



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2018-300: To close, to public use and travel, a portion of the east side of North 30th Street and a portion of the south side of M Street abutting the property known as 623 North 30th Street, consisting of 535± square feet, upon certain terms and conditions. (As Amended)

To: City Planning Commission
From: Land Use Administration
Date: January 7, 2019

PETITIONER

Bobby Vincent, Director of Public Works

LOCATION

Public Right of Way within North 30th and M Streets adjacent to 623 North 30th Street.

PURPOSE

To close, to public use and travel, a portion of the east side of North 30th Street and a portion of the south side of M Street abutting the property known as 623 North 30th Street, consisting of 535± square feet, upon certain terms and conditions. (As Amended)

SUMMARY & RECOMMENDATION

Under a proposed development to the authorized by a special use permit (Ord. No. 2018-306), the historic two-family dwelling at 623 North 30th Street would be renovated and the lot would be divided to establish the structure as two single-family attached dwellings. Three new single-family attached dwellings would be constructed at 3001, 3005, and 3009 M Street, which are currently unimproved. This right-of-way ordinance would authorize the vacation of existing City right-of-way so that the existing structure on 623 North 30th Street would no longer encroach into the right-of-way.

During the review of the proposed special use permit, there was a discrepancy discovered between the City Baseline Map and the historic Sanborn maps. As a result of this discussion and evaluation and resolution of this discrepancy, it was determined that in order to authorize the location of the building in relation to the right of way, the best course of action was for the applicant is to request closing the portion of the right of way on which the building encroaches.

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 this ordinance with the conditions listed below.

FINDINGS OF FACT

SITE DESCRIPTION

Public right-of-way

PROPOSED USE FOR THE PROPERTY

Two single family attached dwellings.

MASTER PLAN

The City's current Master Plan designates this area as Mixed-Use Residential. Primary uses include single, two, and multi-family dwellings, live/work units and neighborhood serving commercial uses developed in a traditional urban form. These commercial uses are limited in location, type and scale and are intended to provide for the convenience of urban neighborhood residents within walking distance, to respect the primary residential character of the neighborhood and to avoid traffic, parking, noise and other impacts that typically result from uses that draw patrons from outside the neighborhood. Typical zoning classification that may accommodate this land use category: R-63 and R-8.

ZONING

The current zoning for the public right-of-way is R-63, Multifamily Urban Residential District.

ORDINANCE CONDITIONS

The Department of Public Works 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 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-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. A Special Use Permit (SUP-021521-2017) for the construction of the improvements on the site must be submitted and approved by the City within twelve (12) months. Should approval of the Special Use Permit be denied, this closure of the public right of way will not go into effect.
7. ~~[The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right of way, the sum of \$10,566.25]~~

8. 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.
9. Should the building or structure on the portion of right-of-way proposed for closing to public use and travel either be demolished or destroyed, 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 without cost to the City. If the building is reconstructed after being demolished or destroyed, it shall be reconstructed within the original right of way line prior to the proposed closing.

SURROUNDING AREA

Properties to the west of the subject property are zoned R-63, Multifamily Urban Residential. Properties to the south are located within the R-8 Urban Residential District. Properties to the North and East are zoned R-6 Single-Family Attached. Nearby properties are also within the City's Church Hill Old & Historic District.

A mix of residential (single, two, and multifamily), vacant, office, commercial, mixed use, and institutional land uses are present in the vicinity.

STAFF CONTACT: Brian Copple, Department of Public Works, 804-646-0435