

**WINCHESTER COMMON COUNCIL SPECIAL MEETING  
EXHIBIT HALL – ROUSS CITY HALL  
TUESDAY, APRIL 15, 2014  
AGENDA  
6:00 p.m.**

**1.0 CALL TO ORDER AND ROLL CALL**

**2.0 PUBLIC COMMENTS**

**3.0 AGENDA**

**3.1 O-2014-09:** First Reading – AN ORDINANCE TO CONDITIONALLY VACATE A PORTION OF S. INDIAN ALLEY RIGHT-OF-WAY ADJOINING THE PROPOSED SHENANDOAH VALLEY DISCOVERY MUSEUM AT 19 W. CORK STREET AND CONDITIONALLY CONVEY IT TO THE SHENANDOAH VALLEY DISCOVERY MUSEUM, AS AMENDED (pages 2-10)

**3.2** Consideration of a motion to approve or reject the Comprehensive Agreement for John Kerr Elementary School

**4.0 ADJOURNMENT**

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 4/15/14 (Special Mtg)

CUT OFF DATE: \_\_\_\_\_

RESOLUTION \_\_ ORDINANCE X PUBLIC HEARING

ITEM TITLE:

Repeat 1<sup>st</sup> Reading

SV-14- 94 AN ORDINANCE TO CONDITIONALLY VACATE A PORTION OF S. INDIAN ALLEY RIGHT-OF-WAY ADJOINING THE PROPOSED SHENANDOAH VALLEY DISCOVERY MUSEUM AT 19 W. CORK STREET AND CONDITIONALLY CONVEY IT TO THE SHENANDOAH VALLEY DISCOVERY MUSEUM

STAFF RECOMMENDATION:

Staff recommends proceeding with 1<sup>st</sup> Reading on this revised ordinance and working with the Discovery Museum to prepare an Agreement that would stipulate terms and conditions for possible future reversion of ownership of the vacated and conveyed area back to the City.

PUBLIC NOTICE AND HEARING:

5/13/14 Regular Council meeting

ADVISORY BOARD RECOMMENDATION:

Planning Commission reviewed the item at the 3/18/14 meeting and recommended approval with conditions (see attached staff report).

FUNDING DATA: Expenses would be covered by the Discovery Museum

INSURANCE: Conditional conveyance of the land eliminates liability that the City would have as owner of the land.

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. City Attorney	<i>[Signature]</i>		4/10/2014
2. City Manager	<i>[Signature]</i>		4.10.14
3. Clerk of Council			

Initiating Department Director's Signature: *[Signature]* 4/10/14  
(Planning)



APPROVED AS TO FORM: *[Signature]* 4/10/2014  
CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Mayor and Members of City Council  
**From:** Tim Youmans, Planning Director  
**Date:** April 10, 2014  
**Re:** SV-14-94 Revised 1<sup>st</sup> Reading- S. Indian Alley Vacation & Conveyance

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**THE ISSUE:**

The Shenandoah Valley Discovery Museum proposes to make revisions to the intersection of Indian Alley and W. Cork Street beside their proposed museum. The revisions are intended to improve pedestrian safety and create a small outdoor pad area. A small portion of Indian Alley would be vacated and conveyed for this.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal #3- Continued Revitalization of Historic Old Town  
Goal #1- Grow the Economy (Objective#1: *More Tourists coming to experience Winchester*)

**BACKGROUND:**

The City received a request from representatives of the Discovery Museum to make adjustments to the blind intersection at the NE corner of the proposed Discovery Museum where Indian Alley approaches W. Cork St from the south. The request is outlined in an undated proposal titled: "Proposal for Indian Alley and Sidewalk, 19 W. Cork Street." Mr. Phil Glaize will make a presentation on behalf of the Discovery Museum.

The proposal has been reviewed by staff from: Planning, Public Services, Police, Fire & Rescue, Downtown Management, and the Parking Authority. Overall, staff is supportive of the proposed changes.

