



## Legislation Text

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**File #:** ORD. 2019-171, **Version:** 1

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To amend City Code §§ 30-950.2, 30-950.3, and 30-950.4, concerning plan of development overlay districts, and to amend ch. 30, art. IX, div. 6 of the City Code by adding therein a new § 30-950.5, concerning pre-application meetings, for the purpose of creating an Arts District Station/Monroe Ward Plan of Development Overlay District POD-2 bounded generally by Belvidere Street on the west, Broad Street on the north, the Downtown Expressway on the south, and 9<sup>th</sup> Street on the east.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 30-950.2, 30-950.3, and 30-950.4 of the Code of the City of Richmond (2015) be and are hereby amended and reordained as follows:

**Sec. 30-950.2. Application of districts and regulations.**

(a) *Relation to other districts.* Plan of development overlay districts shall be in addition to and shall be applied so as to overlay and be superimposed on such other zoning districts as permitted by subsection (b) of this section and shown on the official zoning map. Any property lying within a plan of development overlay district shall also lie within one or more of such other zoning districts, which shall be known as underlying districts.

(b) *Permitted underlying districts.* Plan of development overlay districts shall be applied so as to overlay a B-1, B-2, [ø] B-3, B-4, RO-3 or TOD-1 district.

**Sec. 30-950.3. Establishment of plan of development overlay districts and requirements pertaining thereto.**

(a) *Establishment of districts.* Every plan of development overlay district shall be established by amendment to the official zoning map in the same manner as other zoning map amendments and as provided for by this chapter. Every area designated as a plan of development overlay district by such zoning map amendment shall constitute a separate district which shall be numbered serially in the order of adoption and

shown on the official zoning map by a special symbol, pattern or shading depicting the boundaries of the district together with the numerical designation of the district. A description of the boundaries or a map depicting the boundaries of each plan of development overlay district and the date of adoption of the district or amendment thereto shall be set forth in this article.

(b) *Application of district regulations.* Within each plan of development overlay district, a plan of development as set forth in Article X of this chapter shall be required for:

(1) Construction of any new building or addition to an existing building when such new building or addition occupies more than 1,000 square feet of lot coverage;

(2) Construction of any parking area or parking lot [~~for five or more vehicles,~~] or any addition to or material alteration of the arrangement of any parking area or loading area or vehicle circulation or maneuvering area, including any means of access thereto.

(c) *Application of district regulations.* In all other respects the regulations normally applicable within the underlying district shall apply to property within the boundaries of the plan of development overlay district. Application of a plan of development overlay district shall not eliminate any specific requirement within an underlying zoning district pertaining to plan of development requirements.

#### **Sec. 30-950.4. Establishment of specific districts.**

These divisions shall become effective in areas specified and on dates indicated as follows:

(a) *Westover Hills Boulevard/Forest Hill Avenue Plan of Development Overlay District POD-1.* On January 12, 1998, this division shall become effective in the Westover Hills/Forest Hill Avenue POD-1 district. The boundaries of such district are as follows: beginning at the intersection of the centerline of Forest Hill Avenue and Prince Arthur Road; thence extending 190 feet, more or less, in a northerly direction along the centerline of Prince Arthur Road to a point; thence extending 1,040 feet, more or less, in an easterly direction along the centerline of a 16-foot-wide east/west alley located between Forest Hill Avenue and Devonshire Road to the centerline of Westover Hills Boulevard; thence extending 50 feet, more or less, in a southerly direction

along the centerline of Westover Hills Boulevard to a point; thence extending 743 feet, more or less, along the centerline of a 16-foot-wide east/west alley between Forest Hill Avenue and Devonshire Road to the centerline of West 47th Street; thence extending 200 feet, more or less, in a southerly direction along the centerline of West 47th Street to the centerline of Forest Hill Avenue; thence extending 137 feet, more or less, in an easterly direction along the centerline of Forest Hill Avenue to a point; thence extending 150 feet, more or less, in a southerly direction along a line parallel to the east line of West 47th Street to a point; thence extending 137 feet, more or less, in a westerly direction along a line parallel to the south line of Forest Hill Avenue to the centerline of West 47th Street; thence extending 107 feet, more or less, in a southerly direction along the centerline of West 47th Street to a point; thence extending 561 feet, more or less, in a westerly direction along the centerline of a 14-foot-wide east/west alley between Forest Hill Avenue and Dunstan Avenue to the centerline of a 14-foot-wide north/south alley between Westover Hills Boulevard and West 48th Street; thence extending 400 feet, more or less, in a southerly direction along the centerline of such alley to the centerline of Dunstan Avenue; thence extending 250 feet, more or less, in a westerly direction along the centerline of Dunstan Avenue to the centerline of West 49th Street; thence extending 128.89 feet, more or less, in a southerly direction along the centerline of West 49th Street to the centerline of Clarence Street; thence extending 312.8 feet, more or less, in a westerly direction along the centerline of Clarence Street to a point 277.8 feet west of the west line of West 49th Street; thence extending 720 feet in a northerly direction along a line 277.8 feet west of and parallel to the west line of West 49th Street to a point; thence extending 868 feet, more or less, in a westerly direction along a line 150 feet south of and parallel to the south line of Forest Hill Avenue to the centerline of Jahnke Road; thence extending 190 feet, more or less, in a northerly direction along the centerline of Jahnke Road to the centerline of Forest Hill Avenue; thence extending 18.09 feet, more or less, in an easterly direction along the centerline of Forest Hill Avenue to the point of beginning.

