



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2020-240: To declare that a public necessity exists and to authorize the Chief Administrative Officer or the designee thereof, for and on behalf of the City of Richmond, to acquire, at a tax delinquent judicial sale, the property located at 1305 North 5th Street and to authorize the Chief Administrative Officer or the designee thereof to accept title to such property for the purpose of preserving the property as a historic burial ground.

To: City Planning Commission
From: Land Use Administration
Date: December 7, 2020

PETITIONER

Kimberly Chen, Senior Manager, City of Richmond Economic Development and Planning

LOCATION

1305 North 5th Street

PURPOSE

To declare a public necessity exists and to authorize the CAO to acquire on behalf of the City the parcel of real estate known as 1305 N. 5th Street and identified as Tax Parcel No. N0000233006 in the 2020 records of the City Assessor, via purchase at tax delinquent auction, for the purpose of preserving the property historically utilize as a *Burial Ground for Free Persons of Colour and Slaves*.

SUMMARY & RECOMMENDATION

This ordinance authorizes the City's acquisition of the *Burial Ground for Free Persons of Colour and Slaves*, which is of critical importance. The property, located at 1305 North 5th Street (N0000233006), has a current assessed value of \$145,000, is tax delinquent, and anticipated to go to tax sale auction in February 2021. Va. Code 58.1-3970 grants the City the authority to purchase property at tax sale auction and an ordinance for Council to authorize the City's use of existing CIP funds to purchase this parcel at tax sale auction was introduced on September 28, 2020 (Ord. No 2020-213).

This property was used as the burial site for Richmond's black population from 1816 to 1879 and it is believed that as many as 21,000 souls may have been buried in this cemetery. The property has been extensively desecrated over the years by the construction of roads, railroads, highways, and municipal buildings. It is also from this site that many of the remains found in the VCU well originated. Despite the extensive disturbance, there is evidence that remains and burial sites are still intact and present at the property. Today, a billboard and the shell of a small gas station (vacant for many years) stand on the property, which in no measure resembles a cemetery or sacred space.

Staff recommends approval of the ordinance.

FINDINGS OF FACT

Site Description & History

The Grave Yard for Free People of Colour and Slaves first came to staff attention in May 2018 when a portion of the property, 1305 N. 5th Street (N0000233006; 1.21 acres) was being considered for tax sale. The property is located in the vicinity of 5th and Hospital streets to the north and east of Shockoe Hill Cemetery and the Jewish Cemetery. The City of Richmond purchased the land in 1799 and by ordinance, in 1816, established a public burying ground – “one acre for the free people of colour, and one for slaves.” The Richmond Whig reported in 1867 that approximately 100 human skeletons were discovered during the construction of the new powder magazine located on the southeast corner of Hospital and 5th streets. The last reported burials were recorded in 1879.

In 1883, The Daily Dispatch reported that during the improvements at the extreme north end of Fifth Street that bodies buried in that locality were unearthed. Mr. Crump reported that “Some of the dead bodies and bones had been used to fill in the grade of the street.” A 1935 article in the Richmond Times Dispatch, describes “cleaning up of the 17-acre tract on the North Side formerly used as a Negro burial ground.”

In the 1960s, the City began selling its property along 5th and Hospital Streets. Parcel N0000233006, containing a portion of the cemetery was sold to the Sun Oil Company and a service station and bill board were constructed on the property. The parcel at 501 Hospital Street (N0000115002) was also sold to a private entity, the remainder of the property was sold to the Commonwealth of Virginia and as right-of-way for Interstate 64. The property is currently within the Area of Potential Effect for the DC2RVA high speed rail line.

Proposed Use of the Property

Extension of the Richmond Slave Trail.

Master Plan

The City of Richmond’s 2001 Master Plan recommends a land use category of Industrial for this property. Primary uses include a wide variety of manufacturing, processing, research and development, warehousing, distribution, office, warehouse and service uses. Office, retail and other uses that complement industrial areas are often secondary support uses. The mix of industrial uses and character of such areas may vary depending on the location and available highway access. Typical zoning classifications that may accommodate this land use category: OS, M-1, and M-2.

The Richmond 300 Plan has designated this property as Public Open Space, which includes “...passive and active recreation, natural habitats, cemeteries, and large plazas.” Secondary uses may include “...Cultural, institutional, and governmental” uses (p.70).

Zoning

This property is currently zoned M-2 Heavy Industrial.

Surrounding Area

Properties to the north are within the M-2 Heavy Industrial District, properties to the south are within the M-1 Light Industrial District, and properties to the west are in the R-53 Multi-Family Residential District. Interstate I-64 is located to the east of the subject property. Directly west of the property, across North 5th Street, is the Hebrew cemetery.

Public Comment

A letter of support has been received from Preservation Virginia/National Trust for Historic Preservation

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