**BUDGET IMPACT:**

None, other than possible revenue loss to WPA from removal of one or more metered curbside parking spaces if removed along W. Cork St. to provide bus standing.

**OPTIONS:**

- 1) Proceed with 1<sup>st</sup> Reading on a revised ordinance to vacate & convey and draft an Agreement covering terms of possible future reversion of the land to the City
- 2) Disapprove the request
- 3) Defer 1<sup>st</sup> Reading until the terms of reversion are fully drafted as part of the Agreement.

**RECOMMENDATIONS:**

Staff recommends Option #1 since the Vacation & Conveyance ordinance process requires 3 separate meetings of City Council, thus leaving ample time to work out the details of the Agreement prior to 2<sup>nd</sup> Reading and action.

Special Council Meeting  
April 15, 2014

**SV-14- 94 AN ORDINANCE TO CONDITIONALLY VACATE A PORTION OF S. INDIAN ALLEY RIGHT-OF-WAY ADJOINING THE PROPOSED SHENANDOAH VALLEY DISCOVERY MUSEUM AT 19 W. CORK STREET AND CONDITIONALLY CONVEY IT TO THE SHENANDOAH VALLEY DISCOVERY MUSEUM (As REVISED)**

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**REQUEST DESCRIPTION**

This request by the Shenandoah Valley Discovery Museum (‘Discovery Museum’) entails vacating the public street purpose of an improved section of S. Indian Alley adjoining the east side of the Discovery Museum property at 19 W. Cork Street. The proposal calls for conditionally vacating and conveying an irregular-shaped portion of the alley comprising approximately 235 square feet closest to the south side of W. Cork Street. A reversion clause would allow the City to reclaim the land for public alley purpose if the Discovery Museum ceases to use the property or fails to maintain it in safe and orderly manner as determined by City Council.

**AREA DESCRIPTION**

The segment of S. Indian Alley between W. Cork St and W. Clifford Street to the south has a very low volume of traffic. It is accessed mostly by motorists who own or lease property that has frontage along the one-block long section of the public alley. The Discovery Museum owns the adjoining property along the west side of the proposed vacation area and the City owns the parking lot property along the east side. There is already gravel access from Indian Alley into the WPA lot which would be improved. No parking spaces would be lost or relocated on the WPA lot because of this revised alignment of traffic flow.

**STAFF COMMENTS**

This vacation and conveyance request has been reviewed by a wide array of City Departments including: Police, Fire & Rescue, Planning, Public Services, Parks & Recreation, Downtown Management, WPA, and Tourism. Comments are provided in a separate matrix.

A vacation and conveyance of this subject 10-foot wide portion of S. Indian Alley would need to be conditioned upon establishing utility easements for existing utilities situated within the existing public right-of-way and for any needed drainage. Staff also recommends that the ordinance be subject to a reversion clause which would allow the City to reclaim ownership of the area for public alley purpose. The triggers for reversion could be spelled out in an agreement between the City and the Museum, but would likely include: discontinued use of the property at 19 W. Cork St as a museum; failure to maintain the area in a safe and/or orderly manner, or if the City and/or the WPA discontinue use of the WPA property for public parking. Council should determine what provisions should be included in the Development Agreement as compared to the Ordinance itself.

At its March 18, 2013 meeting, the Planning Commission forwarded SV-14-94 recommending approval of the vacation and conveyance because it is consistent with the Comprehensive Plan subject to:

1. Establishment of utility easements for existing utilities situated within the existing public right-of-way;
2. An agreement between the City and the Discovery Museum spelling out the terms and conditions of any possible reversion of ownership back to the City in the future; and,
3. Submittal of an operational plan that adequately addresses the safety concerns that may arise in the future.

At the March 25, 2014 Council work session, a motion was made to forward the request for First Reading with the 3 conditions recommended by Planning Commission plus a fourth condition that no improvements be permitted in the vacated pad area. Assuming that the total prohibition on improvements

is made a part of the final ordinance, then there would not need to be much language in the Development Agreement to guide the installation and maintenance of improvements such as fencing, benches, walls, signage, landscaping, and statuary.

