, your job is to do just that.

City Council upheld the Board of Architectural Review decision and denied the appeal, **and permitted an eighteen month period of time to complete the work.**
Council Action: _____

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

9. SPECIAL USE PERMIT #2002-0013
1001 QUEEN ST
Public Hearing and Consideration of a request for a special use permit to operate a rooming house and for a parking reduction; zoned CL/Commercial Low. Applicant: James L. Goolsby.

COMMISSION ACTION: Recommend Approval 7-0

Mayor Donley requested staff to ask Mr. Goolsby and Mr. Holloway to change their rules and regulations a little bit for tenants. The first one says, "No persons involved with drugs, narcotics or prostitution shall not be on the premises." It is a double negative that means they can be on the premises, and please get that changed.

City Council approved the Planning Commission recommendation.
Council Action: _____