(b) Arts District Station/Monroe Ward Plan of Development Overlay District POD-2. On July 22, 2019, this division shall become effective in the Arts District Station/Monroe Ward Plan of Development

Overlay District. The district is bounded by the centerlines of North Belvidere Street and South Belvidere Street on the west, East Broad Street and West Broad Street on the north, the Downtown Expressway on the south, and North 9<sup>th</sup> Street and South 9<sup>th</sup> Street on the east. In addition to the criteria by which all plans of development are evaluated, plans of development in the Arts District Station/Monroe Ward Plan of Development Overlay District shall be evaluated to determine if building design is in line with the following six form elements of the Pulse Corridor Plan, as incorporated into the Master Plan for the City of Richmond by Ordinance No. 2017-127, adopted July 24, 2017:

(1) *Hold the corner*: Buildings and spaces at intersections shall have active ground floors that wrap around the corner.

(2) *Entrances face the street*: Main entrances to businesses and residences shall face the street to facilitate pedestrian activity.

(3) *Appropriate setbacks/stepbacks*: Commercial uses shall be closer to the street and residential uses shall be set back to facilitate privacy and to create a semi-public space. Stepbacks at upper stories shall honor existing form without overwhelming it.

(4) *Transparency*: Façade fenestration shall be visible from the street. This is especially important on the ground floor, where fenestration should occupy a higher percentage of the building face.

(5) *Façade Articulation*: Long, monolithic facades shall be broken up and made more human-scale by varying the streetwall plane, height, colors, and materials.

(6) *Screened parking/services*: Attractive landscaping shall extend to the sidewalk to help maintain a streetwall and mitigate the disruption caused by surface parking lots and utilitarian services.

§ 2. That Chapter 30, Article IX, Division 6 of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new section** numbered 30-950.5 as follows:

**Sec. 30-950.5. Pre-application meetings.**

Within the boundaries of the Arts District Station/Monroe Ward Plan of Development Overlay District POD-2, applicants must schedule a meeting with the Department of Planning and Development Review before an application is submitted to discuss how a project will align with the goals of the Pulse Corridor Plan and with the six form elements set forth in section 30-950.4(b).

§ 3. This ordinance shall be in force and effect upon adoption.

### O & R Request

**DATE:** May 28, 2019

**EDITION:** 1

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

**THROUGH:** The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)  
**(This is no way reflects a recommendation on behalf of the Mayor.)**

**THROUGH:** Selena Cuffee Glenn, Chief Administrative Officer

**THROUGH:** Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

**FROM:** Mark A. Olinger, Director, Department of Planning and Development Review

**RE:** Request to amend the Official Zoning Map and text for the purposes of rezoning Monroe Ward in order to meet the recommendations of the adopted Pulse Corridor Plan. The rezoning is comprised of a package of five ordinances, which together will meet the objectives of the Plan.

**ORD. OR RES. No.**

#### **PURPOSE:**

To amend the official zoning map and text for the purpose of rezoning certain properties in Monroe Ward in order to meet the recommendations of the Pulse Corridor Plan and create a high-quality urban neighborhood.

The rezoning is comprised of five ordinances, which together will revise the City's official zoning map and official zoning ordinance text for the purpose of rezoning certain properties in Monroe Ward, bounded by Belvidere Street to the west, Broad Street to the north, the Downtown Expressway to the south and Ninth Street to the east, in order to increase density and accommodate growth and development while complimenting the historic character of the neighborhood.

Each Ordinance represents one of five elements to this process, a combination of which will reach the desired outcome:

1. Changing zoning classification of certain parcels from light industrial or auto-oriented designations to those more in keeping with the historic building patterns and intent of the Pulse Plan;
2. Adding Street-Oriented Commercial and Priority Streets in the area to the official zoning map;
3. Creating a Plan of Development Overlay District for the area to ensure development meets the six design elements of the Pulse Plan;
4. Amending the B-4 district to remove incompatible uses, add a three-story height minimum, and remove the option to break the inclined plane of 4:1 by 50% of the length of the building along the street; and
5. Amending the RO-3 district to remove incompatible uses and add form-based elements.

**REASON:** This item is being requested because a rezoning will fulfill the recommendations for the Arts District Station Area as a high priority station area recommended in the adopted Pulse Corridor Plan, an adopted amendment to the City of Richmond Master Plan, adopted by Richmond City Council on July 24, 2017.

