



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2017-225: To close, to public use and travel, two portions of right-of-way known as East Main Street, consisting of 4,859± square feet and 18,935± square feet, respectively, located between its intersection with Gillies Creek and its intersection with Nicholson Street, 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

East Main Street, between Gillies Creek and Nicholson Street

PURPOSE

This ordinance is a companion ordinance to Ord. No. 2017-223, Ord. No. 2017-224, and Ord. No. 2017-226.

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. 2017-225 is to close to public use and travel two portions of the right-of-way known as E. Main Street, as described below, upon the satisfaction of the conditions listed below.

- Portions of E. Main Street to be Closed.
 - That certain approximately 0.112 acre portion of E. Main Street, shown as "Area 1" on the Plat, Sheet 1 of 3.
 - That certain approximately 0.435 portion of E. Main Street, shown as "Area 2" on the Plat, Sheet 1 of 3.
- Conditions: Prior to the closure taking effect, the EDA must:
 - Convey to the City an easement under, over, and across a 422 sq. ft. portion of the Stone Bistro Parcel, shown as "[C] Permanent 5' Utility Easement and Maintenance Easement for Roadway and BRT Station" on the Plat, Sheet 2 of 3.
 - Acknowledge, in writing, that the EDA is aware that certain facilities owned by Dominion Energy, Inc. and Windstream Holdings, Inc. run under Area 1 and Area 2, respectively, and agree, in writing, that the EDA will work in good faith with such companies to permit such companies to continue to use such property for such facilities following closure.
- Effect of Closure: Upon closure, the City shall have no further right, title, or interest in the closed rights-of-way other than those listed below and the ordinance should authorize the CAO to execute such documents necessary to convey, via quitclaim deed, the City's rights, title, and interest in the closed right-of-way to the EDA, which owns the property abutting both portions of the to-be-closed right-of-way. The City shall reserve the following interests in the quitclaim deed.

- A temporary access and construction easement across the closed right-of-way (Areas 1 and 2) to allow for the completion of any improvements to E. Main St. which may be incomplete as of the date of closure.
- Those easements shown on the Plat, Sheet 2 of 3, as:
 - “(D) Permanent 5’ Utility Easement and Maintenance Easement for Roadway & BRT Station”
 - “[E]Variable Width Permanent Utility Easement”
 - “[B] Permanent 5’ Utility Easement and Maintenance Easement for Roadway & BRT Station”

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

East Main Street, between Gillies Creek and Nicholson Street. This portion of East Main 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 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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