

# City Of Richmond, Virginia Office of the City Clerk

# Request to Withdraw Legislation

Paper Number:	Ord. 2025-148
Chief Patron:	Mayor Danny Avula (By Request)
Introduction Date: _	June 9, 2025
Chief Patron Signature:	Py M
	For Office Use Only
Attestation:	
Effective Date: Septer	mber 22, 2025

INTRODUCED: June 9, 2025

#### AN ORDINANCE No. 2025-148

To authorize the special use of the properties known as 2201 Fenton Street and 2203 Fenton Street for the purpose of up to three single-family detached dwellings, upon certain terms and conditions. (7<sup>th</sup> District)

Patron – Mayor Avula (By Request)

Approved as to form and legality by the City Attorney

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PUBLIC HEARING: JUL 28 2025 AT 6 P.M.

WHEREAS, the owner of the properties known as 2201 Fenton Street and 2203 Fenton Street, which are situated in a R-5 Single-Family Residential District, desires to use such properties for the purpose of up to three single-family detached dwellings, which use, among other things, is not currently allowed by sections 30-410.4, concerning lot area and width, and 30-410.5, concerning yards, 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

AYES:	NOES:	ABSTAIN:	
ADOPTED:	REJECTED:	STRICKEN:	

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.

- Subject to the terms and conditions set forth in this ordinance, the properties known (a) as 2201 Fenton Street and 2203 Fenton Street and identified as Tax Parcel Nos. E011-0128/004 and E011-0128/005, respectively, in the 2025 records of the City Assessor, being more particularly shown on a survey entitled "Map Showing the Improvements on Lots 550 & 551, 'Montrose Heights,' in the City of Richmond, VA.," prepared by Virginia Surveys, and dated September 20, 2024, 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 up to three singlefamily detached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Sketch Showing the Proposed Improvements on Lots 550 & 551, 'Montrose Heights,' in the City of Richmond, VA.," prepared by Virginia Surveys, dated November 15, 2024, and last revised March 11, 2025, and Sheet A1.1 of the plans entitled "Lot A, B, & C Fenton St.," Sheet A2.1 of the plans entitled Lot A & C Fenton St.," and Sheet A2.2 of the plans entitled "Lot B Fenton St.," prepared by River Mill Development, and dated November 18, 2024, 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 up to three single-family detached dwellings, substantially as shown on the Plans.
  - (b) No less than three off-street parking spaces shall be required for the Special Use.
- (c) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans.
- (d) All building materials, elevations, and site improvements 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.
- (f) Prior to the issuance of a building permit for the Special Use, the establishment of no more than three residential lots, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats and deeds among the land records of the Clerk of the Circuit Court of the City of Richmond.
- § 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) The Owner shall make improvements within the right-of-way, including the installation of a sidewalk and two trees along Fenton Street and the installation of a sidewalk and one tree along Randall Avenue, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works or the designee thereof that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works or the designee thereof, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.
- (f) 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 1,096 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.

**DATE:** May 28, 2025

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Danny Avula, Mayor (by request)

(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Sabrina Joy-Hogg, Interim Chief Administrative Officer

THROUGH: Sharon L. Ebert, DCAO for Economic Development and Planning

**FROM:** Kevin J. Vonck, Director of Planning & Development Review

**RE:** To authorize the special use of the property known as 2201 Fenton Street and 2203

Fenton Street for the purpose of three single-family detached dwellings, upon

certain terms and conditions.

**PURPOSE:** The applicant is proposing the construction of three single-family detached dwellings in a R-5 district. While the use is permitted in the district, requirements regarding lot area, lot width, and yards, cannot be met. As a result, a Special Use Permit is necessary to proceed with this request.

**BACKGROUND**: The property is located in the Fulton neighborhood on Fenton Street between Kemp Avenue and Randall Avenue. It is currently a 4,880 square foot (0.112 acre) parcel of land. The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential, which is defined as a "neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature" (p. 80).

<u>Intensity:</u> 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.

<u>Primary Uses:</u> Single-family houses, accessory dwelling units, and open space.

<u>Secondary Uses</u>: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets

The current zoning for this property is R-5 Single-Family Residential District The area is generally residential. The density of the proposed is three units upon .112 acres or 27 units per acre.

**COMMUNITY ENGAGEMENT:** Greater Fulton Civic Association was notified of the application; additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

FISCAL IMPACT: \$400 application fee.

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** June 9, 2025

CITY COUNCIL PUBLIC HEARING DATE: July 28, 2025

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** Planning Commission July 1, 2025

**AFFECTED AGENCIES:** Office of Chief Administrative Officer, Law Department (for review

of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Plans, Survey

STAFF: Shaianna Trump, Planner Associate, Land Use Administration (Room 511) 646-7319



#### CITY OF RICHMOND, VA

# Department of Planning and Development Review Land Use Administration Division

900 East Broad Street, City Hall - Room 511, Richmond, Virginia 23219

#### **AUTHORIZATION FROM PROPERTY OWNER**

TO BE COMPLETED BY THE APPLICANT Applicant must complete <u>ALL</u> items		
HOME/SITE ADDRESS: 530 E Main Street, Richmond VA 23219 APARTMENT NO/SUITE Suite 730		
APPLICANT'S NAME: Will Gillette / Alessandro Ragazzi EMAIL ADDRESS:		
BUSINESS NAME (IF APPLICABLE): Baker Development Resources		
SUBJECT PROPERTY OR PROPERTIES: 2201-2203 Fenton Street		
APPLICATION REQUESTED		
☐ Plan of Development (New or Amendment)		
☐ Wireless Plan of Development (New or Amendment)		
■ Special Use Permit (New or Amendment)		
☐ Rezoning or Conditional Rezoning		
☐ Certificate of Appropriateness (Conceptual, Administrative Approval, Final)		
□ Community Unit Plan (Final, Preliminary, and/or Amendment)		
☐ Subdivision (Preliminary or Final Plat Correction or Extension)		

## TO BE COMPLETED BY THE AUTHORIZED OWNER Owner must complete <u>ALL</u> items

Signing this affidavit acknowledges that you, as the owner or lessee of the property, authorize the above applicant to submit the above selected application/s on your behalf.

