

INTRODUCED: July 28, 2025

AN ORDINANCE No. 2025-175

To authorize the special use of the property known as 210 West Marshall Street for the purpose of a restaurant, upon certain terms and conditions. (2nd District)

Patron – Mayor Avula (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEP 8 2025 AT 6 P.M.

WHEREAS, the owner of the property known as 210 West Marshall Street, which is situated in a RO-2 Residential-Office District, desires to use such property for the purpose of a restaurant, which use, among other things, is not currently allowed by section 30-426.1 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: SEP 8 2025 REJECTED: _____ STRICKEN: _____

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 210 West Marshall Street and identified as Tax Parcel No. N000-0150/019 in the 2025 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on No. 210 W. Marshall Street, in the City of Richmond, Virginia,” prepared by McKnight & Associates, P.C., dated April 5, 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 a restaurant, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Floor Plan, Elev & Section,” prepared by Fultz & Singh Architects PLLC, and dated February 1, 2025, and “Trash Exhibit – 210 West Marshall,” prepared by an unknown preparer, and dated April 25, 2025, 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 restaurant.
- (b) All building materials, elevations, and site improvements shall be substantially as shown on the Plans, subject to the issuance of a Certificate of Appropriateness by the Commission of Architectural Review.
- (c) 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 (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.

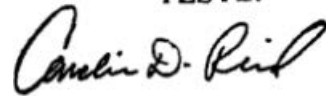
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property 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 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.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Amelia D. Reed".

City Clerk

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: July 2, 2025

TO: The Honorable Members of City Council

THROUGH: The Honorable Dr. Danny Avula, Mayor (by request)
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Odie Donald II, 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 210 West Marshall Street for the purpose of a restaurant, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: The applicant is requesting a Special Use Permit to allow for a restaurant use in a RO-2 - Residential-Office District. The RO-2 district does not permit restaurants as a primary use. As a result, a Special Use Permit is necessary to proceed with this request.

BACKGROUND: The property is located in the Jackson Ward neighborhood on West Marshall Street between Brook Road and East Madison Street. It is currently a 3,510 square foot (0.08 acre) parcel improved with a vacant one-story structure.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed-Use, which is defined as existing or new highly walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses.

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets. Parcels are generally between 1,500 and 5,000 sq. ft.

Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.

The current zoning for the property is RO-2 - Residential-Office District.

COMMUNITY ENGAGEMENT: The Historic Jackson Ward 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: \$2,400 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: July 28, 2025

CITY COUNCIL PUBLIC HEARING DATE: September 8, 2025

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission August 19, 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, Power of Attorney Form, Applicant's Report, Plans, Survey

STAFF:

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

February 7, 2025

Mr. Matthew Ebinger
Planning and Development Review
900 East Broad Street, Room 511
Richmond, VA 23219

Jennifer D. Mullen
Richmond Office
(804) 977-3374
jmullen@rothjackson.com

Re: Special Use Permit Application 210 W. Marshall Street

Dear Mr. Ebinger:

This letter shall serve as the applicant's report accompanying a request for a special use permit for the property located at 210 W. Marshall Street (the "Property"). This firm represents the owner of the Property. The Property is currently zoned RO-2 and is within a two block portion on the north side of W. Marshall Street also zoned RO-2 bisected diagonally by Brook Road. The property on the south side of W. Marshall Street is zoned B-4 and used as the Richmond Diary apartments. The rest of the parcels south in the Arts District are also zoned B-4. The properties to the north are zoned B-1 and used primarily for commercial and warehouse purposes. The property is currently vacant but was most recently used as a warehouse.

The applicant proposes to repurpose the existing building with uses permitted in the underlying zoning district and requests a special use permit to allow for a restaurant use, bringing Sunday Bagel from a highly successful pop-up to its own space. The Property is within the Jackson Ward City Old & Historic District, therefore any revisions to the exterior elevations of the building will require a Certificate of Appropriateness. The new building would be situated on the property line on W. Marshall Street to create a unified street wall with the use engaging the street. The enclosed plans show the elevations and the initial floor plan for the restaurant use within a portion of the building. The Property is well situated within the highly walkable Arts District and a few blocks from the Arts District Pulse Stop.

