



## CITY OF RICHMOND

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

**Ord. No. 2022-124** – To close, to public use and travel, two portions of public right-of-way located on the south line of West Marshall Street between Highpoint Avenue and Mactavish Avenue, consisting of 1.4± square feet, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** May 2, 2022

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#### **PETITIONER**

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

#### **LOCATION**

West Marshall Street between Highpoint Avenue and Mactavish Avenue

#### **PURPOSE**

To close to public use and travel two (2) portions of public right of way located on the south line of W Marshall Street between Highpoint Avenue and Mactavish Avenue totaling 1.4 sq. ft. as shown on DPW Dwg. No. N-28987 dated 03/11/2022 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF TWO (2) PORTIONS OF PUBLIC RIGHT OF WAY LOCATED ON THE SOUTH LINE OF W MARSHALL STREET BETWEEN HIGHPOINT AVENUE AND MACTAVISH AVENUE" at the request of the applicant.

#### **SUMMARY & RECOMMENDATION**

The owner of the property adjacent to these proposed vacations has completed construction of a multi-story pre-cast concrete parking garage on the property. During construction there was a structural design modification to enlarge two (2) columns situated along the south line of W Marshall Street. The face of the original columns were to be immediately adjacent to the right of way line but the new design enlarged the columns from the center out, causing the columns to encroach into the right of way.

An Administrative Encroachment has been approved for these columns but the owner's lender has deemed that it is insufficient for commercial financing purposes. Accordingly the owner is requesting vacation of two (2) minor portions of public right-of-way. One condition of the closure will stipulate that this ordinance shall become null and void and the right of way to automatically revert to the City if the columns are ever demolished or removed.

The value of the right of way to be vacated (1.4 sf) has been determined to be \$67.66 (\$48.33 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.

A fee for this amount is due to the City as a condition of this ordinance.

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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 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 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. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$67.66.
7. 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.
8. Should the precast columns in the portion of right-of-way proposed for closing to public use and travel either be demolished or removed for any reason, the closure of the public right of way shall be null and void and the right of way closed by this ordinance will automatically revert to the City as public right-of-way, without cost to the City. Should any building or structure be reconstructed after being demolished or removed, it shall be reconstructed within the original property line (prior to this proposed closing) with no portion of the building or structure within the public right-of-way.

Staff recommends approval of this request.

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## **FINDINGS OF FACT**

### **SITE DESCRIPTION**

Public Right-of-Way

### **PROPOSED USE FOR THE PROPERTY**

Parking garage

## **MASTER PLAN**

The area is designated Destination Mixed-Use, which is defined as “Key gateways featuring prominent destinations, such as retail, sports venues, and large employers, as well as housing and open space. Located at the convergence of several modes of transportation, including Pulse BRT or other planned transit improvements.” Higher-density, transit-oriented development encouraged on vacant or underutilized sites. New development should be urban in form, may be of larger scale than existing context, and, where relevant, should pay special attention to the historic character of the existing context. Development should enhance the public realm and create a sense of place. Many buildings are vertically mixed-use. Developments continue or introduce a gridded street pattern to increase connectivity. Ground floor uses engage with, and enliven, the street. Monolithic walls are discouraged, while windows, doors, storefronts, and other features that allow transparency and interaction between building and street are encouraged. Active commercial ground floor uses are required on street-oriented commercial frontages. Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. Driveway entrances are required to be off alleys whenever possible; new driveways are prohibited on priority and principal street frontages. Surface parking is prohibited as a principal use; when surface parking is provided as an accessory use, it should be located to the rear of buildings and screened. Parking requirements are reduced to allow more market-based parking strategies, including shared parking.

Intensity: Buildings typically a minimum height of five stories.

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

Secondary Uses: Institutional and government. (p. 64)

## **ZONING**

Public Right-of-Way

## **SURROUNDING AREA**

Mixed-use residential and commercial.

### **Staff Contact:**

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