



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2018-243: To close, to public use and travel, a portion of Northumberland Avenue located between the south line of West Roberts Street and the southern terminus of Northumberland Avenue, consisting of 16,355± square feet, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: October 1, 2018

PETITIONER

City of Richmond, Department of Public Works

LOCATION

Northumberland Avenue, between the south line of West Roberts Street and the southern terminus of Northumberland Avenue

PURPOSE

To close to public use and travel a portion of Northumberland Avenue containing 16,355 square feet as shown enclosed with bold lines on a plan prepared by the Department of Public Works and designated as DPW Dwg. No. N-28774A dated July 24, 2018 entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF NORTHUMBERLAND AVENUE FROM THE SOUTH LINE OF W. ROBERTS STREET TO ITS SOUTHERN TERMINUS" at the request of the applicant.

SUMMARY & RECOMMENDATION

A letter of request dated September 6, 2016 was received from Kimberly R. Kidd with W. Brook Road, LLC. This is an unimproved City street that does not benefit the public. The City currently does not have any future capital plans for the improvement of this road. Closure of this street will serve as an access for the applicant's development of 224 Multi-family residential units, proposed by Special Use Permit (Ord. No. 2018-245).

Although the City has not received consent from the current owner of the third parcel pursuant to City Code Sec. 24-314, the owner has stated no objection to the closure, and W. Brook Road, LLC has provided a recorded Quitclaim Deed from the prior owner of the third parcel, Lombardy VU Realty, LLC, stating that Lombardy VU Realty, LLC "release[s], remise[s], and quitclaim[s]" to W. Brook Road, LLC, "all of its rights, title, and interest in and to the unimproved street known as Northumberland Avenue..." W. Brook Road, LLC wishes to use this area to provide secure limited access to their property.

The requested closure is for a stub street which provides secondary frontage and access for three parcels. The applicant, W Brook Road, LLC, purchased the area encompassing the three parcels from the United States Postal Service in 2011 and has sold one parcel to Lombardy VU Realty, LLC in 2013. The purchaser constructed apartments on the parcel and executed the aforementioned Quitclaim Deed.

This stub section of Northumberland Avenue was used as a property entrance by the postal service for many years and no longer serves purpose to the general public. The applicant wishes to use this r/w for a limited access to their property from Roberts Street. Their property contains an office building and two warehouse buildings which they lease to small businesses that require a central City location. Maintaining and improving their access from Roberts Street will allow for improved access to the warehouse buildings and loading dock.

The value of the right of way to be vacated (16,355 sf) has been determined to be \$100,583.25 (\$6.15 per square foot) 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.

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.

Department of Public Works staff recommends approval of the request with the following 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) agrees to pay the City of Richmond for this public right-of-way, the sum of \$100,583.25.
6. 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.
7. The applicant(s) /owner(s)/successor(s) is responsible for coordinating with the Department of Public Utilities as to the disposition/abandonment of the infrastructure and utility easement within the portion of Northumberland Avenue that is being closed.

FINDINGS OF FACT

SITE DESCRIPTION

16,355 square feet of the Northumberland Avenue right of way, between the south line of West Roberts Street and the southern terminus of Northumberland Avenue

PROPOSED USE OF THE PROPERTY

The closed right of way would be included in a proposed a four-story multi-family development containing up to 224 dwelling units (106 units in Building 1 and 118 units in Building 2) served by 268 on-site parking spaces, interior sidewalks, and interior and exterior amenity space, including a pool/clubhouse, dog park, and a pocket park. Exterior bicycle parking for no fewer than ten bicycles and interior bicycle storage for no fewer than 24 bicycles will be provided on the Property. The density of the property if redeveloped as proposed would be approximately 50 units per acre.

MASTER PLAN & ZONING

The City of Richmond's current Master Plan designates a future land use category for the subject property as Multi-family Medium Density (MF MD). Primary uses are multi-family dwellings at densities up to 20 units per acre. Includes day nurseries, adult day care and residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-43 and R-48. (City of Richmond, Master Plan) The VUU/Chamberlayne Neighborhood Plan also recommends multi-family land use for the subject property.

The current zoning of the right of way is a combination of M-1 Light Industrial and R-5 Single-Family Residential.

SURROUNDING AREA

A mix of multi-family and single family residential, commercial, office, industrial, vacant, and institutional (Virginia Union University) land uses are present in the vicinity. Properties to the north are also zoned M-1 and R-5, properties to the West are zoned I Institutional, properties to the south and east are zoned M-1.

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