



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2017-244: To close, to public use and travel, a portion of West Marshall Street located between the west line of Hermitage Road and the eastern boundary of the property known as 2220 West Broad Street, consisting of 41,468± square feet, upon certain terms and conditions, and to authorize the Chief Administrative Officer to accept a dedication of a public access easement, consisting of 60,074± square feet, over certain parcels adjacent to the closed portion of West Marshall Street, in connection with vehicular and pedestrian access to a proposed mixed-use development in the area.

To: City Planning Commission
From: Land Use Administration
Date: January 3, 2018

PETITIONER

Bobby Vincent, Director – Department of Public Works

LOCATION

W. MARSHALL STREET BETWEEN THE WEST LINE OF HERMITAGE ROAD AND PARCEL #N000-1396-014

PURPOSE

To close a portion of public right of way (consisting of 41,468 sq. ft.) shown enclosed with bold lines and hatched on a plan prepared by the Department of Public Works designated as DPW Dwg. No. N-28775 (Sheet 1 of 3) dated November 13, 2017 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF W. MARSHALL STREET BETWEEN THE WEST LINE OF HERMITAGE ROAD AND PARCEL #N000-1396-014 AND RETAINAGE AND CONVEYANCES OF UTILITY AND PUBLIC ACCESS EASEMENTS" at such time that the City issues Work in Street Permits for the proposed construction of the Whole Foods Grocery Store.

SUMMARY & RECOMMENDATION

As part of the mixed-use development consisting of new and historic buildings on W. Broad Street and Hermitage, The C.F. Sauer Companies proposes to construct an approximately 40,000 square foot building that will be the Whole Foods Grocery Store. Whole Foods will be the cornerstone of the urban mixed-use development being proposed. The former Pleasant's Hardware, located at 2024 W. Broad Street will be razed to allow the construction to occur.

This proposed 40,000 sq. ft. grocery store would include approximately \$25 million in private investment, and when in full operation, would hire approximately 35-40 full-time equivalent (FTE) employees.

There is a proposed future mixed-use development for the other parcels (N0001396014 and N0001098020) that are both owned by Sauer Properties.

In order to fulfill the parking requirements for the proposed Whole Foods as well as to promote the vibrant livability the overall proposed developments will have on this section of Broad Street, the Department supports the applicants' request for closure of portions of W. Marshall Street right of way while retaining public access and utility easements.

Other reviewing administrative agencies offered no objections to the closing request.

The Department of Public Works supports this proposed right-of-way closing to public use and travel, and requests that upon adoption by City Council, the closing to public use and travel will take effect upon the City's issuance of Work in Streets Permits for the construction of the Whole Foods Grocery Store, subject to the following:

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.
3. The applicant(s)/owner(s)/successor(s) shall dedicate a new public access easement to provide pedestrian and vehicular access as shown on Drawing #N-28775 Sheet 3 of 3.
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. At this time the Applicants have a controlling interest in all adjacent properties. This condition is considered null and void if that is still true at the date of the acceptance of the terms and conditions.
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) is responsible for providing the Law Department with written evidence 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.

The ordinance shall also mandate that the closure and transfer of the portion of W. Marshall Street be subject to the following:

1. Retainage of utility easement (19,562 sq. ft) as shown on Drawing #N-28775 (Sheet 1 of 3).
2. Retainage of public access easement (31,474 sq. ft.) as shown on Drawing #N-28775 (Sheet 2 of 3).

FINDINGS OF FACT

SITE DESCRIPTION

West Marshal Street right-of-way, between 2220 West Broad Street and Hermitage Road

PROPOSED USE FOR THE PROPERTY

Mixed-use development including a Whole Foods Grocery Store.

MASTER PLAN

The right-of way is located within a Nodal Mixed-Use area, as designated by the Pulse Corridor Plan. Such districts are characterized below:

-Transit-oriented district located immediately adjacent to the Pulse BRT or other frequent transit service at key gateways and prominent places in the city in order to provide for significant, urban-form development in appropriate locations.

-Higher-density pedestrian- and transit-oriented development encouraged on vacant and underutilized sites; new development should be urban in form and may be of larger scale than existing context. It should directly engage with the prominence of Nodal Mixed-Use places and the public realm.

-Highly active street frontages and urban design features that encourage pedestrian activity required.

-Driveway entrances required to be off alleys whenever possible; new driveways prohibited on street-oriented commercial and priority street frontages.

-Little to no setback of new development unless to create pedestrian-oriented amenities like plazas and outdoor dining.

-Surface parking 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 by shade trees.

-Parking requirements are reduced to allow more market-based parking strategies, including shared parking.

-Potential future zoning districts: B-4, B-5, RF-1, RF-2, or a new district.

ZONING

The current zoning for the public right-of-way is split between M-1 Light Industrial and B-3 General Business districts.

SURROUNDING AREA

The area immediately surrounding the subject property is comprised of a mix of commercial, office, industrial, and vacant land uses.

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