



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2017-226: To close, to public use and travel, a portion of right-of-way known as Water Street between its intersection with Gillies Creek and its intersection with East Main Street and Nicholson Street, consisting of 24,946± square feet, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: December 4, 2017

PETITIONER

Matthew A. Welch, Richmond City Planning & Economic Development

LOCATION

Water Street, between Gillies Creek and East Main Street/Nicholson Street

PURPOSE

This ordinance is a companion ordinance to Ord. No. 2017-223, Ord. No. 2017-224, and Ord. No. 2017-225.

Adoption of the ordinances is necessary to close the rights-of-way and swap certain property interests, which will facilitate vehicular access to the City's Intermediate Wharf Parcel and the completion of Stone Bistro and Gardens, both as generally shown on the Riverfront Plan.

The purpose of Ord. 2017-226 is to close to public use and travel a portion of the right-of-way known as Water Street, as described below, upon the satisfaction of the conditions listed below.

- Portion of Water Street to be Closed: That certain portion of Water Street extending across a Richmond Economic Development Authority (the "EDA")-owned parcel of real estate listed in the records of the City Assessor as Parcel No. E0000817002 (the "Stone Bistro Parcel") from Gillies Creek to the intersection of E. Main Street and Nicholson Street, all as shown hatched and cross-hatched on Sheet 1 of 3 of that certain plan prepared by Timmons Group, designated as DPW Drawing No. N-28801, dated October 16, 2017, and entitled "Proposed Closing to Public Use and Travel of Portions of Water Street and E. Main Street Located Between Nicholson Street and Gillies Creek; Acquisition from and Conveyance to EDA of Certain Real Estate; and the Dedication or Retaining of Easements" (the "Plat"), a copy of which is attached hereto.
- Conditions: Prior to the closure taking effect, the EDA must convey to the City the following interests in the "Stone Bistro Parcel."
 - A 0.295 acre portion of the Stone Bistro Parcel in fee simple, shown as "Area 3" on the Plat, Sheet 1 of 3, for the purpose of providing vehicular access to the City-owned parcel of real estate listed in the records of the Assessor as Parcel No. E0000817001 (the "Intermediate Wharf Parcel") as generally shown on the City's Master Plan as amended by Richmond Riverfront Plan Amendment 1: Downriver Update 2017, incorporated by Ord. No. 2017-148 (as amended, the "Riverfront Plan"). If approved by the City's Chief Administrative Officer (the "CAO"), in her sole discretion, the EDA may reserve from the conveyance a temporary construction easement across Area 3 for the purpose of utilizing Area 3 to access the remainder of the Stone Bistro

Parcel for construction of the Stone Bistro and Gardens pursuant to such terms and limited to such duration, if any, deemed acceptable by the CAO.

- An easement under, over and across a 1,284 sq. ft. portion of the Stone Bistro Parcel, shown as “[F] 10’ Easement for Bridge, Bulkheads, and Maintenance” on the Plat, Sheet 2 of 3, for the purpose of accessing such property to maintain the vehicular bridge crossing Gilles Creek and as otherwise needed to construct and maintain improvements to and across Gilles Creek.
- Effect of Closure. Upon closure, the City shall have no further right, title, or interest in the closed right-of-way other than the following:
 - Fee simple title to the portion of the Stone Bistro Parcel conveyed to the City as a condition of the closing (i.e., Area 3), including title to the portion of such property over which the to-be-closed right-of-way currently resides.
 - Any other property rights conveyed to the City as a condition of the closing.
 - All those certain easements expressly reserved by the City upon the City’s conveyance of the Stone Bistro Parcel to the EDA by Special Warranty Deed recorded as Instrument #150006807 with the exception of the following easements, which shall be deemed vacated by the City upon closure.
 - The “40 R/W and Utility Easement” retained by the City on page 3 of the Special Warranty Deed, as shown on the Plat, Sheet 1 of 3.
 - The “Variable Width Easement for Public Use and Travel” reserved by the City on page 3 of the Special Warranty Deed, as shown on the Plat, Sheet 1 of 3.

SUMMARY & RECOMMENDATION

In the past few years, the City has embarked on a variety of ventures to transform the Downriver area along the James River.

- Lehigh Silos Removed and Virginia Capital Trail Opened. On the City-owned “Lehigh Parcel,” the City facilitated Lehigh Cement’s departure from its leased use of the site and the demolition of the industrial silos on the site. Shortly thereafter, the City opened the Downriver portion of the Virginia Capital Trail, a shared use path connecting downtown Richmond to Jamestown, a portion of which path bisects the Lehigh Parcel, crosses Gillies Creek, and continues across the City-owned Intermediate Wharf Parcel.
- East Riverfront Transportation Improvements Project. The City is nearing completion of the project, which was approved by the Planning Commission in 2016 and includes realignment of Dock and E. Main St. through the construction of new roundabout at the intersection of Dock and reconstruction of E. Main St. as a complete street, including bicycle lanes, some on-street parking, and use of the BRT Pulse, including a station on E. Main St and a pull-over lane. Completion of this project, allows for the City to close Water Street as planned.

