



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2023-142 - To close, to public use and travel, an alley in the block bounded by West Commerce Road, McDonough Street, West 7th Street, and Perry Street, consisting of 3,299± square feet, upon certain terms and conditions

To: City Planning Commission
From: Land Use Administration
Date: May 15, 2023

PETITIONER

Joseph Davenport, P.E., Right-of-Way Manager, Department of Public Works

LOCATION

Portion of Public Right of Way Alley Located in the block bounded by West Commerce Road, McDonough Street, West 7th Street, and Perry Street.

PURPOSE

To close to public use and travel an alley in the block bounded by West Commerce Road, McDonough Street, W 7th Street and Perry Street, consisting of 3299 sq. feet as shown in bold lines on DPW Drawing No. N-29023, dated 03/23/2023 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF AN ALLEY IN THE BLOCK BOUNDED BY WEST COMMERCE ROAD, PERRY STREET, W 7TH STREET AND PERRY STREET" at the request of the applicant.

SUMMARY & RECOMMENDATION

The Beach Company, via an affiliated entity, is in the process of redeveloping the entire block in which this alley is located with the purpose of constructing a mixed-use apartment building. To enable the construction of the building they are requesting the vacation of this alley.

The building will be a mixed-use apartment building with retail on a portion of the ground floor, approximately 263 residential units and 313 parking spaces. A POD is currently under review by various City agencies for this project; approval of the POD by the City is a condition of this closure ordinance becoming effective.

The Department of Public Works offers no objections to the proposed right-of-way closing and requests that any approvals be subject to, and including without limitation, the following terms and conditions:

1. The applicant(s)/owner(s)/successor(s) shall be responsible for any and all costs associated with the proposed closing, including without limitation, realignment, relocation, or removal of utilities, or infrastructures, installment of new utilities or infrastructures, new or revised street name or directional signs, streetlights, etc., as required or directed by City Agencies.
2. The applicant(s)/owner(s)/successor(s) shall provide evidence that they have identified any public or private utilities that may have a vested interest in or facilities located within

the subject right-of-way and worked out arrangements with the owners of any such utilities to protect the owner's rights. All affected owners of private and public infrastructure must provide written acknowledgement that they are satisfied with the resolution of their facilities within the proposed closing area for this Ordinance to be valid. It has been indicated that exist sewer lateral abandonment and removal of streetlight facilities within the alley will be addressed in POD.

3. A Plan of Development (POD) for the construction of the improvements on the site must be submitted and approved by the City within twelve (12) months of ordinance adoption. Should approval of the Plan of Development be denied, this closure of the public right of way will not go into effect.
4. The applicant(s)/owner(s)/successor(s) shall be responsible for surface storm water overflow in the area to be closed.
5. The applicant(s)/owner(s)/successor(s) shall be responsible for obtaining the written consent of all abutting landowners to the closing and other property owners within the block affected by the closing.
6. A twelve (12) month expiration clause shall be included whereby all conditions must be satisfied by the applicant(s)/owner(s)/successor(s) within twelve (12) months of the ordinance adoption date and approved by the City before the ordinance can go into effect.
7. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$105,633.98.
8. The applicant(s)/owner(s)/successor(s) of the property must agree in writing to preserve any existing cobblestones within the vacated rights-of-way; and, should any cobblestones be removed at a future date, the applicant(s)/owner(s)/successor(s) shall return the cobblestones in an undamaged and clean condition to the City at a location designated by the Department of Public Works.
9. The applicant(s)/owner(s)/successor(s) is responsible for providing the Law Department with written evidence within twelve (12) months of the ordinance adoption that all conditions of the ordinance have been satisfied. Should this written evidence not be submitted to the said offices prior to the expiration date after final approval of the ordinance, the ordinance will become null and void automatically.

Staff recommends approval of this request.

FINDINGS OF FACT

SITE DESCRIPTION

There are no parcels owned by others directly adjacent to the Right-of-Way beyond the applicant. The value of the public right-of-way to be vacated (3299 sf) has been determined to be \$105,633.98 (\$32.02 per square foot) and is based on the assessed land values of the immediately adjacent parcels. A fee for this amount is due to the City as a condition of this ordinance. The proposed right-of-way closing will not negatively impact the local City

transportation network. Other reviewing administrative agencies offered no objections to the right-of-way closing request.

PROPOSED USE FOR THE PROPERTY

Multi-Family Residential

MASTER PLAN

Key gateways featuring prominent destinations, such as retail, sports venues, and large employers, as well as housing and open space. Located at the convergence of several modes of transportation, including Pulse BRT or other planned transit improvements.

Development Style: Higher density, transit-oriented development encouraged on vacant or underutilized sites. New development should be urban in form, may be of larger scale than existing context, and, where relevant, should pay special attention to the historic character of the existing context. Development should enhance the public realm and create a sense of place. Many buildings are vertically mixed-use. Developments continue or introduce a gridded street pattern to increase connectivity.

Ground Floor: Ground floor uses engage with, and enliven, the street. Monolithic walls are discouraged, while windows, doors, storefronts, and other features that allow transparency and interaction between building and street are encouraged. Active commercial ground floor uses are required on street-oriented commercial frontages.

Mobility: Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. Driveway entrances are required to be off alleys whenever possible; new driveways are prohibited on priority and principal street frontages. Surface parking is prohibited as a principal use; when surface parking is provided as an accessory use, it should be located to the rear of buildings and screened. Parking requirements are reduced to allow more market-based parking strategies, including shared parking.

Intensity: Buildings typically a minimum height of five stories.

Primary Uses: Retail/office/ personal service, multi-family residential, cultural, and open space.
Secondary Uses: Institutional and government.

ZONING

B-7 - MIXED-USE BUSINESS DISTRICT

SURROUNDING AREA

The area surrounding these parcels is zoned B-7 MIXED-USE BUSINESS DISTRICT, B-4 CENTRAL BUSINESS DISTRICT, B-6 MIXED-USE BUSINESS DISTRICT.

Staff Contact:

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