Richmond300 Plan Designation

The Richmond300 Plan recommends Neighborhood Mixed Use for the Property and identifies W. Marshall Street as a Major Mixed Use Street. The proposed use is consistent with the goals for the Richmond300 to provide neighborhood services with a building situated at the street. The changes to the exterior on W. Marshall Street also tie into the Richmond300 goals of increasing transparency at the ground level and promoting walkability and connectivity with an engaging ground floor use. The Property is within the Jackson Ward priority growth node and additional services are important to attract and retain residents and visitors.

Findings of Fact

The following are factors included in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed amendment to the SUP will not:

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

{01692173;v1}

RICHMOND

1519 Summit Avenue, Suite 102, Richmond, VA 23230

P: 804-441-8440 F: 804-441-8438

TYSONS CORNER

8200 Greensboro Drive, Suite 820, McLean, VA 22102

P: 703-485-3535 F: 703-485-3525

The proposed SUP will not impact the safety, health, morals and general welfare of the community involved. The proposed SUP is in line with the goals and priorities of the Richmond 300.

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

The proposed SUP will not result in significant traffic impacts to nearby residential neighborhoods. The Property is situated within a highly walkable neighborhood and in close proximity to the Pulse and regular bus routes, in addition to bicycle infrastructure. As such, the SUP will not create 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 SUP only authorizes an additional retail use, which is consistent with the goals of the Richmond300 and the surrounding neighborhood.

- **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 SUP 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 adversely affected.

Thank you for your time and consideration of this request. Should you have any further questions about this request, please do not hesitate to contact me.

Sincerely,



Jennifer D. Mullen

Enclosure

Cc: Amrit Singh

{01692173;v1}



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**SPECIAL LIMITED POWER OF ATTORNEY
LAND USE APPLICATIONS**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned is authorized on behalf of the **210 WEST MARSHALL LLC**, a Virginia limited liability company, has made, constituted and appointed, and by these presents do hereby make, constitute and appoint **JENNIFER D. MULLEN** or **KIMBERLY M. LACY**, either of whom may act, our true and lawful attorney-in-fact ("Attorney"), to act as our true and lawful attorney-in-fact in our name, place and stead with such full power and authority we would have, if acting personally, to file all such applications required by the City of Richmond, Virginia (the "City"), with respect to that certain real property currently under contract the undersigned, such real estate being located in the City of Richmond, commonly known as situated at 210 W. Marshall Street (the "Property"), including, but not limited to, an application for a special use permit for Property. Our said Attorney is also authorized and directed to sign, seal, acknowledge and deliver all such documentation and consents as required for the special exception and variance applications, and to do, execute and perform all and every other act or acts, thing or things in law needful and necessary to be done as required for the rezoning and conditional use permit applications and related to the Property, as fully as we might or could do if acting personally.

The undersigned hereby confirm all lawful acts done by our Attorney pursuant to this Special Limited Power of Attorney. We further declare that as against ourselves or persons claiming under us, everything which our Attorney shall do pursuant to this Special Limited Power of Attorney shall be valid and binding in favor of any person or entity claiming the benefit hereof who has not received actual written notice that this Special Limited Power of Attorney has been revoked.

This Special Limited Power of Attorney has been executed pursuant to due authorization as of the date first above written.

210 West Marshall Street LLC

By: Amrit Singh
Name: AMRIT SINGH
Title: PARTNER

STATE OF VIRGINIA,
CITY/COUNTY OF RICHMOND, To-wit:

This instrument was acknowledged before me in the above-stated jurisdiction this 7 day of February, 2025 by AMRIT SINGH, who presented valid identification and executed this instrument as the PARTNER 210 West Marshall Street LLC, a Virginia limited liability company on behalf of the limited liability company.

