



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2019-294 - To close, to public use and travel, a portion of Greenville Avenue between its southern terminus and Kansas Avenue and a portion of a 16' alley located in the adjacent block to the east of Greenville Avenue and bounded by Kansas Avenue to the north and Carter Street to the east, together consisting of 22,760± square feet, and to authorize the Chief Administrative Officer to accept the dedication of a 500 square foot right-of-way area for a turnaround near the proposed new southern terminus of the alley, all for the purpose of facilitating redevelopment of the area, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: February 3, 2020

PETITIONER

Bobby Vincent, Director DPW
Chris Liesfeld (Applicant)

LOCATION

A portion of Greenville Avenue and a portion of a 16' alley in the adjacent block on its eastern side from points south of Kansas Avenue to their southern terminus.

PURPOSE AND SUMMARY

To close to public use and travel public rights of way for a portion of Greenville Avenue and portion of a 16' alley in the adjacent block on its eastern side from points south of Kansas Avenue to their southern terminus containing 22,760 square feet, and authorize the Chief Administrative Officer to accept a 500 square foot right of way dedication for a turnaround near the new southern terminus of the alley, as shown on a plan prepared by the Department of Public Works designated as DPW Dwg. No. N-28879 dated 09/09/2019 and entitled "PROPOSED CLOSING TO PUBLIC USE & TRAVEL OF A PORTION OF GREENVILLE AVENUE AND A PORTION OF A 16' ALLEY IN THE ADJACENT BLOCK ON ITS EASTERN SIDE FROM POINTS SOUTH OF KANSAS AVENUE TO THEIR SOUTHERN TERMINUS" at the request of the applicant Christopher and Jody Liesfield.

The applicant owns all the properties which are adjacent to either side of the rights of way which are proposed to be closed. The applicant desires to reconfigure his three large parcels and the vacated rights of way by creating four smaller lots which will front on Carter Street and create one large parcel out of the remainder. This reconfiguration would be similar to what is shown on the attached Conceptual Layout Plan.

The applicant has informed staff that he intends to place the subject property and his future home under a conservation easement.

The existing unimproved rights-of-way which are proposed for closing have become areas where individuals are dumping trash, appliances, etc. By closing these rights of way and having control over the use of the property, the applicant/owner would be able to clean up trash in these areas and prevent further illegal dumping.

The existing topography of the portions of the proposed right-of-way closure is challenging and would prevent construction of future roadways and/or capital improvements within the existing rights of way. Therefore the closing of these rights of way will not negatively impact the local City transportation network. Other reviewing administrative agencies offered no objections to the closing request.

The value of the right of way to be vacated (22,760 sf) had been determined to be \$35,960.80 (\$1.58 per square foot) based on assessed values of adjacent parcels. The fee due to the City had been reduced by \$790.00 to \$35,170.80 to offset the 500 square feet which is a condition of this ordinance to be dedicated as right of way to the City for a turnaround at the new end of the alley. However, the applicant recently performed a valuation of the right-of-way to be vacated with a different fee due to the City. Public Works staff is in agreement with the valuation and has agreed to amend the fee due to the City from \$35,170.80 to \$25,202.90.

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 amended 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. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of [~~\$35,170.80~~] \$25,202.90.
7. The applicant(s)/owner(s)/successor(s) shall dedicate right of way for a turnaround (500 SF) to the City adjacent to the new end of the public alley as shown on the attached DPW drawing.
8. The applicant(s)/owner(s)/successor(s) shall construct a turnaround per City standards within 24 months or constructed as part of future development on applicant(s)/owner(s)/successor(s) property.
9. 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.

At the January 21, 2020 meeting of the Planning Commission, a motion was made by Commissioner Murthy, seconded by Commissioner Johannas, that this Ordinance be recommended for approval with the following amendments:

1. Change the fee due to the City from \$35,170.80 to \$25,202.90.
2. Add a condition that the property would be placed in a conservation easement, as described by the applicant during the meeting.

The Commission discussed the potential problem with a condition to place the property in a conservation easement because the applicant would not become the owner of the current Right of Way until the ordinance is adopted.

A motion was made by Commissioner Murthy, seconded by Vice Chair Law, that this Ordinance be continued to the February 3, 2020 meeting of the Planning Commission to allow staff and the City Attorney's Office to determine language regarding placing the property in a conservation easement as a condition of approval of the ordinance. The motion carried unanimously.

Language regarding the conservation easement is being discussed by staff and the City Attorney's Office, and will be provided to the Planning Commission for consideration.

FINDINGS OF FACT

SITE DESCRIPTION

Public right-of-way.

PROPOSED USE FOR THE PROPERTY

Future residential use (5 single-family detached dwellings).

MASTER PLAN

The City's current Master Plan recommends future land use as Single-Family (Low Density). Primary uses are single-family detached dwellings at densities up to seven units per acre. Includes 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-1, R-2, R-3, R-4, and R-5.

ZONING

The current zoning for the property is R-5 Single-Family Residential.

SURROUNDING AREA

The surrounding area is also zoned R-5 Single-Family Residential and is comprised of primarily single-family detached dwellings.

NEIGHBORHOOD PARTICIPATION

Staff has received letters of opposition regarding this proposal.

The applicant has met with the Maymont Civic League on November 18, 2019 and had a follow up meeting at the site on November 30. The applicant has requested an additional meeting with the Maymont Civic League on January 20, 2020.

STAFF CONTACT:

Marvin Anderson, DPW - 646-0435