

Application for **REZONING/CONDITIONAL REZONING**

Department of Planning and Development Review
 Land Use Administration Division
 900 E. Broad Street, Room 511
 Richmond, Virginia 23219
 (804) 646-6304
<http://www.richmondgov.com/>

Project Name/Location

Property Address: 25 and a part of 101 Nicholson Street Date: Feb 19, 2019
 Tax Map #: E0000990026 & E0001310001(p) Fee: _____
 Total area of affected site in acres: 1.29 +/- acres

(See **page 6** for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: M-2 Heavy Industrial
 Existing Use: Vacant and Rail Line ROW

Proposed Zoning/Conditional Zoning

(Please include a detailed description of the proposed use and proffers in the required applicant's report)
 Requesting B-7 conditional zoning. See attached applicant's report for details.

Existing Use: Vacant and Rail Line

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Ann Neil Cosby and Adena M. Patterson

Company: McGuireWoods LLP

Mailing Address: 800 E Canal Street

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 775-7737 and 804-775-7764 Fax: ()

Email: acosby@mcguirewoods.com and apatterson@mcguirewoods.com

Property Owner: CSX Transportation Inc.

If Business Entity, name and title of authorized signee: Ray Birkholz, Director

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 500 Water Street

City: Jacksonville State: Florida Zip Code: 32202

Telephone: () Fax: ()

Email: _____

Property Owner Signature: Ray E. Birkholz

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.

**REZONING REQUEST
CITY OF RICHMOND
APPLICANT’S REPORT
FULTON YARD (PROPERTY A)
TAX MAP #E0000990006 AND PART OF #E0001310001**

INTRODUCTION

For more than 250 years, Richmond’s east riverfront around Rocketts Landing was a thriving commercial area centered around a transportation hub that utilized both river and rail. In 1607, Captain Christopher Newport landed in the area which was already an established Native American village. Two years later, “Powhatan Hill” was purchased by Captain John Smith, and the area developed into a bustling port community where colonists lived and worked along the bend in the James River which eventually gave the City of Richmond (the “City”) her name.

In 1730, Robert Rocketts began operating a ferry from the growing riverfront village, transporting goods between the north and south sides of the James River. With commerce and the local population increasing, “Rocketts Landing” became one of the busiest inland ports in America. As more merchants and tenant laborers moved in, neighborhoods sprang up around and up the hill from Rocketts Landing, gradually growing into the thriving Fulton and Fulton Hill neighborhoods. As housing demand increased, large lot development gave way to more dense urban neighborhoods with recreation fields, churches, and commercial areas.

The Industrial Revolution saw the C&O Railroad complete a rail line from Richmond to Hampton Roads (the “Peninsula Line”), and with it the evolution of Rocketts Landing and the surrounding area from river to rail-based commerce center. In 1900, the C&O Railroad Fulton Freight Yard (“Fulton Freight Yard”) was built to support the Peninsula Line. The Fulton Freight Yard was a long curved yard with approximately 35 tracks, including the switching tracks, and a 26-stall roundhouse, which was built in three stages from 1900 to 1930. This area included a number of accessory rail uses such as coal and water facilities to serve the steam engines.

By the 1920s, most of the port traffic at Rocketts Landing had been replaced by a growing network of railroads and road networks. In particular, State Route 5 (Old Osborne Turnpike/New Market Road), continued to serve as a major transportation link between Richmond and Williamsburg. Since the early 1600s, Route 5 had served as the overland connection between mills, ordinaries, and ferry landings located on the bank of the meandering James River. While businesses in Rocketts Landing transitioned from commercial industrial/manufacturing uses to a mix of uses, the Fulton neighborhood continued to thrive as a tight-knit African-American community. The neighborhood had supermarkets, movie theaters, restaurants, social clubs, and two historic black churches. Fulton was at the eastern end of the

City's street car line, and served as a transportation hub to access the line into downtown Richmond. As decades passed, the area waned and suffered from devastating flood damage. Ultimately, the City razed large portions of the Fulton neighborhood and relocated most of its residents.