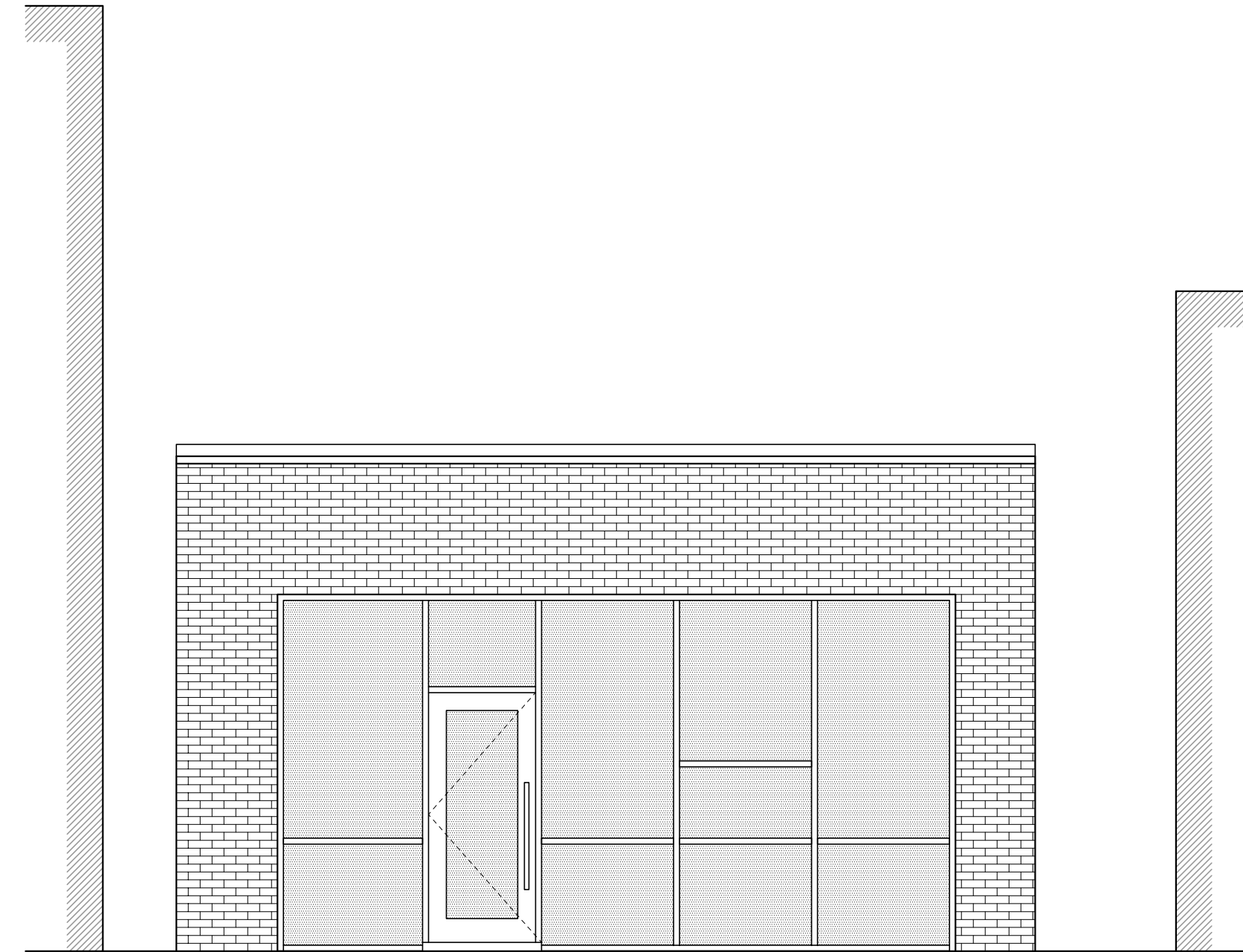