Staff believes that the use of internal viewers on this request would be appropriate and would recommend that the conveyance be subject to only a nominal (i.e. \$10) dollar amount since it would be subject to possible reversion.

#### **RECOMMENDATION**

Conduct First Reading of SV-14-94 recommending approval of the vacation and conveyance because it is consistent with the Comprehensive Plan subject to:

1. Establishment of utility easements for existing utilities situated within the existing public right-of-way;
2. An agreement between the City and the Discovery Museum spelling out the terms and conditions of any possible reversion of ownership back to the City in the future;
3. Submittal of an operational plan that adequately addresses the safety concerns that may arise in the future; and,
4. No improvements be permitted in the vacated pad area.

Updated: 2-19-14						
ISSUE	Downtown Mgr	Fire & Rescue	Planning	Police	Public Services	WPA
<b>Alley Traffic flow</b>						
volume	volume low but I recommend a no left turn whether we convey the park or not	No Issues	Very low volume. Should not be problem	No Issues	Volume is low. Do not currently have traffic counts.	
diversion into Cork St lot	already permitted no real change people who see it as convenient will use it regardless	No parking should be allowed in the alley to avoid impairing access for emergency vehicles.	Already permitted via connector. Does not reduce # of spaces in lot	No Issues		See 1-31-14 letter from WPA Chairman
safety	definitely increases safety to create some distance between cars and the entrance to the museum, we see the visability		Cork St lot has Superior curbcut on Cork St & provides better line of sight	No Issues	Improve Safety: The sight distance out of the Cork Street lot is better than out of Indian Alley.	
<b>Changes on Cork St</b>						
bus parking	I would put bus parking on the Discover Museum side and make it open parking after 5.	Bus Parking, if any, is acceptable as long driver stays with vehicle.	Can be decided separate from alley vacation	Not relevant to vacation		
non-bus parking		Same As Above	Can be decided separate from alley vacation	Not relevant to vacation		
bump out/crosswalk	The crosswalk is essential could be raised or not.	Same As Above	Seems desirable and improves pedestrian safety for all	Not relevant to vacation	Bumpout at this location should be fine (not interfere with traffic	
<b>Use of vacated alley</b>						
Dinosaur Climbing area	Great visual image, like public art which is good for the downtown also good to have	Same As Above	Seems consistent with goals to make old town 'kid-friendly'	No issue other than potential vandalism		
safety of children	Smart design with appropriate fencing and cushioned surface are important.	Same As Above	Will require monitoring	Not issue for us		
wall construction	I recommend attractive wrought iron type that can be both see through in an attractive color and design but also increase safety.	Same As Above	Need to see details on site plan. Ensure 3' separation from vehicle travel ways.	No issue		
maintenance		Same As Above	Could be condition of vacation ordinance.	No issue		
aesthetics	the museum and character of the overall downtown.	Same As Above	Will need BAR approval	No issue		



George Washington Autopark  
Samantha Anderson, Executive Director  
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January 31, 2014

Honorable Mayor and Members of Council  
Rouss City Hall  
15 North Cameron St  
Winchester, VA 22601

**RE: Conceptual Discovery Museum pocket park presented September 2013**

Dear Honorable Mayor and Members of Council,

The Authority willingly defers the discussion of traffic dynamics to those with expertise. We do, however, have serious concerns over the public parking capacity on the south end of Old Town. We would hope that our collective efforts would be to increase the number, safety and efficiencies of parking spaces in the area rather than being creative to reduce them. The Authority would be very willing to assist the City in acquiring additional public spaces should the opportunity arise.

The Cork St. lot is the only public parking serving the businesses and residents south of the pedestrian mall. It also is an essential resource for Apple Blossom and has staged some special events for Old Town. The concept of redirecting a lane of traffic through to Loudoun St. would eliminate those opportunities.