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PROPERTY OWNER: NOLAN PROPERTIES LLC
PROPERTY OWNER ADDRESS: 1521 cedar Crest Lane
PROPERTY OWNER EMAIL ADDRESS: chris@nolanrva.com
PROPERTY OWNER PHONE NUMBER: 804-313-1179
Property Owner Signature: MMZ/Malu-

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.

## **APPLICANT'S REPORT**

December 3, 2024

Special Use Permit Request 2201-2203 Fenton Street, Richmond, Virginia Map Reference Number: E011-0128/004,005

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

530 East Main Street, Suite 730 Richmond, Virginia 23219

### Introduction

The property owner is requesting a special use permit (the "SUP") for 2201-2203 Fenton Street (the "Property"). The SUP would authorize the division of the Property in order to construct three (3) single-family detached dwellings on the newly created parcels. While the single-family detached use is permitted by the underlying R-5 Single-Family Residential zoning district, some of the R-5 feature requirements cannot be met, and therefore, a SUP is required.

### **Existing Conditions**

#### SITE DESCRIPTION AND EXISTING LAND USE

The subject property is located at the northwestern intersection of Randall Avenue and Fenton Street. The subject property is referenced by the City Assessor as tax parcel E011-0128/004,005 and is currently vacant. The Property is originally Lot 550 and 551 of the original Montrose Heights subdivision and is approximately 80 feet in width by 137 feet in depth, containing approximately 10,360 square feet of lot area.



The properties in the immediate vicinity are developed mostly with single-family residential uses. Across the intersection is Montrose Heights Park and there are properties further west that are multi-family residential dwellings. Additionally, to the south and east, along Williamsburg and Government roads are a number of commercial uses.

#### **EXISTING ZONING**

The Property and those in the vicinity are zoned R-5 Single-Family Residential. Further west and south are properties zoned R-48 Multifamily Residential. Additionally, there are properties located within the B-2 Community Business District and the RO-2 Residential Office District.

#### MASTER PLAN DESIGNATION

The request is consistent with the Richmond 300 Master Plan (the "Master Plan"), which suggests "Residential" for the Property. The Master Plan suggests this future land use designation allow for a variety of housing types that are consistent with the scale, density, and design of what exists in the vicinity. This designation also encourages developments to reinforce a gridded street pattern in order to increase connectivity. Single-family dwellings are the contemplated primary use in the Residential future land use designation (p. 54). In addition, the property is located less than a half mile from the Fulton Neighborhood Node which encourages growth that preserves the character of the surrounding single-family neighborhoods.

In addition to the Property-specific guidance offered by the Vision and Core Concepts chapter, there are a number of other goals elsewhere within the Master Plan that support this request:

- Page 109 (Equitable Transportation Chapter), Objective 6.1 to "Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multi-modal transportation options."
  - b. Develop housing at all income levels in and near Nodes and along major corridors (see strategies Goal 14).
- Page 136 (Diverse Economy Chapter), Objective 11.1 to "Increase the areas of appropriately zoned land near various transportation modes and housing to retain, create, and attract employers."
  - o d. Encourage the development of a variety of quality housing types to house employees across the economic spectrum (see Goal 14).
- Page 150 (Inclusive Housing Chapter), Objective 14.1 to "Increase city-wide awareness of the importance of integrating housing at all income levels into every residential neighborhood so every household has housing choice throughout the city."
- Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.5 to "Encourage more housing types throughout the city and greater density along enhanced transit corridors and at Nodes (shown in Figure 38 [p.153]) by amending the Zoning Ordinance. "
- Page 155 (Inclusive Housing Chapter), Objective 14.8 to "Develop inclusionary and equitable housing options for our gentrifying neighborhoods to prevent involuntary displacement."
- Page 159 (Thriving Environment Chapter) Objective 15.1 to "Reduce air pollution related to transportation."

- a. Increase the number of Richmonders living in a development pattern that encourages density and reduces dependency on single-occupancy vehicles (see Goal 1, Goal 8, Goal 14).
- Page 86 (High-Quality Places Chapter), Objective 1.4, to "maintain and improve primarily residential areas by increasing their linkages to...corridors...and maintaining high-quality design standards"
- Page 100 (High Quality Places Chapter), Objective 4.1, to "create and preserve high-quality, distinctive, and well-designed neighborhoods and nodes throughout the City," as the request introduces thoughtfully designed new construction in a manner not otherwise assured by-right.

#### **TRANSPORTATION**

The Property is located less than a five-minute walk from Stop number 1583 which is serviced by the high frequency 4A bus line and provides connection to the west toward Downtown and on to the VCU Medical Center and to the southeast toward Darbytown and into Henrico.

## **Proposal**

#### **PROJECT SUMMARY**

The proposed development includes the division of the parcels and the construction of three single-family detached dwellings.