- Stone Brewing. In 2014 and 2015, City Council approved and the City entered into agreements between the City, the EDA, and KoochenVagner's Brewing Co., dba/Stone Brewing Co. ("Stone") to initiate a major economic development effort in the Downriver and Fulton areas ("Stone Agreements"). The Stone Agreements contemplated certain City obligations related to the transformative projects described herein including the demolition of the Lehigh silos, completion of the Virginia Capital Trail, improvements to E. Main Street, closure of Water Street, and transfer of property interests to the EDA for the facilities. Phase 1 of the project included a major brewing and distribution center, which is up and running. Phase 2 of the project includes redevelopment of the Intermediate Terminal Building, under which Water Street currently runs, and improvements to the surrounding property for the Stone Bistro and Gardens. The ordinances requested herein will allow for Completion of the Stone Bistro and Gardens and, therefore, further contribute to the transformation of the Downriver.
- Riverfront Plan. The Richmond Riverfront Plan Amendment 1: Downriver Update 2017, including a consensus approach derived after engaging the public with a variety of options, was submitted to and approved to be incorporated into the Master Plan by the Planning Commission and City Council. As amended, the Riverfront Plan sets out a vision for the development of the Lehigh Parcel and Intermediate Wharf Parcel as usable public space. The consensus approach on pages 197 and 199 shows a general layout of E. Main St., the Intermediate Wharf Parcel and access thereto, and the Stone Bistro and Gardens.

The contemplated ordinances follow the completion of and progress made regarding the various transformative Downriver projects and initiatives and will facilitate further progress towards the Downriver transformation as follows:

- Closure of Water Street. As the City nears completion of the East Riverfront Transportation Improvements Project, it is in a position to close Water Street. Closure of Water Street is necessary for the completion of the Stone Bistro and Gardens and was an obligation set forth in the Stone Agreements.
- Closure of portion of E. Main Street. Completion of the East Riverfront Transportation Improvements Project will result in two small remainder portions of r/w, which will not be utilized by the City. As such areas are surplus and the EDA owns the parcels abutting such areas, closure will allow the City to forgo any maintenance obligations related thereto and for such areas to be added to the EDA-owned parcels.
- EDA Conveyance of Portion of Stone Bistro Parcel to City and the City's Conveyance of a Portion of the Intermediate Wharf Parcel to the EDA.
 - Background. In 2015, the City declared surplus and conveyed to the EDA a portion of a larger City-owned parcel of real estate (while retaining certain easements including an easement for Water Street to

continue as r/w). The portion conveyed to the EDA is referred to herein as the Stone Bistro Parcel and the remainder (i.e., the portion not conveyed to the EDA) is referred to herein as the Intermediate Wharf Parcel. Subsequent to the City's transfer to the EDA, the City completed the Virginia Capital Trail, CSX and Norfolk Southern formally and completely abandoned any rights in the railway lines across such area (as approved by the Surface Transportation Board), and the City adopted the amendment to the Riverfront Plan.

○ Requested Transfers.

- EDA to City. The City requested and the EDA agreed to convey a portion of the Stone Bistro Parcel (Area 3 on the Plat) back to the City, which will facilitate the City's improvements of such property to utilize as access to the Intermediate Wharf Parcel as generally shown on pages 197 and 199 of the Riverfront Plan, as amended.
- City to EDA. At the time of conveyance, the location of the boundary line between the Stone Bistro Parcel and the Intermediate Wharf Parcel was drawn in consideration of potential railway rights in the area and the to-be-completed construction of the Virginia Capital Trail. Subsequent to the conveyance, any and all railway rights were fully abandoned and the trail was completed. As a result, there is a strip of property between the completed Virginia Capital Trail and the boundary line, which strip is shown on the Riverfront Plan (on pages 197 and 199) as a portion of the Stone Bistro and Gardens but is currently owned by the City (now unencumbered by any railway rights precluding the City from conveying such property). The property provides little benefit to and requires maintenance by the City and would be better utilized and maintained as a portion of the Stone Bistro and Gardens as contemplated by the Riverfront Plan. In addition, a portion of the Intermediate Terminal Building encroaches upon the property. As such, the property should be declared surplus and conveyed to the EDA to be added to the Stone Bistro Parcel. Any conveyance will retain utility easements as set forth herein.

City Administration recommends approval of this ordinance.

FINDINGS OF FACT

Site Description

Water Street, between Gillies Creek and East Main Street/Nicholson Street. This portion of Water Street is a component of the Lehigh & Intermediate consensus plan, as shown in the 2017 Richmond Riverfront Plan amendment (pp. 197 & 199).

Master Plan and Zoning

The Pulse Corridor Plan recommends Open Space land use and Neighborhood Mixed-use land use for the property along the corridor and designates the overall area as an Opportunity Area. Neighborhood Mixed-use areas are cohesive districts that provide a mix of uses, but with a larger amount of residential uses than other mixed-use districts. They are an urban, walkable environment with limited neighborhood-oriented uses incorporated along key commercial corridors and at corner sites. Opportunity Areas are large tracts of underdeveloped land along the Pulse Corridor that are ideal for redevelopment due to proximity of the Pulse Corridor as well as adjacency to stable neighborhoods (pp. 31-2).

The current zoning along the corridor is M-2 Heavy Industrial.

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