We can't help but think that moving traffic into a parking area would, at best, transfer the safety issues onto the parking lot where motorists tend not to look for through traffic when backing into or out of a space. Further, to encourage children to play in such close proximity to bus, street and parking traffic seems to invite the inevitable accident.

Respectfully submitted,

Richard Helm  
Chairman, Winchester Parking Authority

AN ORDINANCE TO CONDITIONALLY VACATE A PORTION OF S. INDIAN ALLEY RIGHT-OF-WAY ADJOINING THE PROPOSED SHENANDOAH VALLEY DISCOVERY MUSEUM AT 19 W. CORK STREET AND CONDITIONALLY CONVEY IT TO THE SHENANDOAH VALLEY DISCOVERY MUSEUM SV-14- 94

**WHEREAS**, the Common Council has received a request from the Shenandoah Valley Discovery Museum, owner of 19 W. Cork Street, to vacate and convey to it a portion of existing S. Indian Alley right-of-way as generally depicted in red on the attached exhibit dated February 2014; and,

**WHEREAS**, the City is empowered to vacate rights-of-way in the City and, if desired, convey them to certain individuals as a condition of vacation pursuant to, and in conformance with, the provisions of Virginia Code Section §15.2-2006 and §15.2-2008 et. seq., respectively, as amended; and,

**WHEREAS**, the Planning Commission of the City of Winchester has reviewed the aforesaid request and, at its meeting of March 18, 2014, recommended approval of this action subject to: 1. Establishment of utility easements for existing utilities situated within the existing public right-of-way; 2. An agreement between the City and the Discovery Museum spelling out the terms and conditions of any possible reversion of ownership back to the City in the future; and, 3. Submittal of an operational plan that adequately addresses the safety concerns that may arise in the future; and,

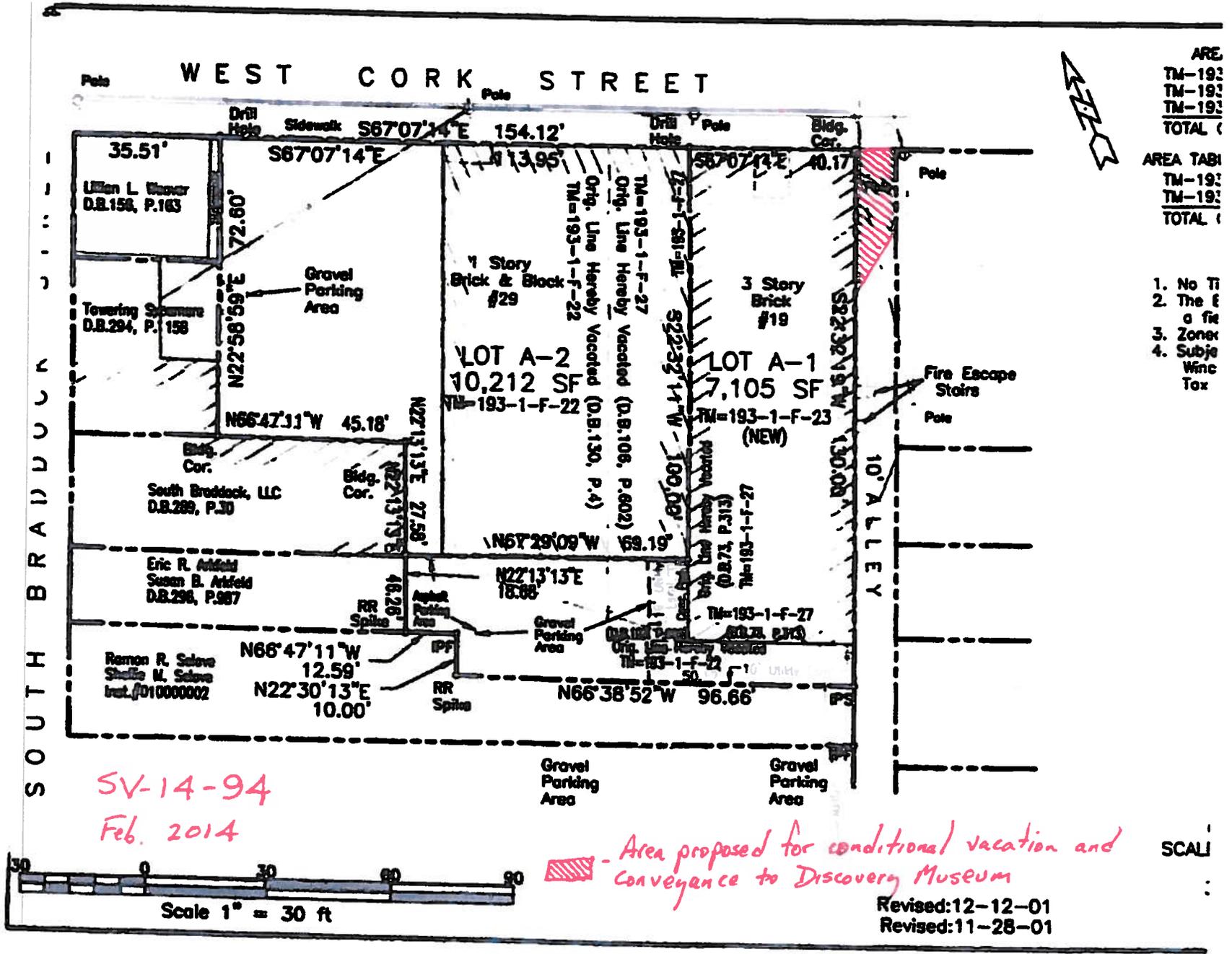
**WHEREAS**, City Council reviewed the aforesaid request and recommendation of the Planning Commission and, at its work session of March 25, 2014, recommended approval of this action subject to the three conditions outlined by the Commission and the addition of a fourth condition stipulating that no fixed improvements be installed in the pad area; and,

