



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2020-208: To close, to public use and travel, a portion of Moore Street located between North Lombardy Street and Bowe Street consisting of 9,843± square feet, but retaining portions as utility easements and access easements, upon certain terms and conditions, and to authorize the Chief Administrative Officer to accept the dedication of a public utility easement and a public access easement, consisting of 1,159± square feet and a public utility easement and a public access easement consisting of 11,723± square feet, over certain parcels adjacent to the closed portion of Moore 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: October 5, 2020

PETITIONER

Brian Copple, Right of Way Manager, Department of Public Works

LOCATION

Moore Street between North Lombardy Street and Bowe Street and vicinity

PURPOSE

To close to public use and travel a portion of W Moore Street bounded by N Lombardy and Bowe Street consisting of 9,843 sq. feet as shown on DPW Drawing # N-28921 dated 8/12/2020 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF W MOORE STREET BETWEEN N LOMBARDY STREET AND BOWE STREET", and dedication of public utility and public access easements in the vicinity.

SUMMARY & RECOMMENDATION

The Applicant proposes construction of a development consisting of multifamily dwellings containing up to 90 dwelling units, with off-street parking, that would be approved by a special use permit (Ord. No. 2020-205). To enable this development, the City will be receiving a pedestrian and bicycle access easement over the closed portion of Moore Street. In addition, the City will receive a public travel easement over the new private streets (Moore and Bowe) that will provide connectivity between Lombardy and Bowe Street. The City will retain the utility easements over the vacated portion of Moore Street.

Department of Public Works Staff recommends approval of this ordinance with the following 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. The City material (granite and cobblestone) shall remain and be utilized as material for the public access easement. If easement is ever vacated, City material (granite and cobblestone) shall be removed and returned to the City.

6. 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.

7. The applicant has submitted a Special Use Permit (SUP-064895-2019) for the development of these parcels. As a condition of SUP approval, Building Permit approval and Work In Street Permit approval by the Department of Public Works, this right of way closure to vehicular traffic must be approved by City Council.

8. A portion of vacated Moore Street shall be retained by the City as a "Public Utility Easement" and an "Easement for Public Access by Pedestrians and Bicycles". The area designated on DPW Drawing No. N-28921 by crosshatched lines and contains 3,618 square feet.

9. Owner/Developer shall dedicate a "Public Utility Easement" and an "Easement for Public Access by Pedestrians and Bicycles" from a portion of Parcel N000-0676-001 and is adjacent to easements retained by City, so as to create a full 20' width for the total easement. The area is designated on DPW Drawing No. N-28921 by hatched lines and contains 1,159 square feet.

10. The owner/developer shall agree in writing that any bollards placed within the vacated portion of Moore Street will be removable and located no closer than 4 feet from the centerline of the existing waterline to allow for future access and maintenance.

11. Owner/developer shall dedicate an "Easement for Public Utilities and an Access Easement for Public Travel" consisting of 11,273 square feet and shown on DPW Drawing No. N-28921 to connect the end of Bowe Street to N Lombardy Street.

12. 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

A portion of W Moore Street bounded by N Lombardy and Bowe Street consisting of 9,843 sq. ft., and vicinity.

Proposed Use of the Property

The City will be receiving a pedestrian and bicycle access easement over the closed portion of Moore Street. In addition, the City will receive a public travel easement over the new private

streets (Moore and Bowe) that will provide connectivity between Lombardy and Bowe Street. The City will retain the utility easements over the vacated portion of Moore Street.

Master Plan

The City of Richmond's Pulse Corridor Plan designates the subject property for Neighborhood Mixed-Use (NMU) land use. Neighborhood Mixed-use areas are cohesive districts that provide a mix of uses, but with a larger amount of residential uses than other mixed-use districts. They are an urban, walkable environment with limited neighborhood-oriented uses incorporated along key commercial corridors and at corner sites.

The building size, density, and zoning districts for these areas will vary depending on historic densities and neighborhood characteristics. New development should be in scale with existing context.

Regardless of use, buildings should have street-oriented facades with windows and door openings along street frontages. Appropriate setbacks and open space should be provided for residential uses. New driveway entrances prohibited on priority streets. Vehicular access to parcels should use alleys where possible.

Parking lots and parking areas should be located to the rear of street-facing buildings.

Primary uses within NMU are offices and multi-family residential. Secondary uses include retail, personal services, cultural, institutional, plazas, and pocket parks (p. 31).

Specifically for the VCU & VUU Station Area, the Pulse Plan states "Neighborhood Mixed-Uses in Carver support the existing medium-density residential development while allowing corner commercial and multi-family residential uses where appropriate" (p. 70).

Zoning

The area surrounding the right of way consists of M-1 Light Industrial, R-53 Multi-Family Residential, R-6 and R-7 Residential Districts.

Surrounding Area

A mix of commercial, residential, office, and institutional land uses are present in the area.

Staff Contact:

Brian Copple, Right of Way Manager, Department of Public Works, 804-646-3639

Matthew Ebinger, Principal Planner, Land Use Administration, 804-646-6308