



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2018-301: To close, to public use and travel, a portion of an alley in the block bounded by East Main Street, South 6th Street, East Cary Street, and South 5th Street abutting the property known as 519 East Main Street consisting of 646± square feet, upon certain terms and conditions.

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

PETITIONER

Bobby Vincent, Director DPW

LOCATION

Public Right of Way within a portion of an alley in the block bounded by East Main Street, South 6th Street, East Cary Street, and South 5th Street.

PURPOSE

To close to public use and travel public right of way for portion of a 13' alley containing + 646 square feet, but retaining same area as a full width utility easement, as shown enclosed with bold lines and hatched on a plan prepared by the Department of Public Works designated as DPW Dwg. No. N-28689 dated 9/6/2018 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF PORTION OF A 13' ALLEY IN THE BLOCK BOUNDED BY E MAIN STREET, S 6TH STREET, E CARY STREET AND S 5TH STREET" at the request of the applicant.

SUMMARY & RECOMMENDATION

The owners of the properties adjacent to this proposed vacation are in the planning stages of a new infill development that will be a mixed-use development that is pedestrian focused with commercial uses and a residential lobby on the first floor and residential units above. Parking for the development would be accessed from the remaining alley and will be located behind the commercial spaces on the first floor.

The portion of the alley to be vacated is a dead-end stub and does not benefit any properties other than those owned by the requesting parties. It would bisect the proposed development's parking area and its closure would make the layout of the parking more practical and useable. Additionally, closing the alley will allow for the continuance and coordinated maintenance of the parking area that will serve the proposed development without the interruption from the alley running through the middle of it.

The value of the right of way to be vacated (646 sf) has been determined to be \$42,480.96 (\$65.76 per square foot) and is based on assessed values of 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 the fee paid to the City has been reduced by \$12,744.29 due to retainage of a utility easement over the full width of the vacated right of way. The actual fee due to the City is \$29,736.67.

The closing of this right of way will not negatively impact the local City transportation network. Other reviewing administrative agencies offered no objections to the closing request.

The Department of Public Works offers no objections to the proposed right-of-way closing and request 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.
3. The applicant(s)/owner(s)/successor(s) shall be responsible for surface storm water overflow in the area to be closed.
4. 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.
5. 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.
6. A Plan of Development for the construction of the improvements on the site must be submitted and approved by the City within twelve (12) months. Should approval of the Plan of Development be denied, this closure of the public right of way will not 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 \$29,736.67.
8. 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.

FINDINGS OF FACT

SITE DESCRIPTION

Public Right of Way within a portion of an alley in the block bounded by East Main Street, South 6th Street, East Cary Street, and South 5th Street.

PROPOSED USE FOR THE PROPERTY

Public utility easement.

MASTER PLAN & ZONING

The City's adopted Pulse Corridor Plan recommends a future land use as "Downtown Mixed-Use" This category includes Higher-density pedestrian- and transit-oriented development encouraged on vacant or underutilized sites; new development should be urban in form and may be of larger scale than existing context. the density and size of buildings should be a minimum of 5 stories. Primary uses include "...office, retail, personal service, multi-family residential, and cultural uses." Secondary uses include "...Institutional and governmental uses, plazas, squares, pocket parks, and open space" (Pulse Corridor Plan 2017, p. XI)

The current zoning surrounding the public right-of-way is B-4, Central Business District.

SURROUNDING AREA

The surrounding area is comprised of a mixture of residential and commercial uses.

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