#### **PURPOSE OF REQUEST**

The Property consists of two lots of record which are described as Lot 550 and 551 from the original Montrose Heights subdivision. Cumulatively, the Property is approximately 80 feet wide and contains 10,360 square feet of lot area. The owner would divide the vacant parcels into three lots, each approximately 3,600 square feet in lot area, and build a new single-family detached dwelling on each new lot. As the proposed lots do not meet some of the feature requirements prescribed by the underlying R-5 zoning district, including lot area and width, a special use permit is required.

In exchange for the SUP, the intent of this request is to ensure the development of high-quality infill dwellings. The overall project will remain respectful to the historic development pattern in the vicinity thereby remaining consistent with the predominant character of the area. Also, the quality assurances conditioned through the SUP will guarantee a higher quality development and better neighborhood compatibility than might otherwise be guaranteed with a by right development.

#### PROJECT DETAILS

When complete, the new single family detached dwellings would each be one and a half stories in height and are intended to be consistent with the historic development pattern found throughout the neighborhood. The dwellings would contain three bedrooms and two-and one-half bathrooms, totaling approximately 1,521 square feet of floor area. The exterior would be clad in quality building materials including cementitious lap siding in order to ensure durability. A covered full-width front porch would engage the street and provide usable outdoor living space for future occupants. The proposed dwelling's massing and architectural style is designed to be compatible with nearby dwellings and is consistent with the historical homes found in the neighborhood. Furthermore, the central dwelling has some slight architectural differences to add some variation. Lastly, off-street parking, which is not required, would be provided for each home.

### **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 for high-quality infill construction 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. The negligible traffic generation will create no congestion on streets, roads, alleys or any other public right of way.

• 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 special use permit would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

#### • Interfere with adequate light and air.

The light and air available to the subject and adjacent properties will not be affected. The proposed buildings are of compatible massing and spacing to the existing in the vicinity. Furthermore, the provision of a full-width front porch will provide additional usable outdoor space. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

### **Summary**

In summary we are enthusiastically seeking approval for the construction of the proposed single-family detached dwellings. The buildings have been thoughtfully designed to provide an appropriate, high-quality residence in the neighborhood. The request offers compatibility with the City's Master Plan in terms of use and would upgrade the Property while remaining respectful to the historic development pattern in the vicinity thereby remaining consistent with the predominant character of the area. The proposed development would help encourage a pedestrian friendly traditional streetscape in the block and contribute to the vibrancy of the block though the addition of street life in the form of a street-oriented front porch. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.

This is to certify to the PURCHASER/OWNER shown hereon, and his TITLE INSURER and Lender, that on I made an Accurate survey of the premises shown hereon and that there are no easements or encroachments visible on the ground other than those shown hereon. This survey has been made without the benefit of a title search and is subject to any uses recorded and unrecorded and other pertinent facts in which a title search may disclose. Copies of this plat without the certifying surveyor's seal with an original signature are INVALID. 16' ALLEY GRAVEL ALLEY /T/TV Rod/S 40.00 40.00' 551 549 550 137.00  $1-\frac{1}{2}$ STORY *FRAME* No.2205 **FENCE** DROP INLET 40.00 24.94 Stone/F INLET CURB FENTON STREET 60'± R/W JEFFREY . FLOYD No. 001905 9-20-2024 NO SURVEYO MAP SHOWING THE IMPROVEMENTS ON LOTS 550 & 551, "MONTROSE HEIGHTS" IN THE CITY OF RICHMOND, VA. Virginia Surveys P.O. BOX 118 CHESTERFIELD, VA 23832

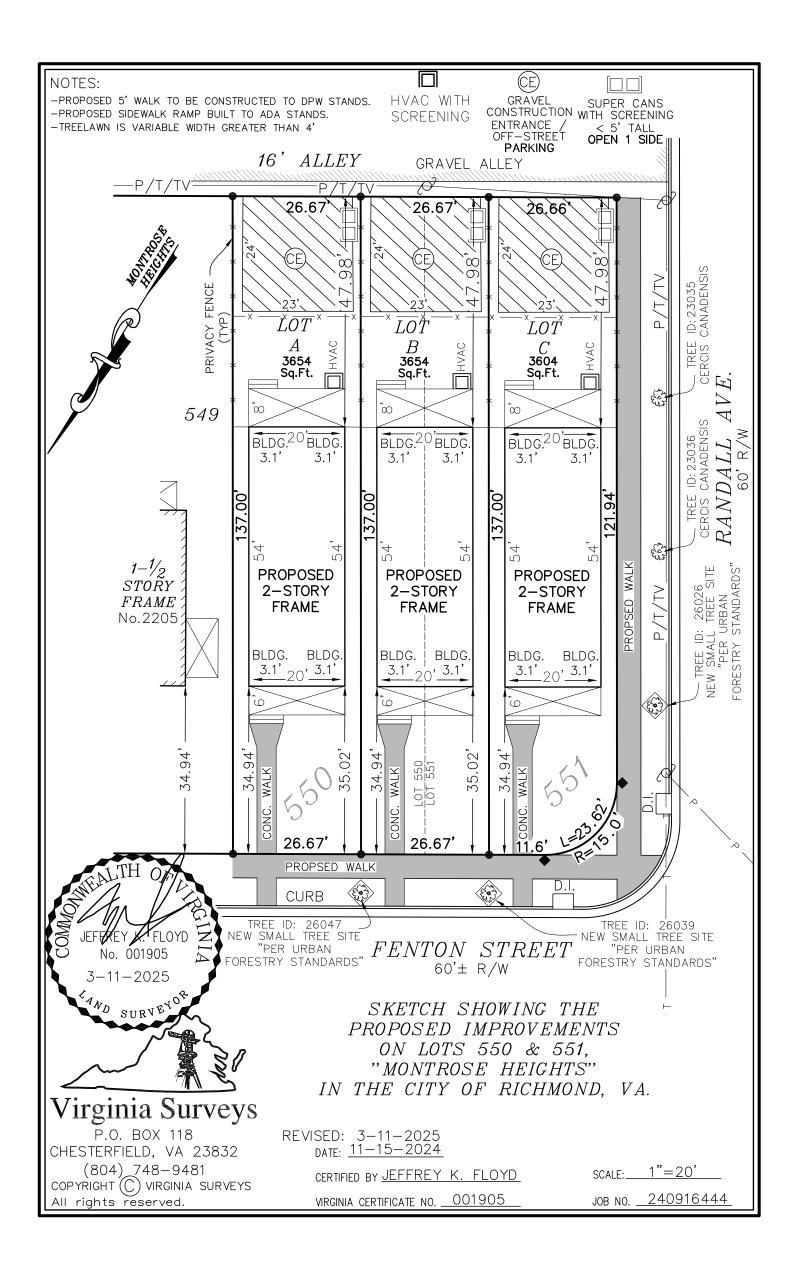
(804) 748-9481 COPYRIGHT VIRGINIA SURVEYS All rights reserved. DATE: 9-20-2024

