



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**Ord. No. 2017-223:** To declare that a public necessity exists and to authorize the acquisition of certain fee simple and easement interests in 3101 East Main Street for the purposes of providing vehicular access to 3101 Wharf Street, of the maintenance of the vehicular bridge crossing Gillies Creek and as otherwise needed to construct and maintain improvements to and across Gillies Creek, and of utilities, roadway maintenance, and the maintenance of a bus rapid transit station.

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

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#### **PETITIONER**

Matthew A. Welch, Richmond City Planning & Economic Development

#### **LOCATION**

3101 East Main Street

#### **PURPOSE**

This ordinance is a companion ordinance to Ord. No. 2017-224, Ord. No. 2017-225, 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. 2017-223 is to declare a public necessity exists and to authorize the CAO to acquire by gift from the EDA 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 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 on the Plat, Sheet 2 of 3, as "[F] 10' Easement for Bridge, Bulkheads, and Maintenance," 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.
- 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.

## **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.

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## **FINDINGS OF FACT**

### **Site Description**

3101 East Main Street consists of approximately 1.5 acres and is located between East Main Street and the Virginia Capital Trail to the north and south, and Gillies Creek and Nicholson Street right-of-way to the west and east. The property 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 subject property 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 for this property is M-2 Heavy Industrial

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