



City of Richmond, Virginia
Department of Planning & Development Review
City Hall, Richmond, Virginia 23219
804.646.6335 (f) 804.646.5789 www.richmondgov.com

To: City Planning Commission
From: Land Use Administration
Date: May 17, 2010

RE: **Agenda Item #9, Ord. No. 2010-103: To close, to public use and travel, a portion of an alley in the block bounded by Cedar Street, Mosby Street and Princess Anne Avenue, consisting of 702± square feet, upon certain terms and conditions.**

I. APPLICANT

Department of Public Works, City of Richmond

II. LOCATION

Alley in the block bounded by Cedar Street, Mosby Street and Princess Anne Avenue, consisting of 702_+ square feet.

Property Owner:

City of Richmond

III. PURPOSE

To close, to public use and travel, a portion of an alley in the block bounded by Cedar Street, Mosby Street and Princess Anne Avenue, consisting of 702_+ square feet, upon certain terms and conditions.

IV. SUMMARY & RECOMMENDATION

The applicant is seeking to close a portion of the above referenced alley and acquire the section of land to enlarge the applicant's property at the intersection of Cedar and Mosby Streets in order meeting zoning code requirement of 2.0 acres. Meeting the minimum 2-acre requirement will allow the property owner to construct a proposed 4-story structure above parking. The alley is located between Cedar Street to the north and west, Princess Anne Ave to the south and Mosby Street to the east. The entire alley is 284' paved and 32' unpaved. The eastern portion of the alley dead-ends into a wooded slope, cutting off its connection to Cedar Street. Currently the alley is used by city trash trucks to pick up trash behind the homes that front Princess Anne Ave.

Closure of a portion of the alley, measuring 7.03' wide by 100' long, would provide the applicant with the necessary 2.0 acres to be exempt from the 35' height limit placed on multifamily structures in R-53 districts. The applicant is short 0.011 acres that is needed to meet this R-53 zoning requirements. Sec. 114-418.8 states "No building or structure in the R-53 multifamily residential district shall exceed 35 feet in height, except that additional height shall be permitted on lots of two acres or more in area". If the two-acre lot area requirement is met, there would be a 60' height limit with incline plane restrictions on the proposed building.

Given the inclusion of the following conditions in the proposed ordinance, the Department of Public Works offers no objections to the proposed right-of-way closing.

The applicant(s)/ owner(s)/ successor(s):

1. Shall be responsible for any and all cost associated with the proposed closing, including without limitations, realignment, relocation, or removal of utilities or infrastructure, installment of new utilities or infrastructure, new or

- revised street name or directions signs, streetlight, etc., as required or directed by City Agencies
2. 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 within twelve-months of the ordinance adoption date, unless a different timeframe is explicitly noted for a particular conditions, and approved by the City before the ordinance can go into effect.
 4. Shall be responsible for storm water runoff in the area to be closed.
 5. Shall be responsible for obtaining the written consent of all abutting landowners to the closing.
 6. 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. To pay the City of Richmond for this public right-of-way, the sum of \$1,400.00 as determined by the Director of Real Estate and agreed upon by the applicant. This condition is satisfied upon the execution of an agreement by any and all abutting property owners to purchase the closed portion with such agreement to be in accordance with Section 15.2-2008 of the Virginia Code and approved as to form and legality by the City Attorney. If any abutting owner, or representative of the abutting owner, does not make the payment for such owner's fractional portion within twelve months of adopted ordinance, the ordinance will become null and void automatically.

The Downtown Master Plan adopted by City Council on October 13, 2008, and amended on July 27, 2009, states "Given the importance of the street grid to including alleys, as the City develops further. Closure or sale of the City's streets and alleys should only be allowed if the development type requires such" (Page 4.17). The alley would still be able to accommodate city trash trucks to pick up trash behind the homes that front Princess Anne Ave if this portion of the alley is closed.

Although the proposed alley closure is not in accordance with the recommendations of the Downtown Plan, Planning and Development Review staff finds that closure of the small section of alley will have a negligible impact on the City's street grid. However, staff is not supportive of the proposed site plan that was submitted for the development that would be permitted, subject to a Plan of Development, if the property is conveyed to the applicant.

Staff Contact:

Leigh Kelley, (804) 646-6384

V. ATTACHMENTS

- a. Vicinity Map
- b. Ordinance