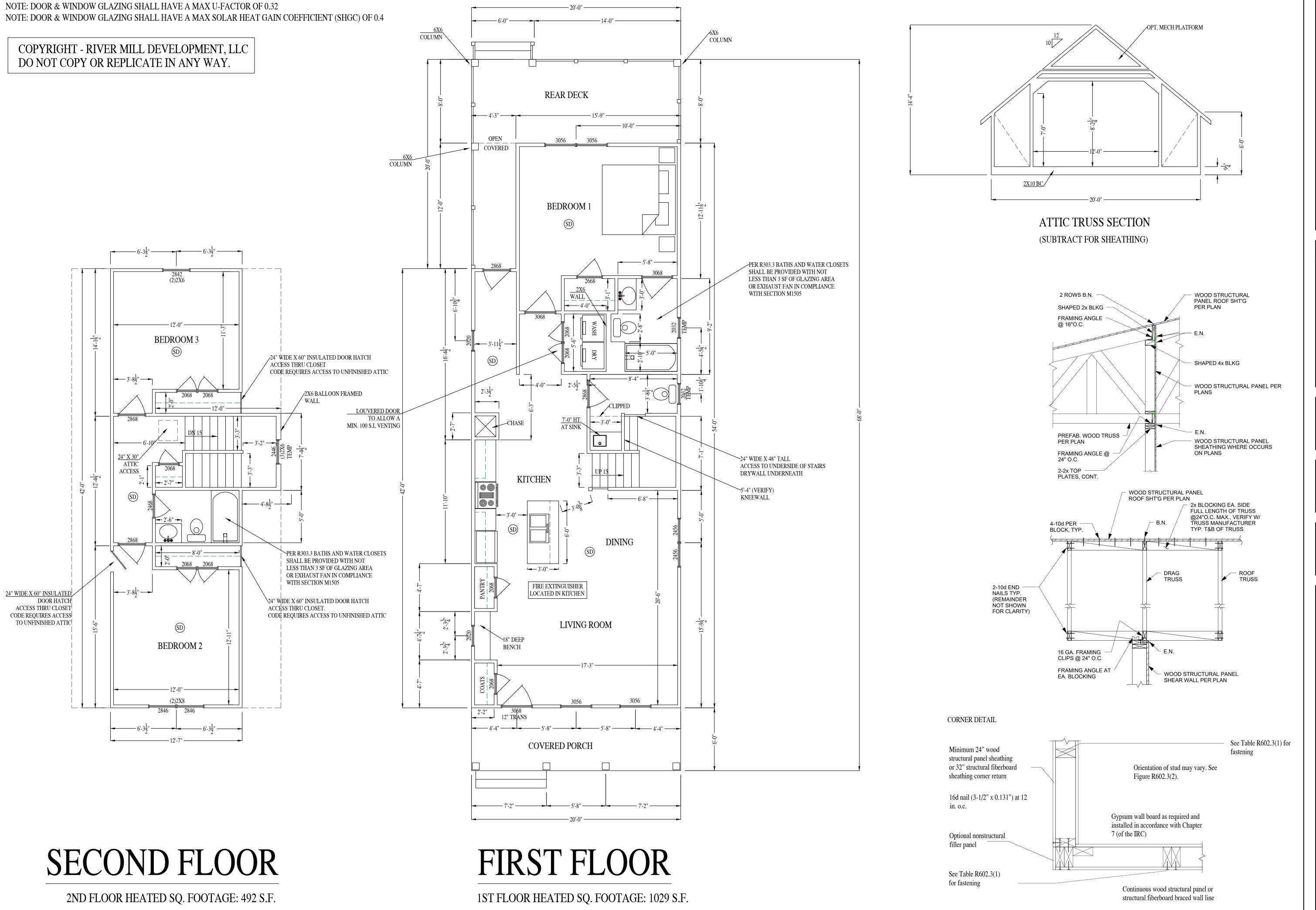
CERTIFIED BY JEFFREY K. FLOYD

VIRGINIA CERTIFICATE NO. 001905

SCALE: 1"=25'

JOB NO. 240916444





A, B, & C FENTON ST.

