



Legislation Details (With Text)

File #: ORD. 2014-071 **Version:** 2 **Name:**

Type: Ordinance **Status:** Withdrawn

File created: 3/25/2014 **In control:** City Council

On agenda: 4/21/2014 **Final action:** 9/8/2014

Title: To close to public use and travel, a portion of right-of-way known as East Cary Street, located in the block bounded by Pear Street, East Main Street, Peach Street and East Dock Street, and consisting of 1,973± square feet, upon certain terms and conditions.

Sponsors: Mayor Jones (By Request)

Indexes: Right of Way Closing

Code sections:

Attachments: 1. Ord. No. 2014-071 - Withdrawn 20140908, 2. Staff Report, 3. Location Map

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------|--|--------|
| 9/8/2014 | 2 | City Council | withdrawn | |
| 7/14/2014 | 2 | City Council | continued and referred back | |
| 6/9/2014 | 2 | City Council | continued and referred back | |
| 5/27/2014 | 2 | City Council | continued and referred back | |
| 4/28/2014 | 2 | City Council | continued and referred back | |
| 4/21/2014 | 1 | Planning Commission | recommended for approval and forwarded | Pass |
| 3/24/2014 | 2 | City Council | introduced and referred | |

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Department of Planning & Development Review ***Staff Report***

To: City Planning Commission
From: Land Use Administration
Date: April 21, 2014

PETITIONER

David White, Rocketts View SCP, L.P.

LOCATION

A portion of East Cary Street in the block bounded by Pear Street, East Main Street, Peach Street and East Dock Street.

PURPOSE

The closure and sale of this portion of East Cary Street would allow the development of a multifamily dwelling with up to 65 dwelling units, commercial uses and parking on the property known as 2801 East Main Street.

SUMMARY & RECOMMENDATION

The applicant owns the parcel that surrounds this portion of right of way located on the east side of Pear Street. This right of way stub extends into the proposed into the property in such a way that it limits ability to develop the adjacent property. This right of way stub is currently unimproved and is not serving any purpose to the City. It will not be used for future road construction as all nearby parcels are currently served by other roads.

The value of the right of way to be vacated, 1,973 square feet, has been determined by evaluating the assessed value of the adjacent properties. It has been set at \$19.14/square foot for a total of \$37,763.22, which will to be paid by the applicant prior transfer.

The Department of Public Works does not object to the proposed closing and sale of this portion of East Cary Street. Therefore, staff recommends approval of the proposed ordinance, subject to the approval of the accompanying special use permit request.

FINDINGS OF FACT

Site Description

The subject right of way consists of 1,973 square feet of land area and is currently unimproved. East Cary Street terminates at its intersection with Pear Street, directly across Pear from the subject right of way.

Proposed Use of the Property

The proposed use of the right of way and the adjacent property is subject to a separate special use permit request. The closure and sale of the right of way is contingent upon the approval of the proposed special use permit.

Should the special use permit be approved the use of the subject right of way and the adjacent property would be authorized for a main building with a maximum of sixty-five dwelling units, all of which would be condominiums. Secondary uses of the main building would be authorized to include those non-residential principal uses permitted in the B-5 district, such as an art galleries. Three levels of parking are proposed at the base of the main building below the East Main Street grade, containing a total of 78 parking spaces. With the addition of two on-site surface parking spaces at the Pear Street entrance of the main building, a total of 80 parking spaces are proposed for use by the main building. A surface parking area containing 21 spaces, would be authorized for use by the existing apartment building on the adjacent property at 2823 East Main Street.

Master Plan

The subject right of way was included in the Urban Center Area of the Downtown Character Map as part of the July 2009 amendment to the Richmond Downtown Plan. As such, the foundational elements of the Downtown Plan apply to the subject property, as do the guiding principles of the Urban Center character area.

Ordinance Conditions

The closing and sale of the right of way would be subject to the following conditions should the ordinance be approved:

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 or 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 (12) months of the ordinance adoption date, unless a different timeframe is explicitly noted for a particular condition, and approved by the City before the ordinance can go into effect.
4. The applicant(s)/owner(s)/successor(s) shall be responsible for storm water runoff 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.
6. The cost of the right of way to be vacated has been determined to be \$37,763.22. This must be paid to the City by the applicant.
7. Any City infrastructure components that may be located within the section of E. Cary Street to be closed shall be carefully collected, securely stored and transported to a City facility (specific location to be determined when the move it to occur). This includes, but is not limited to, cobblestones, bricks and granite curb.
8. A companion paper to approve an SUP for the proposed condominium project on adjacent Parcel E000-0534/002 must be approved; if it is not, this closure shall be null and void.
9. 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.

Surrounding Area

The property surrounding the subject right of way is currently unimproved. The Tobacco Row mixed-use warehouse district is located to the west along East Cary Street. East Main Street and Libby Hill Park are located to the north. An existing apartment building, pool and accessory parking are located to the east of the subject right of way and Dock Street and Great Shiplock Park are located to the south.

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