



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2016-187: To close, to public use and travel, an alley bounded by T Street, North 27th Street, O Street, and North 26th Street, consisting of 2,040± square feet, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: June 29, 2016

PETITIONER

Elderhomes

LOCATION

An alley within the block bounded by T Street, North 27th Street, O Street and North 26th Street

PURPOSE

To close to public use and travel the right of way for a public alley containing 2,040± square feet as shown enclosed with bold lines on a plan prepared by the Department of Public Works and designated as DPW Dwg. No. N-28707 dated April 22, 2016 (Project No. E-621-AC) entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF AN ALLEY IN THE BLOCK BOUNDED BY T ST., N 27TH ST., O ST. AND N 26TH ST." at the request of the applicant.

SUMMARY & RECOMMENDATION

The block that contains this requested closing is part of a project called the "Model Block". This project is a partnership between the City and Elderhomes Corporation, a non-profit housing developer. The project included funding and overall project management from Economic Development and engineering services from DPW. The developer acquired several of the lots within the block and re-subdivided them to create consistent lots and a central alley to serve all the lots in the block. The City provided the design for new curbing and sidewalk around the block and the alley through it. The City is also funding and managing the future construction of these improvements.

In the previous configuration of the block, there was one lot that fronted T Street with this single alley adjacent to it. This alley is narrow and travels only half way through the block. The final step in the preconstruction phase of this project is to vacate this small alley and then combine the single lot that fronts T Street and the closed alley with the adjacent lots that front 26th Street. Elderhomes has control of some but not all the lots in this group. The owners of the adjacent lots have all given their consent to this.

The value of the right of way to be vacated (12' wide alley, 2040 square feet) has been determined to be \$17,004.60, based on the assessed values of the adjacent parcels. This cost is customarily paid to the City by the owners of the properties that will 'receive' the closed right of way. In this case DPW Staff recommends that the charge for this cost be waived. The reason for this is that Elderhomes has previously dedicated right of way to the City for a larger (22' wide, 7,646.76 square feet), full length alley within the subject block. The value of this alley

based on the calculation used for the vacated alley is \$64,691.59 which far exceeds the value of the vacated alley. Regarding the parcels abutting the alley that are not owned by Elder Homes, the owners of these lots did not initiate this project in any way, but their cooperation is needed to complete the work.

When a right of way is vacated in the City, it will revert to the property owners on either side of it. In this case the owners of the lots fronting 26th Street will each receive the portion of the half of the alley that is behind their property. There is one long lot between the alley to be closed and the alley that has been dedicated to the City that is owned by Elderhomes. This parcel will be consolidated with the other half of the alley to be closed. Once this is finalized, Elderhomes will split this single lot up among the lots that front 26th Street. This will address condition 6 above where an easement is to remain in place over the alley to be closed until such time as all the lots between the alley and 26th Street have access to the new main alley.

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 identify and protect the rights of any public and/or private owners or utilities who may have a vested interest or facilities in subject right-of-way.
3. A twelve-month expiration clause shall be included whereby all conditions must be satisfied by the applicant(s)/owner(s)/successor(s) within twelve months of the ordinance adoption date and approved by the City before the ordinance can go into effect.
4. The applicant(s)/owner(s)/successor(s) shall be responsible for surface 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. The physical alley surface and entrance shall remain in place and a temporary right of way easement shall be retained over it to serve the adjacent properties that front N 26th Street and currently have access to this alley until such time as the new primary alley is constructed and accepted by the City as an asset and the properties on 26th Street been provided access to it in conjunction with the Model Block Project. At that time the easement shall become null and void.
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, twelve months after final approval of the ordinance, the ordinance will become null and void automatically.

The City of Richmond's Master Plan designation for this of parcels as Single Family (medium density) Area. Primary uses for this designation includes "single family and tow family dwellings,

both attached and attached, at densities of 8 to 20 units per acre.” (Page 133) The Richmond Master Plan also states that this is a redevelopment area, it states “There are three Conservation Areas (Church Hill North, Tobacco Row, and East End) and one Redeployment Area (Fulton in the East District. The redevelopment area designation is intended to revitalize a targeted area through programs designed to eliminate existing blight and the long-term conditions that result in deteriorating neighborhoods.” (Page 160) Such in fill will introduce new energy to the district by increasing the residential population, repairing the streetscape, and enhancing safety by providing “eyes on the street. It is essential that while Church Hill grows and fills in its vacant lots with new buildings, that these buildings respect the existing historic architecture of the district.

Staff finds that the proposed alley closing would not have an adverse impact on the surrounding community.

FINDINGS OF FACT

Site Description

The public alley contains 2,040± square feet. The right of way list located within the R-6 Single Family Zoning District. The alley is within the block bounded by T Street, North 27th Street, O Street and North 26th Street.

Proposed Use of the Property

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Master Plan

The City of Richmond's Master Plan designation for this of parcels as Single Family (medium density) Area. Primary uses for this designation includes “single family and tow family dwellings, both attached and attached, at densities of 8 to 20 units per acre.” (Page 133) The Richmond Master Plan also states that this is a redevelopment area, it states “There are three Conservation Areas (Church Hill North, Tobacco Row, and East End) and one Redeployment Area (Fulton) in the East District. The redevelopment area designation is intended to revitalize a targeted area through programs designed to eliminate existing blight and the long-term conditions that result in deteriorating neighborhoods.” (Page 160) Such in fill will introduce new energy to the district by increasing the residential population, repairing the streetscape, and enhancing safety by providing “eyes on the street. It is essential that while Church Hill grows and fills in its vacant lots with new buildings, that these buildings respect the existing historic architecture of the district.

Zoning & Ordinance Conditions

The property is located within an R-6 Single-Family Attached Residential zoning district. The single-family dwellings are permitted. A plan of development shall be required as set forth in article X of this chapter for construction of any development with three or more newly constructed single-family attached dwellings.

Surrounding Area

All properties surrounding the subject property are located in the R-6 Single-Family Attached Residential zoning district.

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