REVISION NOTES

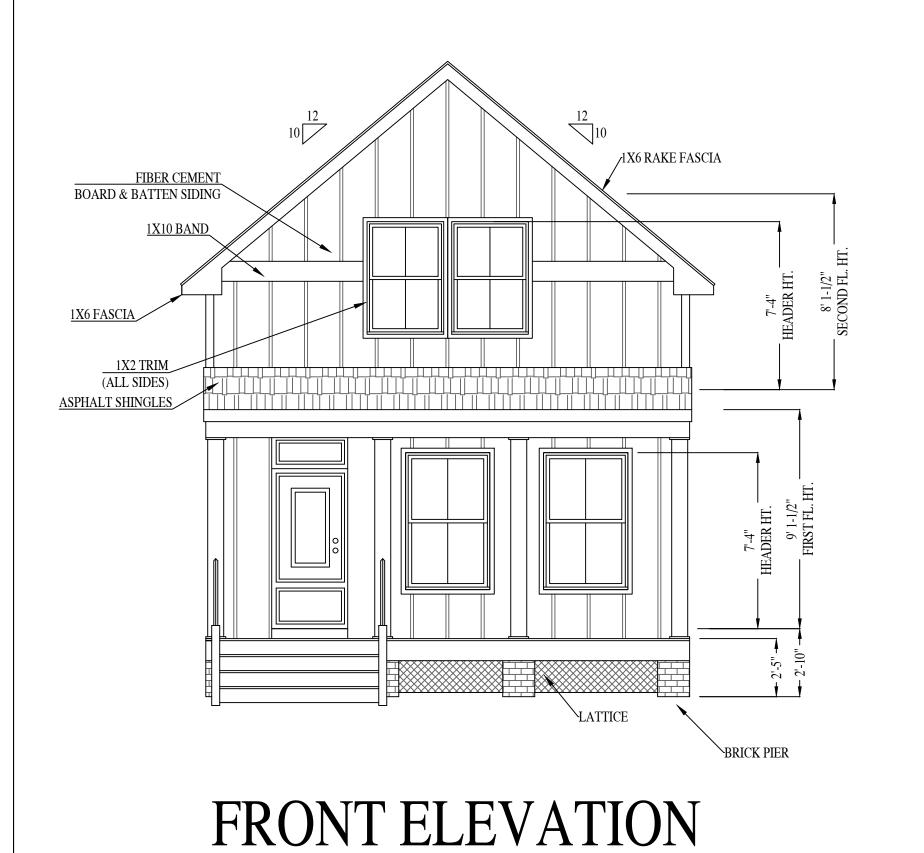
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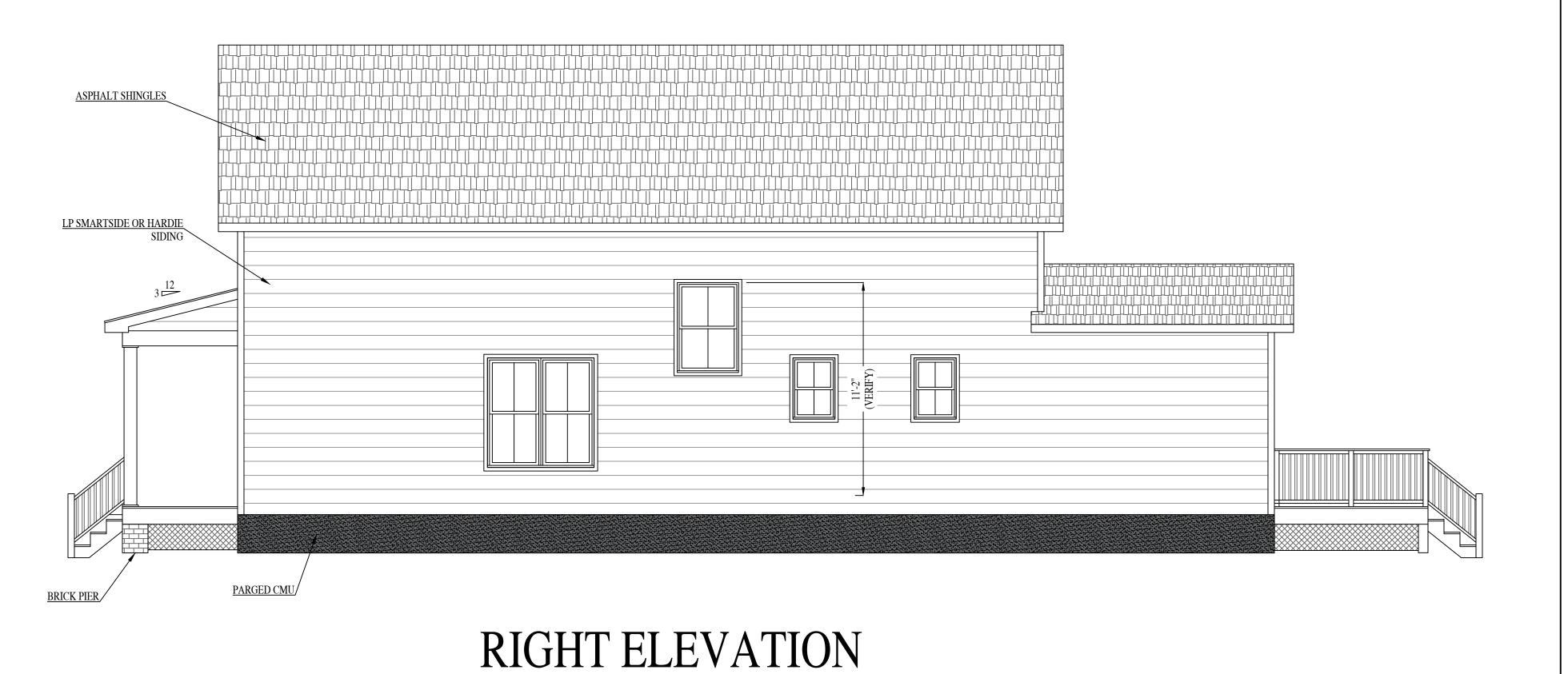
