



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2022-269 - To close, to public use and travel, an unimproved portion of Tate Street located between a public alley and its terminus with Nine Mile Road, consisting of 11,613± square feet, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: October 3, 2022

PETITIONER

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

LOCATION

City of Richmond

PURPOSE

To close to public use and travel an unimproved portion of Tate Street consisting of 11,613 sq. feet as shown on DPW Drawing No. N-29007 dated 08/12/2022 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF AN UNIMPROVED PORTION OF TATE STREET AT ITS TERMINUS WITH THE NORTHWESTERN ROW LINE OF NINE MILE ROAD".

SUMMARY & RECOMMENDATION

This ordinance will close to public use and travel an unimproved portion of Tate Street as shown on DPW Drawing No. N-29007 dated August 12, 2022. The closing of the portion of Tate Street is necessary to facilitate the first phase of the redevelopment of Creighton Court. A letter of request dated June 10, 2022 (revised August 11, 2022), has been received from the Timmons Group on behalf of the Richmond Redevelopment and Housing Authority (RRHA) and The Community Builders (TCB).

RRHA and their developer, TCB, are redeveloping the Creighton Court housing complex. The project was rezoned in accordance with a plan entitled "Creighton Court Redevelopment, Community Unit Plan, Richmond, Virginia," prepared by Urban Design Associates (dated April, 2021), adopted by the City Council on September 13, 2021 by Ordinance No. 2021-182. The Community Unit Plan (CUP) proposes to develop a residential community of up to 700 dwelling units on property encompassing approximately 38 acres of land. The CUP generally includes single-family dwelling lots, multi-family dwelling lots, parking areas, community common areas and buildings, public street and alley network, and open space.

The redevelopment of Creighton Court will occur in phases; to facilitate the first phase of redevelopment, RRHA/TCB is requesting the right-of-way closing to public use and travel of an unimproved portion of Tate Street.

The value of the right of way to be vacated (11,613 sf) has been determined to be \$52,835.49 (\$4.55 per square foot) and is based on the assessed land values of the immediately adjacent parcels. A fee for this amount is due to the City as a condition of this ordinance.

This right-of-way closing would allow the proposed development to move forward in a coordinated phased approach. The proposed right-of-way closing will not negatively impact the local City transportation network. Other reviewing administrative agencies offered no objections to the right-of-way closing request.

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 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. All affected owners of private and public infrastructure must provide written acknowledgement that they are satisfied with the resolution of their facilities within the proposed closing area for this Ordinance to be valid.
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. An eighteen (18) month expiration clause shall be included whereby all conditions must be satisfied by the applicant(s)/owner(s)/successor(s) within eighteen (18) 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 \$52,835.49; such sum may be adjusted based upon the actual area of the retained and dedicated easements to be provided to the City.
7. The applicant(s)/owner(s)/successor(s) is responsible for providing the Law Department with written evidence within eighteen (18) 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

City of Richmond Public Right-of-Way.

PROPOSED USE FOR THE PROPERTY

Public property

MASTER PLAN – Neighborhood Mixed-Use

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed Use which are defined as "Existing or new highly walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses." These areas feature a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Setbacks, plazas, and parks create a sense of place and community gathering areas. New developments on larger parcels continue or introduce a gridded street pattern to increase connectivity within the neighborhood and to adjacent neighborhoods. In historic neighborhoods, small-scale commercial uses exist today or should be allowed to reestablish. In new neighborhoods, small scale commercial buildings should be introduced. Regardless of use, buildings should engage the street with features such as street-oriented façades with windows and door openings along street frontages. Appropriate setbacks, open space, front porches, elevated ground floors, and other features that provide a sense of privacy should be provided for residential uses. Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. New driveways are prohibited on Priority and Principal Street frontages. Vehicular access to parcels should use alleys wherever possible. Parking areas should be located to the rear of street-facing buildings.

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets. Parcels are generally between 1,500 and 5,000 sq. ft.

Primary Uses: Single family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space. Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government. (p. 56)

ZONING

Public Right-of-Way

SURROUNDING AREA

The area surrounding this public right-of-way is largely vacant parcels zoned R-53 Multi-Family Residential, R-5 Single-Family Residential, with some B-2 Community Business to the Southwest. The properties surrounding this segment of public right-of-way are controlled by the Richmond Redevelopment and Housing Authority.

Staff Contact:

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