



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2016-210: To close to public use and travel public right of way for a portion of N. 25th St. and of four alleys containing 22,857+/- square feet and shown enclosed with bold lines on a plan prepared by the Department of Public Works designated as DPW Dwg. No. N-28715 dated May 25, 2016 and entitled "Proposed closing to public use and travel of N. 25th St. between Nine Mile Rd. and T St.; and of four alleys in the two blocks bounded by Fairmont Ave., N. 24th St., T street, N. 25th St., U Street, N. 26th St. and Nine Mile Rd." at the request of the adjacent property owners.

To: City Planning Commission
From: Land Use Administration
Date: September 6, 2016

PETITIONER

Emmanuel O. Adediran, Department of Public Works

LOCATION

City of Richmond

PURPOSE

To close to public use and travel public right of way for a portion of N. 25th St. and of four alleys containing 22,857+/- square feet and shown enclosed with bold lines on a plan prepared by the Department of Public Works designated as DPW Dwg. No. N-28715 dated May 25, 2016 and entitled "Proposed closing to public use and travel of N. 25th St. between Nine Mile Rd. and T St.; and of four alleys in the two blocks bounded by Fairmont Ave., N. 24th St., T street, N. 25th St., U Street, N. 26th St. and Nine Mile Rd." at the request of the adjacent property owners.

SUMMARY & RECOMMENDATION

The United States Department of Agriculture, Economic Research Service, has identified the north Church Hill area in Richmond's East End as a low income/low food access food desert in its Food Access Research Atlas. The area is further marked by high unemployment and severe poverty rates. The applicants have made a simultaneous rezoning application in order to develop the property at the center of this area, located on the north side of Fairmount Avenue and Nine Mile Road, and bisected by North 25th Street, as a mixed-use development anchored by a full-service grocery store, in order to mitigate the food access, unemployment, and poverty issues of the East End area.

The proposed 30,000 ± sq. ft. grocery store would include approximately \$10 million in private investment, and when in full operation, would hire approximately 22 to 25 full-time employees and 30 to 50 part-time employees.

In accordance with federal transportation safety grant funding and standards, and pursuant to place-making design requests from multiple East End community engagement exercises since 2011, the Department has completed a traffic roundabout south of, and adjacent to, the p

proposed grocery development site, including on portions of property formerly belonging to the proposed site (RHHA).

In order for the full service grocery store to remain economically sustainable in the East End area, to fulfill its food desert and unemployment mitigation functions, and further to maintain the safety and citizen-requested place-making functions of the existing traffic roundabout, the Department supports the applicants' request for conveyance of portions of right of way by the City as designated in the attachments to the applicants.

The total value for all right of way to be closed (\pm 22,857 square feet) is estimated to be \$115,951. Previously, Richmond Redevelopment and Housing Authority dedicated certain property and easements with a then-attributed value of \$56,498 from 8 parcels to the City, which property and easements being necessary for the construction of the Nine Mile Road/ 25th Street roundabout adjacent to the proposed grocery store development site. Based on the City's desire to participate in the community enhancement that this initiative represents, and in consideration of the recent contribution to the City by the Richmond Redevelopment and Housing Authority of the land for the roundabout, together with the fact that the private street will still function as a street by providing public pedestrian and vehicular access, it is proposed that the cost of the right of way be waived.

This proposed development initiative will mitigate the USDA-identified food desert, provide needed employment opportunities, and will have a positive impact on public revenue by increasing the tax base, sales tax, and payroll tax.

Closed portion of N. 25th Street right-of-way will revert back to City if any of the following occur:

1. The closed right-of-way shall, upon request and approval by City Council, revert to the ownership of the City if any of the following occur:
 - (a) The applicant(s)/owner(s)/successors(s) fail to apply for a building permit for a grocery store on the area encompassed by Block #E0000618 within thirty-six (36) months from the effective date of the closure.
 - (b) A Certificate of Occupancy for a grocery store is not issued within thirty-six (36) months after the issuance of a building permit.
 - (c) At any time after the proposed grocery store is constructed and Certificate of Occupancy has been issued and the following have occurred: (i) 100% of the ground floor of the grocery store space encompassed by Block #E0000618 is continuously vacant for thirty-six (36) months (the "Reversion Event"), (ii) subsequent to the Reversion Event, the Chief Administrative Officer has requested to Council in writing that Council approve the City's acceptance of the rights to the portion of N. 25th Street property pursuant to such reversion described herein, and (iii) subsequent to receiving the request from the Chief

Administrative Officer, Council passed legislation approving the City's acceptance of such reversion, such acceptance in the customary legislative form appropriate for the acquisition of real property by the City.