By the 1970s, the remaining old buildings in the area of the Fulton Freight Yard and Rocketts Landing were abandoned while a number of newer warehouses occupied parts of the acreage. On the nearby CSX property, the railyard roundhouse was demolished in 1970 and most of the tracks that served the Fulton Freight Yard were removed. While the main lines (including the Peninsula Line) and associated side tracks remain active, CSX has determined that it has no use for several of its properties in the area. After decades of railroad-related use, these industrially zoned properties are now brownfield sites that must be rezoned to allow other uses.

In 2001, the City adopted a new Master Plan followed by new zoning districts intended to create a vibrant and productive vision for the Rocketts Landing area. In 2005, the development of the "Village at Rocketts Landing" began in earnest, with the first businesses and residents arriving in 2007. Since then, other business have moved into the area, and new communities, including the Villas at Rocketts Landing, have sprung up. In 2012, the City adopted the "*Richmond Riverfront Plan*" (the "Riverfront Plan") which recommended a vision for Rocketts Landing of "incremental redevelopment of under-utilized parcels and languishing former industrial sites ... [for] mixed-use, with an emphasis on street level retail, where appropriate."¹ The Riverfront Plan states that a "fundamental emphasis of redevelopment along the Riverfront is to intensify pedestrian activity at street level through infill development with sufficient density to be an attractor and destination of activity."²

In 2017, the City adopted the "*Pulse Corridor Plan*" (the "Pulse Plan") to "support a walkable urban environment" around the newly developed Pulse bus rapid transit ("BRT") stations "through the adoption of principles, goals and recommendations."³ The East Riverfront Station and the Orleans Station areas are described in the Pulse Plan as having "an abundance of vacant and underutilized property that could be ripe for redevelopment."⁴ The City's vision and recommendations for the development of the area provide a framework so that "compact and mixed," "connected," and "thriving and equitable"⁵ development will occur.

In the tradition of the Rocketts Landing and Fulton communities of the past, and with an eye towards re-establishing strong pedestrian-oriented commercial and residential uses that

¹ Riverfront Plan, p. 11.

² Riverfront Plan, p. 11.

³ Pulse Plan, p. VI.

⁴ Pulse Plan, p. 119.

⁵ Pulse Plan, p. 124.

support Riverfront activity, Fulton Yard will complement the new sense of place that has re-emerged along the bend in the James and which remains at the “end-of-the-line.”

PROJECT DEVELOPER

ZAC, LLC (“ZAC” or the “Applicant”) is a wholly owned subsidiary of Zimmer Development Company (“ZDC”). ZDC is a family-owned development company based in Wilmington, N.C. “Since its creation, ZDC and its affiliates have developed over 245 projects in over 140 cities with over 8,000,000 square feet of retail space and over 8,300 multi-family beds, valued in excess of \$3,000,000,000.”⁶

THE “FULTON YARD” PROJECT

ZAC is proposing to develop a total of 20+ acres, currently owned by CSX, for retail, office, and multi-family uses. The "Fulton Yard" development will be located on three separate sites comprised of a single or assembled parcels. Each of the three sites will be developed with a different mix of uses but with a uniform development plan and design.

One site (“Property A”) is located entirely in the City of Richmond. The largest site (“Property C”) is located entirely in Henrico County, Virginia (the “County”). The third site is bisected by the City/County line (defined as “B-1” on the City side and “B-2” on the County side). TAB F⁷ of this Application identifies Property A, Property B, and Property C. While the three sites are non-adjacent, they will all be developed as one cohesive and inter-dependent mixed-use development. All of the project parcels are located adjacent to the CSX rail line and all are currently zoned for industrial use. Each parcel will require a rezoning by the Richmond City Council (or the Henrico County Board of Supervisors for the County parcels) in order for the development to occur.⁸

The Project’s name “Fulton Yard” is intended to reflect the history of the Greater Fulton area and the 70 year history of the rail freight yard. The Fulton Yard development is designed and developed with the unified theme of placemaking through the four themes of History, Passage, Sense of Place, and Adventure. Architectural features of the properties reinforce the themes through material, landscaping, graphics, and scale.