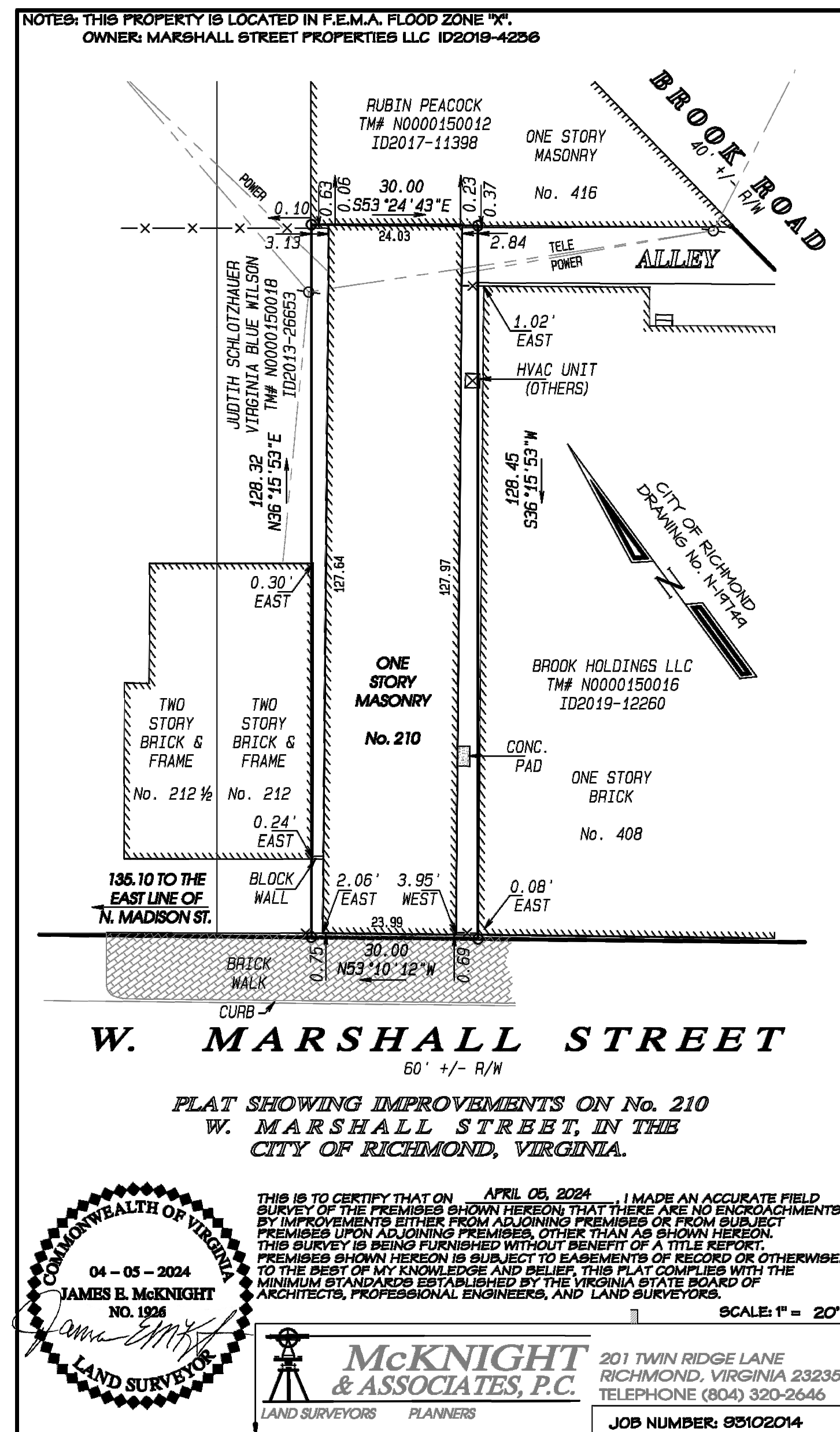
Jennifer Davis Mullen
Notary Public

