



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2016-186: To close, to public use and travel, a portion of an alley bounded by Nine Mile Road, North 31st Street, V Street and North 30th Street, consisting of 542± square feet, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: July 5, 2016

PETITIONER

Khattab Ventures, Inc.

LOCATION

A portion of an alley bounded by Nine Mile Road, North 31st Street, V Street and North 30th Street.

PURPOSE

To close, to public use and travel, a portion of an alley bounded by Nine Mile Road, North 31st Street, V Street and North 30th Street, consisting of 542± square feet, upon certain terms and conditions.

SUMMARY & RECOMMENDATION

The applicant is requesting this closure at the behest of his client, Khattab Ventures, Inc., the owner of 3001 Nine Mile Road. Two public alleys pass behind this address and intersect directly behind this property. At this intersection point there is a triangular piece of right of way that protrudes into the Khattab property at the point where the property is the shallowest. This situation limits the options the owner has for developing this property. Closing this portion of the right of way would eliminate this impediment to the property owner.

This portion of the alley to be closed is currently not carrying any pedestrian or vehicular traffic as it is not within the existing alley surface. It will not serve any public purpose were it to be improved as part of the alley and is not needed for any other road improvement project.

The value of the right of way to be vacated has been determined to be \$2,590.76 and is based on the assessed values of the adjacent parcels. This cost is customarily paid to the City by the owners of the properties that will 'receive' the closed right of way. In this case the owner of the adjacent parcel has agreed to pay this amount to the City. 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 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 identify and protect the rights of any public and/or private owners of utilities who may have a vested interest or facilities in subject right-of-way.
 3. A twelve-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.
 4. The applicant(s)/owner(s)/successor(s) shall be responsible for surface overflow in the area to be closed.
 5. 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.
 6. The cost of the right of way to be vacated has been determined to be \$2,590.76. This must be paid to the City.
 7. The applicant(s)/owner(s)/successor(s) is responsible for providing the Law Department with written evidence 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, twelve months after final approval of the ordinance, the ordinance will become null and void automatically.

FINDINGS OF FACT

Site Description

542± square feet of a portion of an alley bounded by Nine Mile Road, North 31st Street, V Street and North 30th Street.

Proposed Use of the Property

Closing this portion of the right of way would eliminate an impediment to use of the adjacent property by the property owner who has developed the adjacent property for use as a shopping center. The right of way could provide additional parking spaces for the shopping center.

Master Plan

The Master Plan recommends Mixed-Use for the subject properties. Primary uses in this designation include combinations of office, retail, personal service, general commercial and service uses and, in some cases, multi-family residential and dwelling units above the ground floor.

Zoning

The subject right-of-way is located in the B-2 Community Business zoning district, which permits commercial uses and requires a front yard setback of 25 feet. The B-2 district requires parking for commercial uses based on the use.

Surrounding Area

The surrounding properties to the east, west and north are occupied by various commercial uses fronting on Nine Mile Road and properties to the south are occupied by single-family detached dwellings.

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