The location of Fulton Yard near the City’s Orleans Pulse BRT station, the Capital Trail, and the James River, provides for walkable access to multiple forms of transportation. The architecture draws from the industrial past while creating an inviting place to work, play, and live. ZAC has placed a high priority on the pedestrian experience. Gracious, tree-lined

⁶ <https://www.zdc.com/about/>

⁷ Previous TABs contain other application materials that are not referenced in this document.

⁸ While Property B-2 and Property C are not located in the City and are not part of this Application, they are sometimes referenced herein for clarification and where necessary to provide a complete understanding of the Project as a whole.

sidewalks (reminiscent of the Fulton neighborhood in the past) with bike racks and benches integrate street and building. Commercial space with deep overhangs creates lively outdoor living spaces while street-oriented first floor apartments with small garden patios provide a sense of livable human scale. Roof terraces capitalize on views of the river and skyline beyond.

Heavily landscaped amenity spaces promote outdoor living through several architectural features. The pool plaza will have grills and games courts. Additionally, bike and watercraft storage will be available to residents. The focus on outdoor living carries into the apartments themselves in the form of an “urban mudroom,” a place to unload and store outdoor gear. Collectively, the design and environmental amenities will tie the area together as an active, accessible, attractive area.

DEVELOPMENT OF PROPERTY A

Property A is a 1.3± acre parcel fronting on Nicholson Street and west of the CSX Railroad. The property is a combination of Tax Map # E0000990006 and a part of #E0001310001. The approximately 178 feet of frontage on Nicholson Street is across the street from one of the Stone Brewing parking lots. A part of Property A was originally a portion of the 35th Street right-of-way, which explains why it narrows significantly where it joins East Main Street. To the west of Property A is an undeveloped portion of The Village at Rocketts Landing which is currently zoned RF-2.

PROPOSED USE

The Applicant is requesting rezoning of Property A from M-2 (Industrial) to B-7 (Business), to construct a five-story commercial building (approximately 20,000 square feet) for retail and office use, as generally shown on TAB G. The building will front on Nicholson Street facing an eleven-foot wide sidewalk with a seven-foot extension for tree wells, street furniture, and six (6) new on-street parking spaces. The entrance to the parking area will be generally in the location of the 35th Street right-of-way. Various bicycle support uses (bike share station, covered bike parking, bike repair station, and picnic area) are proposed as support services to the Capital Trail, which is located less than a five minutes’ walk from the proposed building.

ZAC is also proposing to construct a landscaped surface parking area along the vacated right-of-way in the narrow portions of the Property A, also as shown on TAB G. The parking area is proposed to include 72 parking spaces, which would include approximately sixteen (16) more spaces than are required by the Zoning Ordinance for the proposed uses. These additional parking spaces would be available for public use, free of charge, to serve Pulse Bus Rapid Transit riders and/or users of the Capital Trail.⁹ Small open spaces will provide buffering and

⁹⁹ ZAC currently intends to provide unrestricted parking for all spaces on Property A. If use of the parking spaces by the public interfere with the parking for Building A, some type of restrictions may be imposed.

shade. Due to the narrow nature of the parcel, one-way traffic from Nicholson Street to East Main with diagonal parking is proposed.

ELEVATIONS/ARCHITECTURE

The building to be constructed on Property A is proposed to be constructed in the architectural style as generally shown on TAB H.¹⁰ The architecture of the commercial buildings complements the architecture of the nearby Fulton Yard residential buildings by using a similar material palette. A high ratio of glazing provides views out toward the river, and the city skyline will allow ample natural light into the proposed office areas. The five-story commercial building will feature a recessed first floor with deep overhangs and a landscaped ground plane to emphasize the pedestrian scale of the building. The architecture of the proposed building, like the residential buildings on other properties takes its cue from the adjacent CSX railroad and the James River. The wood elements, evenly spaced between two metal channels, evoke the rhythm and pattern of the nearby wood and iron rail tracks. Exterior building materials will include architectural grade metal panels, fiber cement siding, wood, glass, and painted metal railings. Other materials may be used for trim or design elements.

LANDSCAPING

Landscaping for Property A shall satisfy and will typically exceed, the City's zoning requirements. Street trees will be provided along Nicholson Street and East Main Street to create a visual rhythm that can be continued when other properties in the area are redeveloped. Dense landscaping along the parking areas are intended to suggest a "parking-park", where access and green space come together in a holistic and complementary way. See TAB G for landscape concepts.