My commission expires: 11/30/2025
Notary registration no.: 7580351

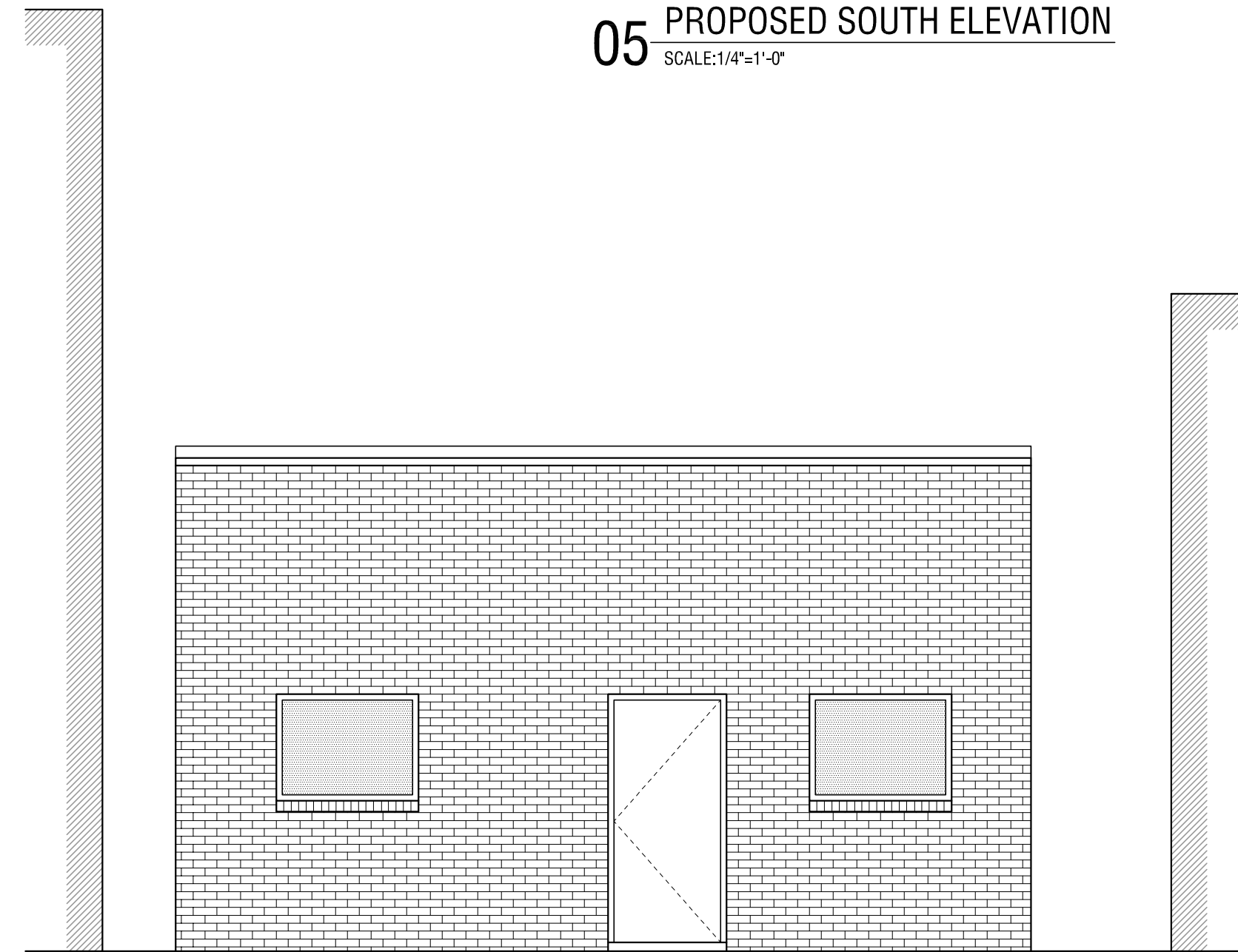


EXISTING CONSTRUCTION TO REMAIN

NEW ADHERED ROOF MEMBRANE

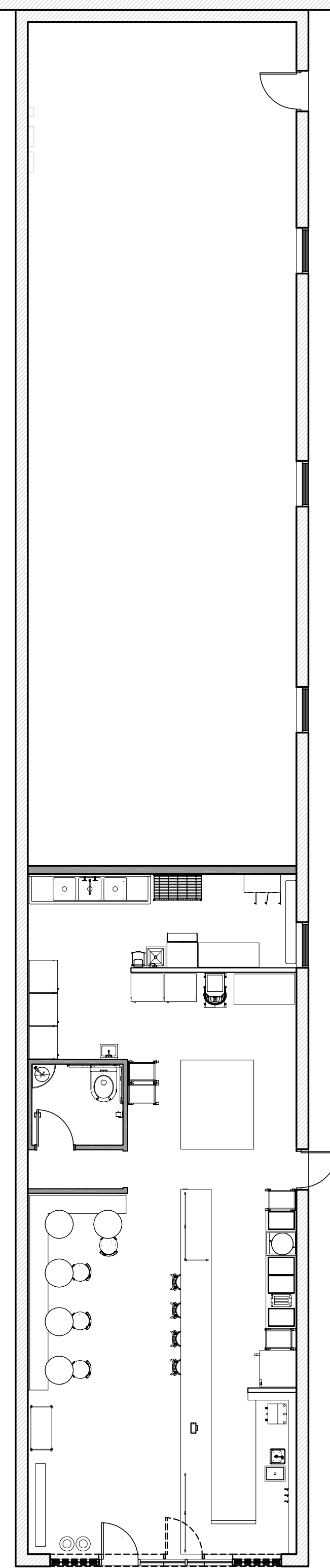


05 PROPOSED SOUTH ELEVATION
SCALE: 1/4"=1'-0"

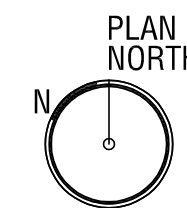


04 EXISTING SOUTH ELEVATION
SCALE: 1/4"=1'-0"

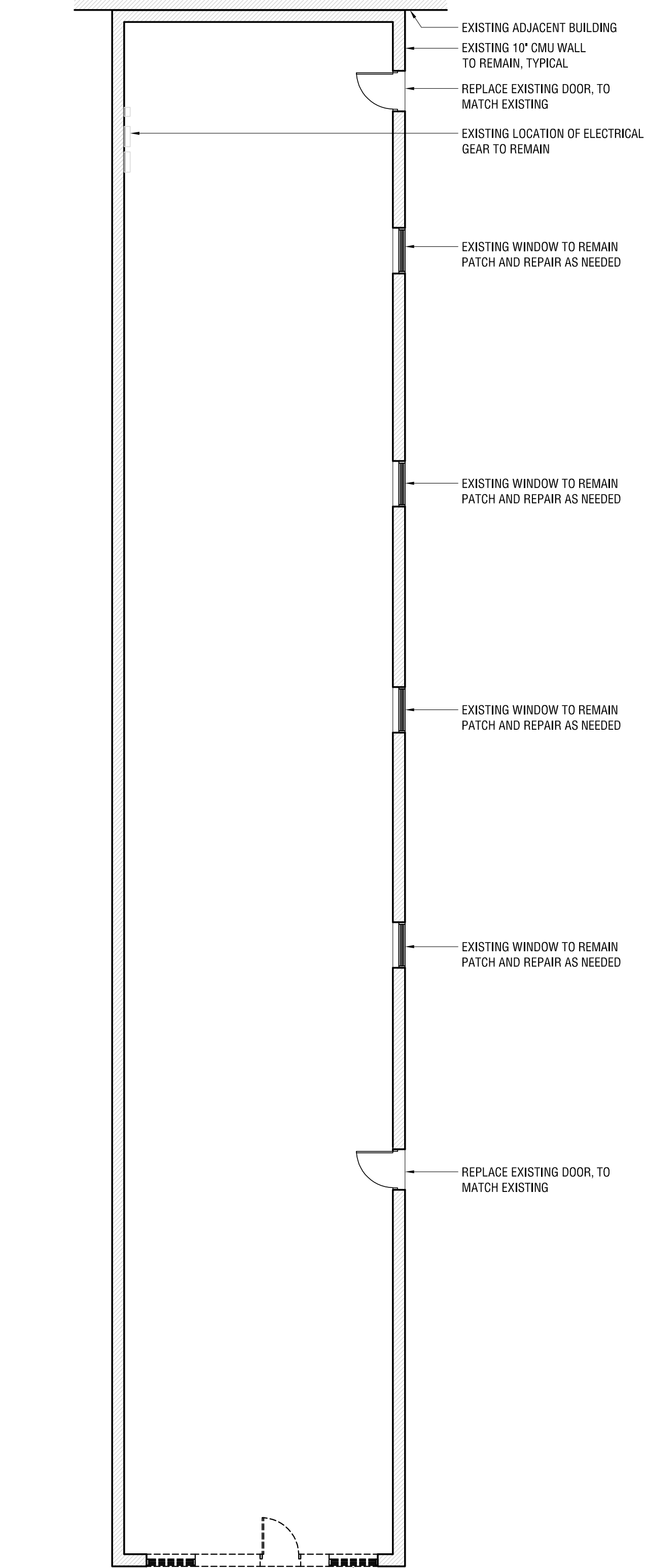