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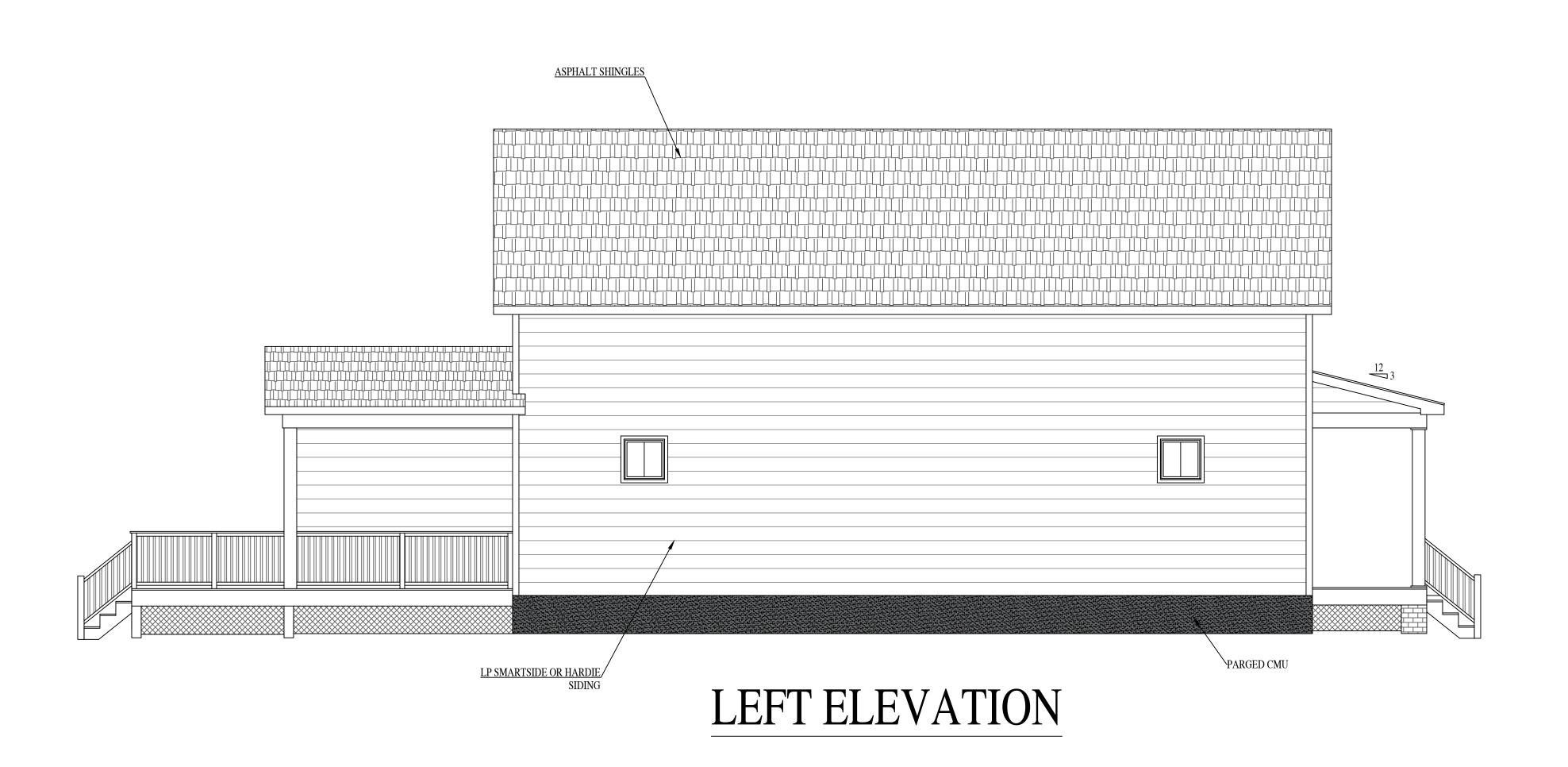
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REAR ELEVATION

