



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2017-178: To close, to public use and travel, a portion of East Cary Street, located on the east side of Pear Street between its intersection with East Main Street and its intersection with East Dock Street, consisting of 1,973± square feet, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: October 2, 2017

PETITIONER

Bobby Vincent, Director, Department of Public Works

LOCATION

East Cary Street, east of Pear Street

PURPOSE

To close to public use and travel a portion of public right of way containing 1973 square feet for the purposes of creating a large block of property for development and as shown enclosed with bold lines and illustrated on a plan prepared by the Department of Public Works, designated as DPW Dwg. No. N-28569A dated June 5, 2017 (Project No. E-534-SC) entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A STUB PORTION OF PUBLIC R/W KNOWN AS E. CARY STREET LOCATED ON THE EAST SIDE OF PEAR STREET BETWEEN E. MAIN STREET AND E. DOCK STREET " at the request of the applicant/owner of the surrounding property and to transfer ownership of this closed portion of the right of way to the applicant for a fee.

SUMMARY & RECOMMENDATION

A letter of request dated May 8, 2017 was received from H. Louis Salomonsky of Rocketts View SCP, L.P. requesting the closure of noted residual stub of right of way known as E. Cary Street for the purposes of development. The applicant owns the entire parcel which surrounds this portion of right of way proposed for closure. Applicant is in the design process for their development that will include multi-family use and commercial use. This right of way stub extends into the proposed project area and would prohibit design options for the site. Closure will facilitate the overall design of the entire parcel owned by the applicant.

This proposed right of way closure does not serve the public interest as it is unimproved. The City does not have a need for this right of way for future capital projects. By closing this right of way, City maintenance will be reduced and the safety liability to the traveling public will be reduced. For these reasons, the Department of Public Works does not object to the closure and transfer of the property to the applicant.

The value of the 1,973 sq. ft. of right of way to be closed has been determined by evaluating the assessed value of the adjacent properties. A \$22.50/square foot cost was set to determine the total cost of the right of way closed of \$44,392.50, which will need to be paid by the applicant.

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 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 agree in writing to 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 agree in writing to identify and protect the rights of any public and/or private owners of utilities who may have a vested interest or facilities in subject right-of-way.
3. The Plan of Development for the construction of the site must be approved by the City. Should approval of the Plan of Development be denied, this closure of the public right of way will not go into effect.
4. A twenty-four (24) month expiration clause shall be included whereby all conditions must be satisfied by the applicant(s)/owner(s)/successor(s) within twenty-four (24) months of the ordinance adoption date, and approved by the City before the ordinance can go into effect.
5. The applicant(s)/owner(s)/successor(s) shall agree in writing to be responsible for storm water runoff in the area to be closed.
6. The applicant(s)/owner(s)/successor(s) shall be responsible for obtaining the written consent of all abutting landowners to the closing. This condition shall not apply if the applicant is the only adjacent land owner at the time of formal acceptance of conditions.
7. The cost of the right of way to be vacated has been determined to be \$44,392.50. This must be paid to the City by the applicant.
8. The applicant(s)/owner(s)/successor(s) shall agree in writing to be responsible for assuring that any City infrastructure components that may be located within the section of E. Cary Street which is proposed to be closed will be carefully collected, securely stored and transported to a City facility (specific location to be determined when the move it to occur). This includes, but is not limited to, cobblestones, bricks and granite curb.
9. 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, twenty-four (24) after final approval of the ordinance, the ordinance will become null and void automatically.

Site Description

The subject property consists of 1,973 square feet of unimproved right of way known as East Cary Street, located on the east side of Pear Street between its intersection with East Main Street and its intersection with East Dock Street in the Shockoe Bottom Neighborhood of the East Planning District.

Proposed Use of the Property

The property surrounding the subject property, known as 2901 East Main Street, was the subject of a conditional rezoning ordinance adopted March 13, 2017 establishing a B-5 Central Business District, in order to enable mixed-use development of the surrounding property.

Master Plan

The subject property is designated for Neighborhood Mixed-Use land use by the Pulse Corridor. Such a land use designation demonstrates 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 (p. 29).

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