



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2022-048- To close to public use and travel a public alley located in the block bounded by Bellemeade Road, Columbia Street, Afton Avenue and Lynnhaven Avenue consisting of 11,145 sq. ft., upon certain terms and conditions. (8th District)

To: City Planning Commission
From: Land Use Administration
Date: March 21, 2022

PETITIONER

Joseph Davenport, P.E., Right of Way Manager, Department of Public Works

LOCATION

The public right-of-way for an alley in the block bounded by Bellemeade Road, Columbia Street, Afton Avenue and Lynnhaven Avenue, south of the properties located at 2400 and 2420 Afton Avenue.

PURPOSE

To close to public use and travel a public alley located in the block bounded by Bellemeade Road, Columbia Street, Afton Avenue and Lynnhaven Avenue consisting of 11,145 sq. ft. as shown on DPW Dwg. No. N-28981 dated 01/26/2022 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF PUBLIC ALLEY LOCATED IN BLOCK BOUNDED BY BELLEMEADE ROAD, COLUMBIA STREET, AFTON AVENUE AND LYNNHAVEN AVENUE" at the request of the applicant.

SUMMARY & RECOMMENDATION

A letter of request dated March 22, 2021 was received from Lory Markham of Markham Planning on behalf of their clients, 2400 Afton LLC, the owner of all properties adjacent to the proposed closing, requests vacation of the above detailed public alley.

The owner of the properties adjacent to this proposed vacation have begun predevelopment activities for these adjoining properties and are in the preliminary planning stage for an infill development. These predevelopment activities include a rezoning request of the properties from the R-53 to the B-5 zoning district. The closure of this paper alley would make for a more practical and useable site for the design of the development. While the development is still in the early preliminary stages, the B-5 district requires a Plan of Development for any project with 10 or more units. Should the rezoning and the alley closure be approved, a Plan of Development will be submitted prior to the submission for building permits. This unimproved alley proposed for vacation does not benefit any properties other than those owned by the requesting parties.

The value of the right of way to be vacated (11,145 sf) has been determined to be \$16,048.80 (\$1.44 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 \$1,434.67 due to retainage of a utility easement over 3321 sf of the vacated right of way. The actual fee due to the City is \$14,614.13.

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 closings and requests that any approvals be subject to, and including without limitation, the following terms and conditions:

1. 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:
2. 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 infrastructure, installment of new utilities or infrastructure, new or revised street name or directional signs, streetlights, etc., as required or directed by City Agencies.
3. 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.
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 and other property owners within the block affected by the closing.
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 months of the ordinance adoption date and approved by the City before the ordinance can go into effect.
7. A Plan of Development (POD) for the construction of the improvements on the site, or, if no POD is required, a building permit, must be submitted and approved by the City within twelve (12) months of ordinance adoption. Should approval of the Plan of Development, or building permit, be denied, this closure of the public right of way will not go into effect.
8. A utility easement shall be retained by the City of Richmond over a portion of the vacated alley being designated on the attached drawing by hatched lines and containing 3321 sf.
9. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$14,614.13.
10. 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.
11. If all other conditions of the ordinance are met then the City waives any reversionary rights it might have for any portion of the vacated right of way in which it is entitled, and agrees to have it transferred to the other adjacent owner(s)

Staff recommends approval of this request.

FINDINGS OF FACT

SITE DESCRIPTION & SURROUNDING AREA

The public alley proposed for vacation is situated with the Bellemeade neighborhood. The site is currently partially roughly paved and partially covered in overgrown vegetation.

The area includes primarily single-family residential to the north, commercial uses to the west, and multifamily residential uses to the south across Bellemeade Road as well as to the east.

PROPOSED USE FOR THE PROPERTY

Private ownership, potential future residential development.

MASTER PLAN

The Richmond 300 Master Plan designates the property as Residential, which is defined as “Neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature.” The development style includes: Houses on medium-sized and large-sized lots in a largely auto-dependent environment. Homes are setback from the street. Future developments continue and/or introduce a gridded street pattern to increase connectivity. Future single-family housing, accessory dwelling units, duplexes, and small multi-family residential buildings are built to a scale and design that is consistent with existing buildings.

Primary Uses: Single-family houses, accessory dwelling units, and open space.

Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets.

ZONING

B-5 Central Business District.

Staff Contact:

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