OT A & C FENTON ST.

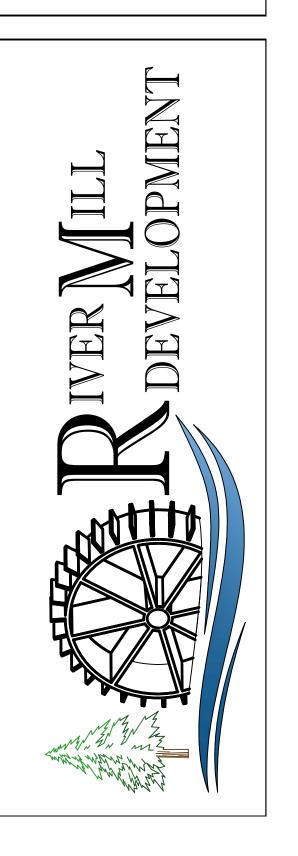
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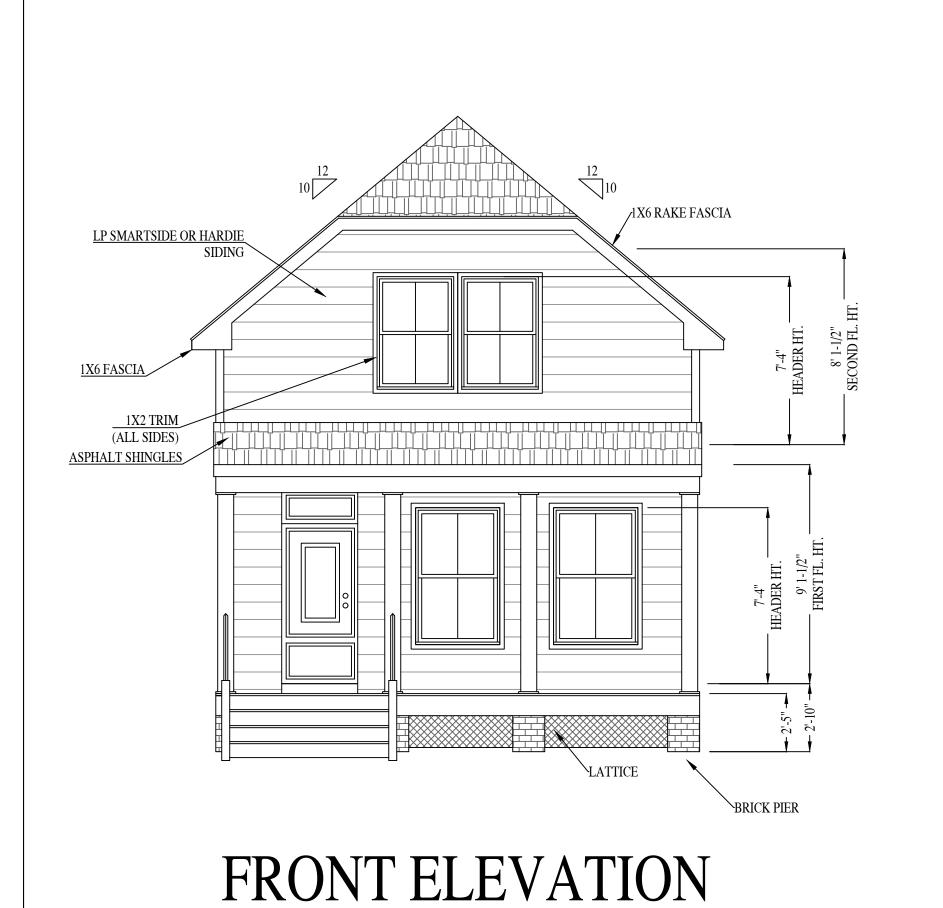
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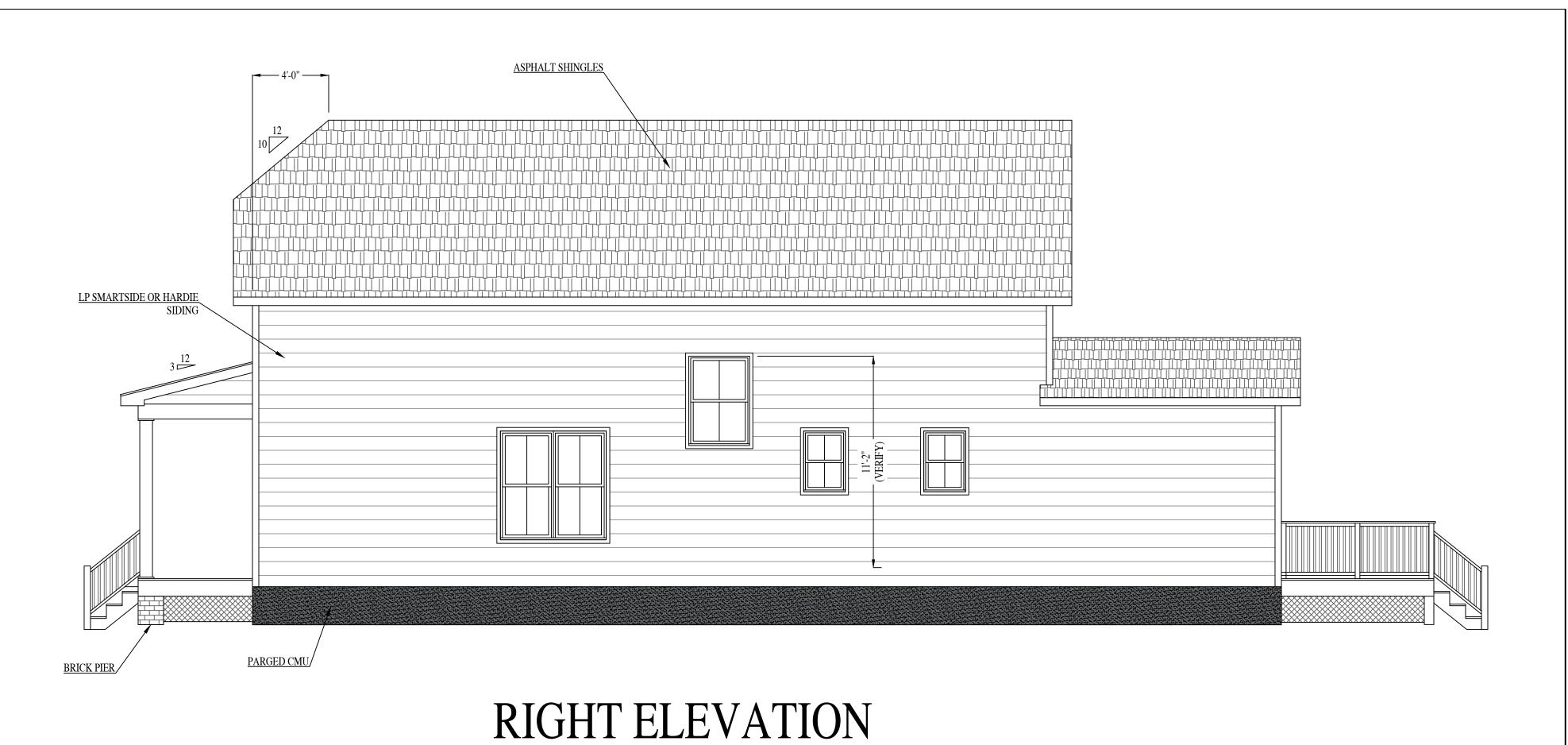
