



## CITY OF RICHMOND

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

**Ord. No. 2022-041-** To close, to public use and travel, an alley in the block bounded by Richmond Highway, Afton Avenue, Columbia Street, and Bellemeade Road, consisting of 2,450± square feet, upon certain terms and conditions. (8th District)

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** March 7, 2022

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#### **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 Richmond Highway, Afton Avenue, Columbia Street and Bellemeade Road, east of the property located at 2201 Richmond Highway.

#### **PURPOSE**

To close to public use and travel the public right-of-way for an alley in the block bounded by Richmond Highway, Afton Avenue, Columbia Street and Bellemeade Road consisting of 2450 sq. ft. as shown on DPW Dwg. No. N-28947 dated 12/16/2021 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF AN ALLEY IN THE BLOCK BOUNDED BY RICHMOND HIGHWAY, AFTON AVENUE, COLUMBIA STREET AND BELLEMEADE STREET" at the request of the applicant.

#### **SUMMARY & RECOMMENDATION**

A letter of request, dated October 27, 2020 from C. Jay Robbins, IV, Attorney at Law on behalf of his client, Solo Property Investment, Inc., 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 are in the planning stages of a development that will use the vacated alley for additional parking or for expansion of buildings on either one or both of the parcels. The alley to be vacated connects Afton Avenue to a 22' alley which runs adjacent to and parallel with Bellemeade Road. The subject alley does not benefit any properties other than those owned by the requesting parties.

The value of the right of way to be vacated (2450 sf) has been determined to be \$12,176.50 (\$4.97 per square foot) and is based on assessed values of adjacent parcels. At this time it has not been determined if the DPU facilities within the alley will be removed/relocated or remain. A condition of the ordinance will require the applicant provide evidence that the utilities have been removed to DPU satisfaction to the City Attorney. If not accomplished the alley can still be vacated with the City retaining a full width utility easement and this fact will be included in the City's quit claim deed of the alleys to the property owners. If easement is retained the fee paid to the City will be reduced by \$4,058.83 and the actual fee due to the City is \$8,117.67.

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.

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The Department of Public Works offers no objections to the proposed right-of-way closing and request that any approvals be subject to, and including without limitation, the following terms and 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 infrastructure, installment of new utilities or infrastructure, 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. 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.
6. 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.
7. The applicant(s)/owner(s)/successor(s) shall be responsible for providing written evidence satisfactory to the City Attorney that all DPU facilities have been removed or relocated from the subject alley and in a manner satisfactory to the Department of Public Utilities; otherwise a full width utility easement shall be retained over the entire width of the vacated alley.
8. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$12,176.50 if the City does not retain a full width utility easement or \$8,117.67 if the City does retain a full width utility easement over the vacated alley.
9. 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.

City Administration recommends approval of this request.

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## **FINDINGS OF FACT**

### **SITE DESCRIPTION**

The public alley proposed for vacation is situated with the Bellemeade neighborhood to the northeast, commercial uses to the east and west, and the Bellemeade Road Right-of-Way to the south.

The site is currently roughly paved.

## **PROPOSED USE FOR THE PROPERTY**

Private ownership, potential parking or building expansion.

## **MASTER PLAN**

The Richmond 300 Master Plan designates the property as Corridor Mixed Use, which is defined as “Found along major commercial corridors and envisioned to provide for medium to medium-high density pedestrian and transit-oriented development.” The development style includes: The building size, density, and zoning districts for these areas may vary significantly depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Uses may be mixed horizontally in several buildings on a block or vertically within the same building. Developments continue introduce a gridded street pattern to increase connectivity.

Primary Uses: Retail/office/ personal service, multi-family residential, cultural, and open space.

Secondary Uses: Single-family houses, institutional, and government.

## **ZONING**

Split between the B-2 zone to the east and B-3 zone to the west.

## **SURROUNDING AREA**

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

## **Staff Contact:**

Joseph Davenport, Right-of-Way Manager, 804-646-6396

Rich Saunders, Planning Commission Secretary, Land Use Administration, 804-646-6304