



## CITY OF RICHMOND

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

**Ord. No. 2023-141** - To close, to public use and travel, a portion of Jessamine Street located on the east side of Jessamine Street at the intersection of Jessamine Street with Cedar Street, consisting of 357± square feet, upon certain terms and conditions

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** May 15, 2023

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#### **PETITIONER**

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

#### **LOCATION**

Portion of Public Right of Way Located on the East Side of Jessamine Street, at the intersection with Cedar Street.

#### **PURPOSE**

To close to public use and travel of a portion of Jessamine Street right-of-way consisting of 357 sq. feet as shown on DPW Drawing No. N-29040 dated 03/17/2023 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF PUBLIC RIGHT OF WAY LOCATED ON THE EAST SIDE OF JESSAMINE STREET AT THE INTERSECTION WITH CEDAR STREET" at the request of the applicant.

#### **SUMMARY & RECOMMENDATION**

The purpose of this right-of-way closing is that the existing dwelling located at 2228 Cedar Street, also identified as Tax Parcel E000-0376-010, is encroaching into the 66' +/- Public RIGHT-OF-WAY of Jessamine Street. Such encroachment occurred due to substantial discrepancy between the actual RIGHT-OF-WAY location of Jessamine Street as shown on the City's Baseline Maps and location and extent of applicant's property as shown per deeds and assessor's information.

Closure of this portion of RIGHT-OF-WAY will put the building and porch within the property boundaries while keeping roadway and existing sidewalks within the right of way.

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. This includes installing a new cleanout for sewer line at new r/w line and thus allowing property owner to accept responsibility for all sewer line between new r/w line and house,

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 (12) 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 \$19,656.42.

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

Staff recommends approval of this request.

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## **FINDINGS OF FACT**

### **SITE DESCRIPTION**

The area of closing consists of public right-of-way associated with 2228 Cedar Street. There are no parcels owned by others directly adjacent to the Right-of-Way beyond the applicant. The value of the right of way to be vacated (357 sf) has been determined to be \$19,656.42 (\$55.06 per square foot) and is based on the assessed land value of 2228 Cedar Street. A fee for this amount is due to the City as a condition of this ordinance. 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.

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

No change from existing – residential.

### **MASTER PLAN**

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.

Development Style: 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.

**Ground Floor:** 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.

**Mobility:** 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 (see Street Typologies Map). 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.

## **ZONING**

R-63 - Residential (Multi-family Urban)

## **SURROUNDING AREA**

The area surrounding these parcels is zoned the same R-63 - Residential (Multi-family Urban).

### **Staff Contact:**

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