**WHEREAS**, a synopsis of this Ordinance has been duly advertised and a Public Hearing has been conducted by the Common Council of the City of Winchester, Virginia, and viewers were appointed to report on the inconvenience, if any, of said vacation, all as required by and provided for under the Code of Virginia, 1950, as amended; and,

**WHEREAS**, the viewers have prepared a report in writing, said report concluding that an inconvenience would not result from discontinuing the right-of-way provided conditions are met.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Winchester, Virginia, that the portion of S. Indian Alley public right of way depicted on the attached exhibit dated February 2014 be conditionally vacated as to its public use subject to: 1. Establishment of utility easements for existing utilities situated within the existing public right-of-way; 2. Establishment of terms agreeable to the City which shall provide for an automatic reversion of the property upon conditions prescribed by the City, which terms shall be reflected in a written agreement and recorded in the deed of the subject property; 3. Submittal of an operational plan that adequately addresses the safety concerns that may arise in the future; and, 4. No fixed improvements be installed in the pad area.

**BE IT FURTHER ORDAINED** that the ordinance shall not take effect until Shenandoah Valley Discovery Museum has secured approval of a Minor Subdivision to assemble the vacated public right of way in with the adjoining property at 19 W. Cork Street. The City Attorney is directed to prepare a deed for the conveyance and the City Manager is directed and authorized to execute all documents necessary to carry out this ordinance.



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SCALE

## **Shenandoah Valley Discovery Museum: Safety Buffer at Indian Alley and 19 W. Cork Street**

### **Proposed safety buffer:**

- measures 16 feet wide to hedge (remove hedge); and 33 feet long
- fire truck turning radius of 26 feet feasible with above dimensions
- dinosaur skull measures 4.3 x 6.5 ft.
- skull placed on bed of bark mulch
- perimeter protection of low hedge with gate or iron fence similar to Timbrook Park
- paver treatment similar to sidewalk



• **CORK STREET**