UTILITIES/PUBLIC FACILITIES

Public water, sanitary sewer, and gas are immediately available to Property A. See TAB I for a graphic showing the locations of the existing public utilities. As part of the analysis for Fulton Yard, a number of other public facilities were evaluated. See TAB J for a map of schools and libraries, TAB K for parks and recreation areas, and TAB L for police, fire, and rescue facilities.

FLOOD PLAIN/STORMWATER/DRAINAGE

Property A will be designed to meet the 2014 Virginia Stormwater Management regulations addressing stormwater quality and quantity, as may be required. The existing storm

¹⁰ The elevation included at TAB H shows conceptual drawings for Property B, however, the same final design style would also be utilized on Property A.

sewer system in the area will serve as the outfall to the James River, but there will be an internal storm drain system installed. It is possible some on-site detention will be required.

VIEWSHEDS

It is recognized that the proposed development would be located in the valley below the historic Church Hill neighborhood and Libby Hill Park. The view from Libby Hill Park is said to so closely resemble the view of Richmond on the Thames in England that it gave the city its name. With these historic viewsheds in mind, ZAC has intentionally sought B-7 zoning for Property A and B-5 for Property B-1. While the Pulse Plan anticipates heights from two to eight stories in this area, the B-7 and the B-5 zoning districts are both limited to five (5) stories. B-7 zoning is one of a number of potential zoning districts recommended for the property in the Pulse Plan.¹¹ As reflected on the photo simulations at TAB M, the proposed development will have negligible impact on the views of the James River from Libby Hill Park, and also from Chimborazo Park, which also has important viewsheds.

LAND USE ANALYSIS

COMPREHENSIVE PLAN

The requested change in zoning for Property A from M-2 to B-7, is consistent with and furthers the goals of the City’s Master Plan. The Riverfront Plan and the Pulse Plan designate Property A as “Neighborhood Mixed-Use.”¹² The Neighborhood Mixed-Use district is intended to “provide a mix of uses” ... that “are an urban, walkable environment with limited neighborhood-oriented uses incorporated along key commercial corridors and at corner sites.”¹³ Density is proposed at two to eight stories with secondary uses of retail, office, personal service, pocket parks, and open space and buildings that have street-oriented facades and parking areas located to the rear.¹⁴ The development of the Property A will add to the mix of uses for the Neighborhood Mixed-Use area by increasing the walkable environment with a new sidewalk, providing a number of secondary uses to the area, supporting the Capital Trail, and offering open space/pocket parks. The building will face Nicholson Street and parking will be located in the rear of the site in keeping with the Pulse Plan design criteria. Additional Pulse Plan criteria that are satisfied by the development of Property A include the following:

- Non-industrial use buildings should have street-oriented facades with windows and door openings along street frontages.

¹¹ Pulse Plan, p. XII (Neighborhood Mixed-Use).

¹² Pulse Plan, p. XII.

¹³ Pulse Plan, p. XII.

¹⁴ Pulse Plan, p. XII and 125. Given the location, size, and shape of the property, primary uses of single-family or multi-family residential are not practically feasible.

- Parking lots and parking areas should be located to the rear of street-facing buildings.
- Streetscape accommodates truck access but allows for multi-modal uses.
- Secondary uses to include retail, office, personal service, pocket parks, open space, etc.¹⁵

As part of the development of the Pulse Plan, a “Station Area Vision” was prepared that established redevelopment criteria for the area around the Orleans Station. Encouraging infill development on underutilized parcels and improving pedestrian connections from Fulton to the waterfront at the end of Nicholson Street apply to Property A.

TRAFFIC

Timmons Group has been engaged to analyze traffic impacts in the area. Once this analysis is complete, it will be provided as part of this Application.