**RECOMMENDATION:** In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. These items will be scheduled for consideration by the Commission at its July 1, 2019, meeting; to be forwarded to City Council at its July 22, 2019 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** These amendments arise out of the recommendations of the adopted Pulse Corridor Plan, an analysis of the existing zoning ordinance and its application across the City, and an extensive public engagement process, both for the plan and for this area rezoning. There is significant building activity in the downtown which continues to move west into Monroe Ward and expansion of VCU's Monroe Park campus has stretched east of Belvidere into Monroe Ward. While Monroe Ward is home to an array of historic structures, there are also a significant number of surface parking lots, several of which take up entire blocks. This proactive rezoning process is in order to ensure that new development is in keeping with the principles of the Pulse Plan, creating a decidedly urban neighborhood in an area of great potential.

### **Master Plan**

The area for this rezoning is part of the Arts District Station Area in the Pulse Corridor Plan, an adopted amendment to the City's Master Plan. The Pulse Plan Future Land Use map labels the area as "Downtown Mixed Use".

(Note: the Arts District Station Area also includes Jackson Ward, but the character of the neighborhoods and the current zoning already fit the Future Land Use recommendations.)

Rezoning Monroe Ward to districts that align with the future land use map is the first recommendation for this study area (p.84). The plan envisions a strong transit-oriented node at each station area along the corridor, and describes Monroe Ward's future land use as high-intensity pedestrian- and transit-oriented development", with tall signature buildings, active commercial ground floors, few driveways cutting through sidewalks, and little to

no setbacks for commercial building, adding that new buildings will add to the already “incredibly dynamic and diverse building stock, creating a truly eclectic urban neighborhood” (p.84). The plan recommends that new zoning does not allow surface parking lots as a principal permitted use.

### **Existing and Proposed Zoning**

Staff has completed an extremely thorough analysis and vetting of exactly the tools needed to accomplish the plan vision and spur development while complementing the historic urban character of the neighborhood. Staff has also responded to citizen comments and concerns.

As a result, there are five elements to this rezoning process:

1. Rezoning the area from either light industrial (M-1) or auto-oriented commercial (B-3), to transit-oriented development (TOD-1) or downtown mixed-use (B-4);
2. Adding Priority and Street-Oriented Commercial designations in the area to the official zoning map;
3. Creating a Plan of Development Overlay District for the area to ensure that new development meets the six design elements of the Pulse Corridor Plan;
4. Amending the B-4 district; and
5. Amending the RO-3 district to remove incompatible uses and add form-based elements.

### **Attached Summary Document**

In order to convey the ideas and reasoning behind this rezoning process clearly and thoroughly, staff created a summary document complete with explanatory text, maps of existing and proposed zoning, exact zoning changes, and explanation of each recommendation. Please see attached summary for further details.

### **Public Engagement**

As the Pulse Corridor Plan was developed over the course of 2015-2017, City Staff held numerous public forums, set up online surveys, attended standing civic association meetings, and tracked public feedback.

In July 2017, staff held two public open houses at the Main Library to discuss the Monroe Ward rezoning, and provided informational maps and comparisons of zoning districts. In addition, a letter was sent to each property owner of over 400 addresses which will be affected by the rezoning. Of the 400 property owners affected, PDR received only two letters expressing concern or opposition, and has subsequently engaged with both parties.

In November 2018, staff once again sent notices in postcard form to 444 individual property owners, and received one inquiry of concern regarding parking, and twelve letters or emails from Historic Richmond Foundation and members regarding height and protection of historic buildings. Staff also received one letter and one email of support regarding the rezoning, from an affordable housing advocate and a large developer/property-owner in the area.

Staff has considered these letters and weighed these concerns seriously, and continues to recommend the overall rezoning package, amended in response to citizen comments to retain RO-3 along Franklin Street with these changes.

**FISCAL IMPACT / COST:** The Department of Planning and Development Review anticipates that impact to the City's budget will be positive. Implementation of the Pulse Corridor Plan and programs established to implement the Plan will ultimately achieve the \$1 billion increase in new assessed value over the next twenty years as identified in the Plan.

**FISCAL IMPLICATIONS:** The Department Planning and Development Review does not anticipate any fiscal implications from this proposal.

**BUDGET AMENDMENT NECESSARY:** No

**REVENUE TO CITY:** Positive revenue is expected from tax revenue due to increased development.

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** June 24, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** July 22, 2019

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, July 1, 2019

**AFFECTED AGENCIES:** Office of Chief Administrative Officer  
Law Department (for review of draft ordinance)  
Planning and Development Review

**RELATIONSHIP TO EXISTING ORD. OR RES.:** ORD. 2017-127 (Pulse Corridor Plan)

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Draft Ordinance, Rezoning Summary document

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