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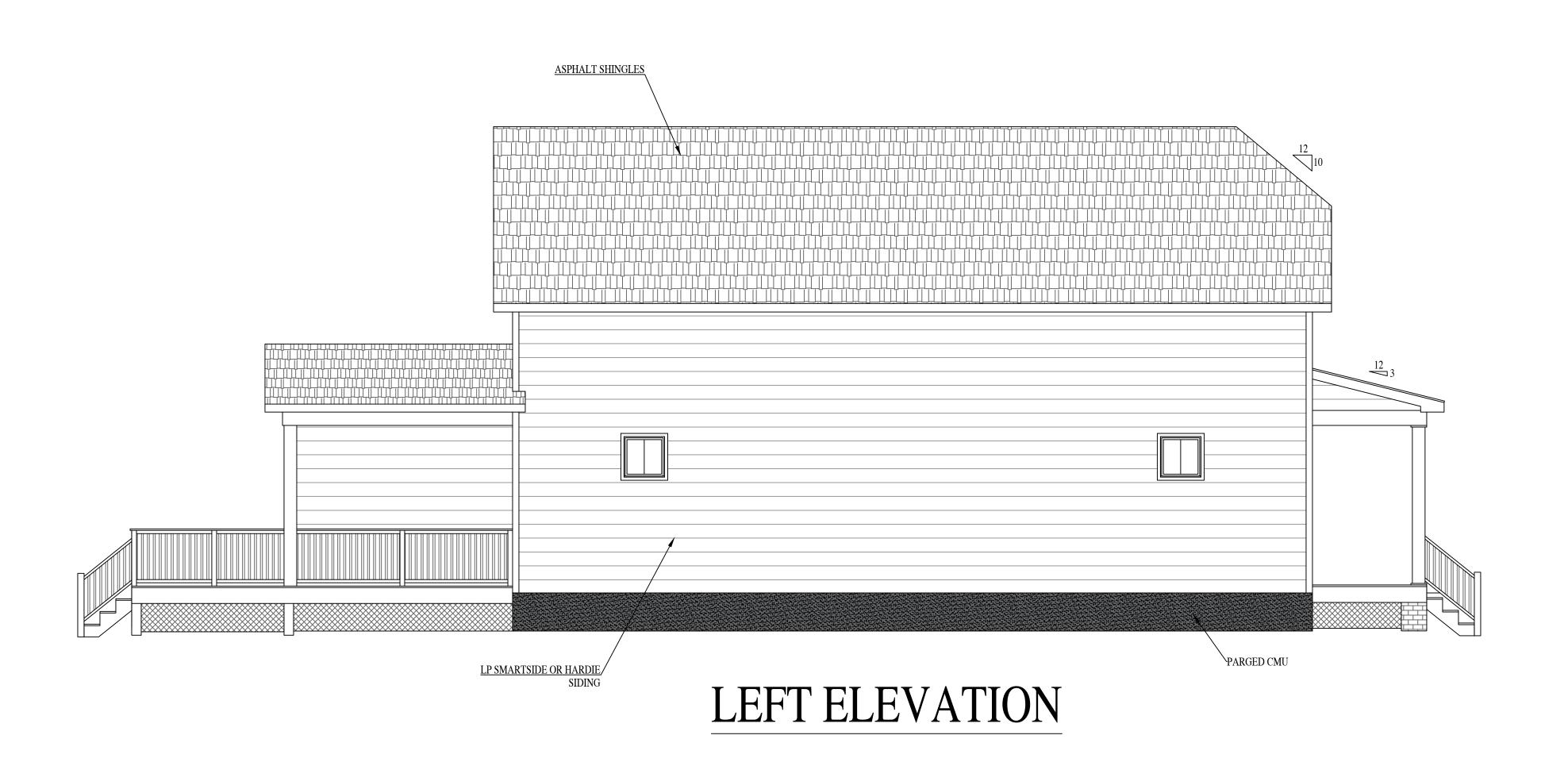
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REAR ELEVATION

LOT B FENTON ST.

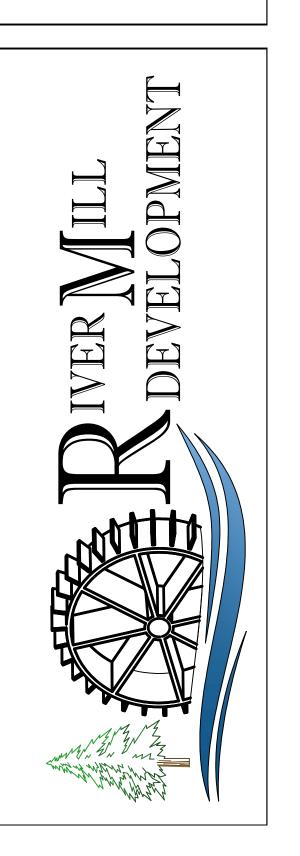
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