WALKABILITY AND TRANSIT ELEMENTS

Walkability and access to transit are key components of the Pulse Plan, particularly as part of the Riverfront Station Vision for the terminus station at Orleans Street. In designing Fulton Yard, ZAC has focused on ensuring there are multiple ways to access transit opportunities and establish a walkable environment. There are pedestrian, bike, and transit access points to and from each part of Fulton Yard. Wide walkways (11-15 feet wide) along the frontage of each part of the Fulton Yard development encourage walkability and outdoor living. Additional sidewalk widths accommodate landscaping, lighting, and street furniture. These widths represent a comfortable pedestrian throughway that provides pedestrian safety, accessibility, mobility, and comfort. Interior portions of each site will also allow comfortable and safe passage with designated ways and sidewalks.

Fulton Yard is advantageously located within a ten-minute walk from the Pulse Station at Orleans.¹⁶ The Pulse Plan uses the 10-minute walk as the measurement of the walkshed to access a Pulse Station. Property A is currently a 7-minute walk to the Orleans Pulse Station and a 3-minute walk to the East Riverfront Station. Once the Property A is developed, the walk to the Orleans Street Station will be shortened to a 5-minute walk due to a new point of access from

¹⁵ Pulse Plan, p. XIII. While the primary uses designated for the Neighborhood Mixed district include single-family and multi-family residential, the size, shape and location of the property does not practically accommodate such uses.

¹⁶ The five-minute walk (quarter mile) and the 10-minute walk (half mile) as walksheds have become a planning standard for new urban development. The 5-minute walk is the distance most people will willing walk to reach a destination rather than using a car. The 10-minute walk is recognized as an acceptable distance when someone is walking to transit.

the parking lot to East Main Street. Property A is also less than a 10-minute walk to reach the Capital Trail.

The Applicant is also proposing a number of other elements that will support transit and bike use. An Uber/Rideshare Lounge is proposed on Property A, as well as a rideshare pick-up. The Applicant is also willing to provide space for a future RVA bike ride share station should that program be expanded.

In addition to providing pedestrian facilities and transit to the residents to Fulton Yard, ZAC has designed the building on the Property A as a service area for Capital Trail cyclists including a bike repair station, covered bike parking, and designated car parking spaces for those accessing the Capital Trail, and picnic area. Overall, the Applicant has planned a number of design features to optimize transit options including:

- Access to the Pulse
- Access to the Capital Trail
- Uber Lounge and pick-up
- Electric car charging stations
- Pedestrian circulation
- Short and long-term bike parking

HISTORIC AND CULTURAL RESOURCES¹⁷

While Property A is a remnant property that has been owned by CSX (and C&O as its predecessor) for over 50 years, the surrounding area has a rich, poignant, history that has seen the settlement, and sometimes alienation, of strong communities. As part of its application process, ZAC has surveyed the surrounding area to identify the historic and cultural resources which might be affected by the proposed development. The historic districts of Church Hill and Oakwood-Chimborazo are nearby. There are a few individual buildings within a 1.5-mile radius of the proposed Fulton Yard that are listed on the Virginia and National Register of Historic Places. Each has been identified below. For all of these locations, Fulton Yard would have minimal to no visual impact.

FULTON SCHOOL – The Robert Fulton School was built in 1917 in response to growing residential development in the City’s Fulton Hill neighborhood and as part of a major public school construction program initiated by Richmond School Superintendent Dr. J.A.C. Chandler. Designed by William Leigh Carneal, an architect of considerable importance in Virginia, the two-story school, with a four-column portico main entrance, sits atop Fulton Hill, making it visible from many vantage points in the City. The school’s name honors inventor Robert Fulton and the surrounding community, which derives its name from the once-prominent Fulton family.

¹⁷ The descriptions of the historic buildings are taken from the Virginia Department of Historic Resources web page at <https://www.dhr.virginia.gov/historic-registers/richmond-ind-city/>.

While Fulton Yard would likely be visible from the upper floors of the school (which is currently undergoing renovation as part of the Artisan Hill development), there are various intervening properties and two sets of tree lines between the proposed development and the school. While the project would be visible, it would have no adverse visual impact on the views from the school property.

