



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**Ord. No. 2015-250:** To amend and reordain Ord. No. 2001-262-248, adopted Sep. 10, 2001, which authorized the special use of the property known as 3101 Kensington Avenue for the conversion of the existing building for either 40 or 42 multifamily dwelling units and accessory parking, upon certain terms and conditions, to reflect the subdivision of the property into two parcels, now known as 3101 Kensington Avenue and 3131 Kensington Avenue, and to remove the condition that all dwelling units shall be converted to condominiums within five years of the issuance of the certificate of occupancy.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** December 7, 2015

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#### **PETITIONER**

Jennifer D. Mullen, Esq.  
Roth Doner Jackson Gibbons Conklin, PLC

#### **LOCATION**

3101 Kensington Avenue and 3131 Kensington Avenue

#### **PURPOSE**

To amend and reordain Ord. No. 2001-262-248, adopted Sep. 10, 2001, which authorized the special use of the property known as 3101 Kensington Avenue for the conversion of the existing building for either 40 or 42 multifamily dwelling units and accessory parking, upon certain terms and conditions, to reflect the subdivision of the property into two parcels, now known as 3101 Kensington Avenue and 3131 Kensington Avenue, and to remove the condition that all dwelling units shall be converted to condominiums within five years of the issuance of the certificate of occupancy.

#### **SUMMARY & RECOMMENDATION**

Currently, the subject property is zoned in the R-6 Single-Family Attached Residential District, which does not allow multi-family use, and is located within the West of the Boulevard overlay district. The property is subject to the above referenced special use permit (Ordinance No. 2001-262-248) which authorized multi-family use of the property.

An application has been received for an amendment to the existing special use permit for an existing multi-family structure that would remove the requirement that "within five years of the issuance of a certificate of occupancy for the entire building, all of the dwelling units shall be converted to condominiums" (p. 233).

Staff finds that the Master Plan is supportive of the existing multi-family use of the property. Moreover, the Plan does not make a distinction between owner-occupied and renter-occupied dwelling units in its land use recommendations for the subject property or any other property in the neighborhood.

Staff further finds that with the conditions of the ordinance, the safeguards contained within the City Charter, relative to the granting of special use permits, are met.

Therefore, staff recommends approval of the special use permit amendment request.

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## **FINDINGS OF FACT**

### **Site Description**

The subject property consists of a 0.275 acre (11,979 sq. ft.) parcel of unimproved land (3131 Kensington Avenue) and a 1.652 acre (71,961 sq. ft.) parcel (3101 Kensington Avenue) improved with a former school constructed, per tax assessment records, in 1917 and converted to a 40-unit multi-family structure after approval of the 2001 special use permit. The property is located at the intersection of Kensington Avenue, N. Belmont Avenue, and N. Cleveland Street, in The Museum District neighborhood of the Near West planning district.

### **Proposed Use of the Property**

The use of the property would remain as multi-family use, without the requirement to convert the dwelling units to condominium ownership.

### **Master Plan**

The City of Richmond's Master Plan recommends Single-family (Medium Density) land use for the property. The Master Plan defines the primary uses for this category as single-family and two-family detached and attached dwellings at densities of 8 to 20 units per acre, and includes residential support uses such as schools, places of worship, and neighborhood parks, among others (p. 133).

Specifically for the subject property, the Plan States: "Reuse of the building and site should be sensitive both to the predominant single family neighborhood that surrounds it and to the architectural significance of the school building itself. Appropriate reuses could include a range of multi-family residential uses" (p. 233).

### **Zoning & Ordinance Conditions**

Currently, the subject property is zoned in the R-6 Single-Family Attached Residential District, which does not allow multi-family use, and is located within the West of the Boulevard overlay district. The property is subject to the above referenced special use permit (Ordinance No. 2001-262-248) which authorized multi-family use of the property.

Approval of the special use permit amendment would remove the requirement that "within five years of the issuance of a certificate of occupancy for the entire building, all of the dwelling units shall be converted to condominiums".

### **Surrounding Area**

All surrounding properties are located within the same R-6 zoning district as the subject property, with the exception of a B-1 parcel across Kensington Avenue from the subject

property. A mix of single-, two-, and multi-family residential land uses are present in the area, with some commercial, mixed-use, and institutional land uses present as well.

**Neighborhood Participation**

Staff sent notice of the application to the Museum District Association. No responses was received. Staff also sent notice to Councilman Baliles.

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