



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2020-100: To close, to public use and travel, a portion of an alley in the block bounded by East Canal Street, South Foushee Street, East Cary Street, and South 1st Street consisting of 680+/- square feet, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: May 4, 2020

PETITIONER

Bobby Vincent Jr., Director, Department of Public Works

LOCATION

Public alley in the block bounded by East Canal Street, South Foushee Street, East Cary Street, and South 1st Street.

PURPOSE

To close to public use and travel a portion of a public alley in the block bounded by East Canal Street, South Foushee Street, East Cary Street, and South 1st Street consisting of 680 sq. feet as shown on DPW Drawing # N-28896 dated 1/10/2020 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF A PUBLIC ALLEY IN THE BLOCK BOUNDED BY E CANAL STREET, S FOUSHEE STREET, CARY STREET, AND S 1ST STREET."

SUMMARY & RECOMMENDATION

The property at 108 S. 1st Street is currently a surface parking lot comprised of multiple parcels that the owner has aggregated to create a developable lot for new construction. The new construction will consist of a 5-story residential structure for a mid-rise development that will have 138 units plus two level parking with 98 spaces with ground level tenant and service spaces. This development has been authorized by a Plan of Development approved in November of 2019, as authorized by a rezoning of the property to the TOD-1 District in June of 2019.

The property abuts a public alley to the north that is irregularly shaped and is inaccessible immediately adjacent to the property. The applicant proposes to close a small portion of the alley ranging from 1.5 feet to 9.5 feet and would induce significant investment in the City. The existing topography of the portions of the proposed right-of-way closure is challenging and would prevent construction of future roadways within the existing rights of way.

An historic granite wall is located within the public alley to the north of the property, however, the wall is not located within the portion of the alley proposed to be vacated per this ordinance. The wall is intended to be removed as part of improvements that will be made to the alley in order to provide proper access for emergency vehicles. The wall is not located within a City Old & Historic District and the proposed project is not subject to a Section 106 review.

There is a parcel of unknown ownership between parcels W-000-0080-018 and W000-0080-019. Per City Code Section 24-314 requires consent from all adjacent property owners. DPW has deemed this to be a residual parcel resulting from the initial survey and platting of the block.

The value of the right of way to be vacated (680 sf) has been determined to be \$26,975.60 (\$39.67 per square foot) and is based on assessed values of adjacent parcels.

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 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 terms and conditions listed below.

FINDINGS OF FACT

SITE DESCRIPTION

Public right-of-way

PROPOSED USE FOR THE PROPERTY

The portion of alley to be acquired would be incorporated into the development site of a proposed five-story, multi-family residential building with off-street parking.

MASTER PLAN

The City's Pulse Corridor Plan recommends a future land use category of Downtown Mixed-Use. This area is defined by high-density development with office buildings, apartments, and a mix of complementary uses, including regional destinations. Higher-density pedestrian- and transit-oriented development encouraged on vacant or underutilized sites; new development should be urban in form and may be of larger scale than existing context. Active commercial ground floor uses required on street-oriented commercial frontages. Active ground floor uses and design required on priority street frontages. Driveway entrances required to be off alleys whenever possible; new driveways prohibited on street-oriented commercial and priority street frontages. Little to no setback of new development unless to create pedestrian-oriented amenities like plazas and outdoor dining. Surface parking prohibited as a principal use; when surface parking is provided as an accessory use, it should be located to the rear of buildings and screened by shade trees. Parking requirements are substantially less in these areas than other areas of the city and are largely eliminated.

ZONING

The current zoning for the public right-of-way is TOD-1, Transit Oriented Nodal District.

ORDINANCE CONDITIONS

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.
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. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$ 26,975.60.
6. 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.
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.
8. At the discretion of the Director of Public Works, the amount of right of way vacation could be less pending submission of final approved construction plans by the applicant/developer.

SURROUNDING AREA

All properties in the vicinity are zoned as TOD-1. A mix of duplex and multi-family housing, offices, commercial, mixed-use, and institutional land uses are present in the vicinity, as well as several surface parking lots.

PUBLIC PARTICIPATION

Staff has received letters of concern, including a letter of concern from the Historic Richmond Foundation.

STAFF CONTACT

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