

MEMORANDUM

To: Planning Commission

From: Kinsey O'Shea, AICP; Town Planner for Current Development

Date: September 13, 2019

Subject: ROW19-0001/ORD 1912-Request for a right-of-way vacation and adjustment along Gilbert Street in conjunction with RZN19-0007 by the Virginia Tech Foundation.

SUMMARY OF REQUEST

Nature of Request: Vacation of Town-owned Right-of-Way

Property Location: Along Gilbert Street and Prices Fork Road

Adjacent Tax Parcel Numbers: 226-A-140

Area Size: ±4,085 square feet (according to application)
Proposing dedication of equal area to Town

Present Zoning District: DC Downtown Commercial

Present Use: Existing vehicular access, sidewalk, signage and landscaped areas

Surrounding Uses: North: Commercial, Residential (across Prices Fork Road)
East: Commercial
South: University
West: University, Residential

Neighborhood Meeting: 5:30 PM, Wednesday, September 4, 2019

DEVELOPMENT APPLICATION AND BACKGROUND

This request is in conjunction with the rezoning request (RZN19-0007) that covers the commercial center formerly known as Collegiate Square, which is part of the larger North End Center. The existing development and proposed redevelopment is discussed in the application and staff report for RZN19-0007.

This application is a request to vacate two areas of Town-owned right-of-way; one along Gilbert Street and one along Prices Fork Road totaling approximately 4,085 square feet. The applicant indicates this area will be used to construct the mixed use building as part of the proposed rezoning request for the Gilbert Street Mixed Use Redevelopment. The applicant proposes to dedicate an equal area to the Town adjacent to St. Luke and Odd Fellows Hall to enlarge and improve the green space around the historic

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Right-of-Way Vacation Request
Gilbert Street & Prices Fork Road
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structures. The area to be vacated is proposed to include a landscaped area along Prices Fork Road and a portion of the proposed building and service area along Gilbert Street.

Currently, there are improvements within this area to be vacated. There are no dwellings or buildings, but there are utilities, curb and gutter, landscaping, and sidewalk. The area to be dedicated is currently open space but dedication to the Town would ensure that future use of the land will be in keeping with the historic structures.

Neighborhood Meeting

In consideration of this request, a neighborhood meeting was held on September 4, 2019 at 5:30 PM, in conjunction with the neighborhood meeting for all of the North End/Gilbert Street requests including RZN19-0007, CUP 19-0006, and ROW 19-0001. Notes and sign-in sheets are found with the staff report for the RZN19-0007 Gilbert Street Mixed Use Redevelopment rezoning request.

EVALUATION CRITERIA

The Planning Commission is asked to evaluate the application based on the "Alley and Right-of-Way Vacation Process" in the Administrative Manual accompanying the Comprehensive Plan that is attached to this report.

FINDINGS

Staff has provided the following findings to assist in the evaluation of the application:

By filling out and signing the application, the owners have certified that they comply with Section 21-114 of the Town Code: "Purchase by applicant as condition to vacation of street or other public way." The application can proceed through the public hearing process and will require Town Council approval.

With right-of-way vacation requests of commercial properties, an appraisal is typically required. The application does not state what the applicant might consider the existing value to be. However, the applicant is proposing to dedicate an equal amount of land to the Town, resulting in a land swap.

Vacation of the right-of-way area does not result in the loss of access to parcels or inability to provide Town services. The right-of-way dedication will allow for additional public open space adjacent to St. Luke and Odd Fellows Hall.

Town engineering staff have reviewed the vacation request and provide the following comment:

- A number of utilities are proposed to be relocated as part of the proposed redevelopment. Any Town utilities not relocated, must be in a dedicated public utility easement with adequate separation between the utility, the building, and any overhead obstructions.

SUMMARY

The Planning Commission is asked to consider and make a recommendation on the right-of-way vacation request. If approved by Town Council, the Mayor would execute a quitclaim deed for the right-of-way and the right-of-way shall be vacated.

ATTACHMENTS

Evaluation Criteria
Aerial Map

Alley and Right-of-Way Vacation Process

- 1) When requests for a vacation of an alley or unbuilt right-of-way are received by the Town,
 - ensure requirements for application contained in Town Code § 21-114 have been complied with.
 - make an assessment of the monetary value of the alley or unbuilt rights-of-way according to the general guidelines:
 - residential property value may be estimated according to current assessed values of adjacent property and square footage to be vacated; or
 - when the vacation allows for an additional buildable lot or when the property is non-residential, property value may be established by a formal appraisal; or
 - a formal appraisal may be required by Town Council; **and**
 - the applicant shall provide a statement of title concerning the alley or right-of-way (before and after the vacation), satisfactory to the Town Attorney; **and**
 - provide notification to all neighborhood representatives about the vacation request and associated public meetings; **and**
 - provide all adjacent property owners an opportunity to apply for an equal right-of-way; **and**
 - The cost of any formal appraisal or title research, as may be required, shall be the burden of the applicant.
- 2) Vacate alleys and unbuilt rights-of-way only when the following three conditions are met:
 - The alley or unbuilt right-of-way is judged as not important to the Town's neighborhoods in terms of providing rear access for residents, space for utilities, and a means to provide Town services; **and**
 - The alley or unbuilt right-of-way is not important to the Town's present or future transportation network in terms of automobile, bicycle, or pedestrian traffic; **and**
 - The alley or unbuilt right-of-way does not serve as the primary access to parcels.
- 3) Vacate built right-of-way only when all three conditions of Paragraph 2 are met, with the presumption that the built right-of-way is important to the Town's neighborhoods and the Town's present and future transportation network.
- 4) Assess whether or not the alley or right-of-way could be used for another public function such as park land or public open space
- 5) If there is no other public function to which the property could be used, and the Town is able to claim an interest in the alley or right-of-way, and the applicant is willing to remit to the Town the value of the alley as computed in 1) above, consider disposition of the alley or right-of way.
- 6) The disposition of an alley or right-of-way shall not be acted upon without public hearings before the Planning Commission and the Town Council, duly advertised, in accordance with the Virginia Code.
- 7) The disposition of an alley or right-of-way shall not be acted upon without public hearings before the Planning Commission and the Town Council, duly advertised, in accordance with the Virginia Code.

**ROW 19-0001
Gilbert Street
Mixed Use
Redevelopment
Right-of-Way Vacation**

Aerial

-  Subject Properties
-  Parcels

