



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

ORD. 2020-209: To amend City Code §§ 30-438.1, concerning permitted principal and accessory uses, 30-438.3:1, concerning floor area and usable open space, 30-438.4, concerning screening, 30-452.1, concerning permitted principal uses, and 30-515, concerning sign regulations, to amend ch. 30, art. IV, div. 21 of the City Code by adding therein new §§ 30-438, concerning the intent of the B-3 zoning district, and 30-438.6, concerning parking and circulation of vehicles, and to amend ch. 30, art. XII of the City Code by adding therein new §§ 30-1220.15:1 and 30-1220.84:1, concerning certain definitions.

To: City Planning Commission
From: Department of Planning and Development Review
Date: October 5, 2020

PETITIONER

Department of Planning and Development Review
City of Richmond
900 East Broad Street
Richmond, VA 23219

LOCATION

The B-3 district is applied in various locations throughout the city, with the greatest concentrations located south of the river, along Midlothian Turnpike, Hull Street and Jefferson Davis Highway.

PURPOSE

To amend the Zoning Ordinance text for the purpose of updating the B-3 district to remove uses that are incompatible with adjacent neighborhoods; improve aesthetics and walkability along corridors currently zoned B-3 and allow for higher density and the creation of a sense of place.

SUMMARY & RECOMMENDATION

This Ordinance is a response to City Council Resolution 2018-R081, which requested “that the Planning Commission cause to be conducted a study of all properties zoned for the B-3 General Business District in all Council Districts of the city of Richmond to determine if such properties should be rezoned to facilitate development or redevelopment of such properties”. Staff has studied the district and discussed at length with the Patron, and recommends making these changes to the B-3 district to ameliorate the stark and deleterious effect that the B-3 district has on areas to which it is applied. After passing of this ordinance, new developments must adhere to the new standards, eventually improving the corridors over time. Currently existing businesses may remain indefinitely as legally non-conforming (“grandfathered”), unless or until they are left vacant for over two years.

Staff recommends approval of the ordinance.

FINDINGS OF FACT

Background

Areas zoned B-3 General Business District have been shaped by the district regulations over the years, and are characterized by large parking lots between a building and the street, large-scale signage, and a preponderance of auto-oriented uses such as used car sales lots, tire sales and storage and service stations. The district also allows for adult uses including live entertainment establishments, and tends to attract a higher than average number of predatory lending establishments. These edits are aimed at improving public health, safety and welfare.

Master Plan

For the significant B-3 corridors on the Southside, the adopted 2001 Master Plan recommends Future Land Uses of: Mixed-Use for Jeff Davis Highway; Community Commercial for Hull Street, and General Commercial for Midlothian. The Master Plan does not define those land use categories specifically, but it does make a number of statements that would support these changes to the B-3 district, particularly for the Broad Rock planning area, which includes parts of Hull Street and Jefferson Davis Highway: “existing land use conflicts should be resolved, particularly those that exist between residential and non-residential uses”, and “vacant parcels...may be appropriate for development for multi-family residential development only if strict design standards for design, density and access can be adequately developed and met”. These edits to the B-3 will begin to implement these recommendations.

Other areas zoned B-3 fall into adopted amendments to the master plan, and recommend rezoning certain areas. These changes to the entire district complement any planned future land use.

The draft Richmond 300 Master Plan makes a specific recommendation to amend the B-3 district to improve the form and function of the buildings in those commercial areas.

Existing and Proposed Zoning

1. **Adult Uses:** The edited district removes “adult” uses entirely, including adult book stores, adult motion picture theaters and massage parlors.
2. **Parking lots as Permitted Principal Uses:** The edited district removes parking areas and parking lots as a permitted Principal use, though retains parking decks and garages as a Principal use. Parking areas and parking lots are still permitted as accessory uses.
3. **Location of Parking and Circulation of Vehicles:** The district edits add language requiring that parking areas and parking lots must be located behind or to the side of a newly-constructed building.

4. Permitted Principal Uses: the list of permitted principal uses was expanded to include breweries, dwelling units of any kind, and small manufacturing uses such as bakeries or garment making.
5. Height: the height limit will not change.
6. Signage: aggregate sign area was decreased from 300 to 200 square feet.
7. Plan of Development: square footage triggering POD Review was reduced from 50,000SF to 2,500SF.
8. Predatory Lending: a 5,000SF buffer between personal loan and financial services was added.

Legal Defense of Removing Adult Uses

The B-3 district currently allows adult uses as long as they are not placed within 1,000 feet of residential areas or a list of other uses such as churches, schools or other adult use, effectively prohibiting new adult uses from being added to the B-3 district. Before the City placed these buffers around adult uses in 1994, staff researched precedents from other localities across the United States as well as studies of how adult uses in other localities affect crime and property value nearby, including comprehensive adult use studies from New York City, Newport News VA, and Kansas City MO. After such study staff determined that adding buffers to adult uses in the B-3 area had a positive impact on the health, safety and welfare of residents of adjacent neighborhoods.

For these 2020 edits, staff conducted GIS analysis of areas in which adult uses would be allowed following these edits, and determined that there is not a significant decline in properties in the city where these uses would be allowed. Adult uses are still permitted in the B-4 Central Business, M-1 Light Industrial and M-2 Heavy Industrial districts. Of the 1,274 parcels in Richmond City zoned B-3, only four (0.003%) fall outside a 1,000' buffer from residential districts, schools, et cetera. Of the 4,247 parcels zoned either B-4, M-1 or M-2, 349 fall outside the buffer. Removing adult uses from the B-3 district removes just four parcels across the city from potential use as an adult establishment, resulting in a 0.01% reduction in parcels available for adult uses in total.

Public Engagement

These district amendments are the result of many conversations that Councilman Jones, the Patron of Resolution 2018-R08, has had with his constituents over several years. The amendments are consistent with the 2001 Master Plan and the Richmond 300 plan, for which there has been extensive public engagement. There will be a scheduled public hearing when the Ordinance comes before both Planning Commission and City Council.

Staff Contact:

Anne W. Darby, AICP, Planner III – Zoning Specialist
Department of Planning and Development Review
Anne.Darby@richmondgov.com