ST. JOHN'S CHURCH/CHURCH HILL – The St. John's Church Historic District is popularly known as Church Hill, is an assemblage of 19th-century domestic architecture surrounding the colonial St. John's Church. The few houses erected on Church Hill in the late 18th century have all but disappeared. It was not until the early 19th century that the gradual growth created streets represents a variety of domestic styles, all in compatible scale and materials. Because the neighborhood was primarily middle-class, its houses are restrained compared to the mansions built downtown. Church Hill's deterioration in the first half of the 20th century was checked in 1956 with the formation of the Historic Richmond Foundation, which acquired and restored many of the houses, and was instrumental in having the city adopt a historic zoning ordinance in 1957. In 1991, the district boundary was expanded to include many of early-twentieth-century buildings in vicinity.

OAKWOOD-CHIMBORAZO – The Oakwood-Chimborazo Historic District is an example of early speculative residential development following the introduction of a trolley line; thus the district's linear shape, encompassing three neighborhoods—Chimborazo, Oakwood, and Glenwood Park. The Oakwood-Chimborazo district contains a significant collection of late 19th- and early 20th-century brick and frame dwellings that display an eclectic architectural mix of Late Victorian, Queen Anne, and Colonial Revival styles, alongside Victorian cottages and a few bungalow-style houses. Schools, churches, and corner stores enhance the visual dynamic of the district, which also includes three contributing cemeteries and three parks, one school, and 1,606 buildings. The Civil War-related sites of Chimborazo Hospital and Oakwood Cemetery also are part of the district. Many of Richmond's leading architects designed buildings here. For the most part the district reveals a high level of integrity and preservation. The significant growth of Richmond's African American middle-class is evidenced in the district's Evergreen Cemetery, established in 1891, and the transition of the area during the 1950s and 1960s into a largely black community.

ARMITAGE MANUFACTURING COMPANY, 3200 WILLIAMSBURG AVENUE – The 1900 two-story warehouse stands on the north side of Williamsburg Avenue in the City of Richmond. The industrial building consists primarily of two wings: one fronting onto the sidewalk along Williamsburg Avenue and one extending northeast to the rear. The earliest part of the building is the two-story and basement east end of the front wing, which was constructed in 1900 from designs by the Richmond-based architectural firm of Noland & Baskervill. The firm's design, which replaced an earlier building that was destroyed by fire, may be the first industrial building completed by the nascent firm. The Armitage Manufacturing Company (Armitage Co.) erected

the plant where it produced building materials and roofing paper utilizing the coal-tar by-product from the City's Gas Works. The Armitage Co. occupied the building site from the late 1880s until 1913 when the company filed for bankruptcy and the property was sold at auction. In 1916, the Fibre Board Container Co. (Fibre Board), manufacturers of corrugated shipping containers, occupied the building, expanding the original plant between 1924 and 1939. Fibre Board remained in the building until the late 1950s. By the 1960s, the plant closed and used mainly as warehouse storage. The building parcel is adjacent to the Chimborazo and Church Hill neighborhoods. The historic Fulton neighborhood, now demolished, formerly occupied areas to the east and southeast. The warehouse's location took advantage of the numerous transportation routes and modes in the area including the James River, Williamsburg Road, Route 5, and the tracks of the C&O and Southern (formerly the Richmond and York River Railroad) railroads. The warehouse is located across from the former City of Richmond (Fulton) Gas Works and historically was surrounded by other light industrial enterprises such as the Richmond City Mills and the industries at Rocketts.

WOODWARD HOUSE, 3017 WILLIAMSBURG AVENUE – Near the Armitage Manufacturing Company and below Libby Hill Park and Church Hill, this house is the last surviving structure from the once-bustling port of Rocketts Landing. Enlarged over the years from a two-room cottage, the house is believed to incorporate one of the oldest frame dwellings in the city. John Woodward, captain of the sloop *Rachell* and other ships operating out of the nearby port of Rocketts, occupied this wood-frame dwelling in the first two decades of the 19th century. The house is the only remaining building of the dockside neighborhood where ship captains and sailors, harbormasters and tobacco inspectors, tavern keepers and draymen, and assorted craftsmen and laborers once lived and worked. Much evolved and enlarged over the years, the house began before 1780 as a modest one-room cottage. Its present appearance was achieved by 1829 when the front two-and-a-half-story portion was added. Captain Woodward's house was spared a proposed demolition in 1974 and acquired by the Historic Richmond Foundation. It has since been sold and restored as a private residence.