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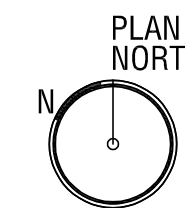
03 PROPOSED PLAN
SCALE: 1/8"=1'-0"



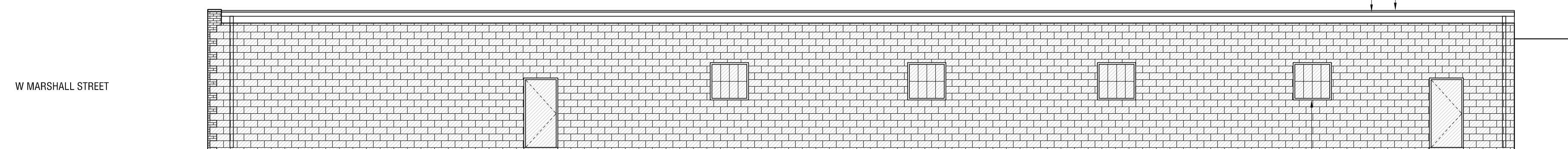
01/A1.01



02 DEMOLITION FLOOR PLAN
SCALE: 1/8"=1'-0"



04/A1.01 DEMO EXISTING WINDOW
AND BRICK BELOW. PREPARE FOR
NEW STOREFRONT



01 EXISTING EAST ELEVATION
SCALE:1/8"=1'-0"

— EXISTING WINDOWS
TO REMAIN. NO WINDOWS
AND DOORS ON PLAN WEST SIDE

- NEW METAL GUTTER TO REPLACE EXISTING
- NEW ADHERED ROOF WITH RIGID FOAM INSULATION

EMERGENCY ROOF REPLACEMENT

210 W MARSHALL, RICHMOND VA, 23220

JOB NUMBER / 210	DATE / FEB 01 2025	SCALE / VARIES	DRAWN / CHECKED /	APPS / APPS	REVISIONS /
A1.01 FLOOR PLAN, ELEV & SECTION					
SHEET /					

Trash Exhibit - 210 West Marshall
April 25, 2025