2. The street may remain private; however, the owner shall permit public pedestrian and vehicular access, subject to the reasonable control of the owner to revoke such access to individuals on a case-by-case basis, and the owner shall not gate or otherwise barricade the street against such public access. The owner shall not post "No Trespassing" signs or signs otherwise indicating general public access is forbidden on the street; provided, however, the owner or the person lawfully in charge, pursuant to section 19-83 of the Code of the City of Richmond (2015) as amended, may, in their reasonable discretion, forbid individuals from going upon the street orally or in writing. The owner shall designate the City's Department of Police as "persons lawfully in charge" in accordance with section 19-83 of the Code of the City of Richmond (2015), as amended, provided that owner, in accordance with City regulations for private land owners, may tow vehicles that occupy the street in violation of owner's posted regulations
3. A full-width utility easement shall be retained over and within the proposed closed portion of N. 25th Street, until said easement is explicitly abandoned and recorded through written authorization by and filed in the records of the Directors of Public Works and Public Utilities, or by their respective designees.

Other reviewing administrative agencies offered no objections to the closing request.

The Department of Public Works recommends adoption of this ordinance.

FINDINGS OF FACT

Site Description

The portion of N. 25th St. to be closed is located between Nine Mile Road and T Street. The four alleys are located in the two blocks bounded by Fairmont Ave., N. 24th St., T Street, N. 25th St., U Street, N. 26th St. and Nine Mile Rd. The subject properties are part of a greater 40 acres of unimproved property simultaneously being proposed for rezoning.

Proposed Use of the Property

The applicant proposes a pedestrian-oriented, mixed-used development including a grocery store, retail space, and may include a neighborhood clinic, restaurant space, and multi-family housing, all with associated parking.

Master Plan

The Master Plan was amended in 2003 to specifically recommend Community Commercial land uses for the subject properties. This land use designation identifies

primary land uses that include office, retail, personal service and other commercial and service uses, intended to provide the shopping and service needs of residents of a number of nearby neighborhoods or sections of the City. This category includes a broader range of uses of greater scale and intensity, with greater vehicular access and orientation, but are also compatible with nearby residential areas.” (Page 134).

Zoning

The surrounding subject properties are currently zoned B-2, R-6 and R-5. Neighboring properties include a mixture of uses. Properties near the southern property line of the property include retail properties zoned B-2 and vacant lots. The remainder of the Property is surrounded by mostly vacant lots zoned R-6. There is a separate request is rezone all the subject properties to B-5 Central Business District.

The applicant has proffered that the properties will be developed in accordance with a conceptual layout, which is attached to the proposed rezoning ordinance. The conceptual layout shows an approximately 25,000 square foot grocery store, a number of smaller retail spaces with dwelling uses above, attached to the grocery store and fronting on Fairmount Avenue, a possible restaurant northwest of the traffic circle and additional commercial and multi-family dwelling uses north of the Nine Mile Road intersection with T Street and N. 26th Street. The layout shows parking located behind the proposed buildings fronting on Nine Mile Road and Fairmount Avenue.

Surrounding Area

The subject properties are currently zoned B-2, R-6 and R-5. Neighboring properties include a mixture of uses. Properties near the southern property line of the property include retail properties zoned B-2 and vacant lots. The remainder of the Property is surrounded by mostly vacant lots zoned R-6. There is a simultaneous request is rezone all the subject properties to B-5 Central Business District.

Staff Contact: Prepared for Emmanuel O. Adediran; Prepared by Marvin Anderson and Doug Mawby; Research and Drawing Coordinated By: Jane Amory
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