



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**Ord. No. 2018-260:** To reopen to public use and travel a portion of Patton Avenue located between MacTavish Avenue and a point 472.20± feet east of MacTavish Avenue consisting of 24,545± square feet that was closed to public use and travel by Ord. No. 2010-192-182, adopted Oct. 25, 2010; to revoke a private use license for this same portion of Patton Avenue that was granted by Ord. No. 2010-193-183, adopted Oct. 25, 2010; to vacate a public utility and drainage easement located in a closed portion of Highpoint Avenue consisting of 15,765± square feet granted by Ord. No. 93-6-22, adopted Feb. 8, 1993; and to close, to public use and travel, a strip of public right of way along Patton Avenue, consisting of 4,095± square feet, but retaining a portion as a utility easement, consisting of 204± square feet; upon certain terms and conditions, and to authorize the Chief Administrative Officer to accept a dedication of access and utility easements along Patton Avenue, consisting of 20,907± square feet, in connection with the closing of such portion of Patton Avenue.

---

**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** October 15, 2018

---

#### **PETITIONER**

Symbol Development LLC

#### **LOCATION**

1821 MacTavish Avenue and the surrounding area, including Patton Avenue located between MacTavish Avenue and a point 472.20± feet east of MacTavish Avenue.

#### **PURPOSE**

To reopen to public use and travel the portion of Patton Ave. between MacTavish Ave and approximately 472.20 ft. east of MacTavish Ave. that was previously closed to public use and travel by Ordinance #2010-192-182; to revoke a private use license for this same portion of Patton Ave.; to vacate a public utility and drainage easement that exists in a previously closed portion of Highpoint Ave. via Ordinance #93-6-22 (15,765 sq. ft.); and to close to public use and travel a strip of public right of way along Patton Ave.(4,095 sq. ft.) but retaining a portion as a utility easement (204 sq. ft.) and authorize the Chief Administrative Officer to accept access and utility easements (20,907 sq. ft.) as shown on a plat prepared by the Department of Public Works designated as DPW Dwg. No. N-28837 dated April 16, 2018 entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A STRIP OF R/W ALONG SOUTHWESTERN SIDE OF PATTON AVENUE FROM MACTAVISH AVE. TO A POINT 472.20' ± SE OF MACTAVISH AVE.; AND THE CONVEYANCE, RETAINAGE, OR ABANDONMENT OF VARIOUS EASEMENTS" at the request of the applicant.

## SUMMARY & RECOMMENDATION

A letter dated August 28, 2017, amended March 27, 2018 was received from T. Preston Lloyd, Williams Mullen, on behalf of Symbol Development LLC requesting the actions set forth in the proposed ordinance.

Ordinance 2010-192-182, City Council previously closed right-of-way (approximately 24,545 square feet) to public use and travel a portion of Patton Avenue from MacTavish Avenue to a point east of previously vacated Highpoint Avenue. Companion paper 2010-193-183 authorized a private use license for the closed portion of Patton Ave. The current owner of the property adjacent to this portion of Patton Ave is requesting that both of these actions be reversed.

Special Use Permit (SUP) Ordinance 2015-288-222 granted special use of the property at 1821 MacTavish as a mixed-use development subject to certain terms and conditions. To complete this project, the developer needed to obtain right of way from the City and to dedicate various easements to the City both to accommodate public right of way use and for public utilities that serve the project.

The utility easement being vacated is no longer needed as new utility lines have been constructed in other locations.

It is customary for someone asking the City to vacate public right of way to pay for said right of way. The value of the right of way to be vacated was set at \$13.82 per square foot based on an average of the assessed value of the abutting properties. In this case, the value of easements dedicated to the City by the applicant for public use and travel and for public utilities is greater than the value of right of way and easements being vacated by the City. Therefore no payment is recommended to the City.

Department of Public Works staff recommends approval of the request, subject to 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 that includes such facilities as indicated on Note 10 on DPW Dwg. N-28837.
3. The applicant(s)/owner(s)/successor(s) shall be responsible for surface storm water overflow in the area to be closed.
4. An Administrative Encroachment application for private underground pipe detention within Patton Avenue right of way be submitted and approved.
5. Private parking along the south right-of-way of Patton Avenue must be per approved SUP Ordinance 2015-228-222.
6. The applicant(s)/owner(s)/successor(s) shall be responsible for obtaining the written consent of all abutting landowners to the closing.

7. The applicant shall dedicate a variable width Pedestrian Access and Parking Easement along the eastern side of MacTavish Ave as shown on the attached DPW Drawing N-28837.
8. The applicant shall dedicate an Access Easement for Public Travel which will connect Patton Ave to the 20' public alley to the south of Patton Ave as shown on the attached DPW Drawing N-28837.
9. The applicant shall dedicate a waterline easement to run along the north and east sides of the project as shown on the attached DPW Drawing N-28837.
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.

---

---

## **FINDINGS OF FACT**

### **SITE DESCRIPTION**

The portion of Patton Avenue between MacTavish Avenue to a point east of the previously vacated Highpoint Avenue will be dedicated to the city and contains approximately 20,907 square feet.

### **PROPERTY USE**

The actions requested in this ordinance would support a mixed-use development approved by a special use permit in 2015 to include a 202 unit apartment building and a building containing uses permitted in the B-6 Mixed-Use Business District and the option for 38 dwelling units.

### **MASTER PLAN & ZONING**

The area is zoned B-7 Mixed-Use Business and has a land use designation of Industrial Mixed-Use. Primary uses for this designation include a wide variety of manufacturing, processing, research and development, general commercial and in some cases multi-family residential. The dedication of properties to the city for public use and travel, and for public utilities, does not conflict with the Master Plan designation.

### **SURROUNDING AREA**

The properties to the north, across MacTavish Avenue, contain commercial uses on property zoned B-7 Mixed Use Business District. The property adjacent to the south and west contains a mixed use development on property zoned B-7 Mixed Use Business District. Adjacent to the east is the former McKinnon and Harris Building currently under renovation for commercial use. The property is zoned B-7 Mixed Use Business District.

**STAFF CONTACT:** Matthew Ebinger, Principal Planner, Land Use Administration, 804-646-6308