

INTRODUCED: May 8, 2023

AN ORDINANCE No. 2023-260

To amend and reordain Ord. No. 86-81-83, adopted Apr. 28, 1986, previously amended by Ord. No. 2000-289-271, adopted Sept. 11, 2000, and Ord. No. 2023-158, adopted Jun. 12, 2023, which authorized the special use of the property known as 1200-1206 East Cary for the purpose of a hotel containing up to 57 rooms and other uses permitted in the B-5 Central Business District and additional signs, and modified the parking requirements, to authorize an outdoor walk-up automated teller machine, upon certain terms and conditions.

Patron – Mayor Stoney (By Request) and Ms. Robertson

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 10 2023 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 86-81-83, adopted April 28, 1986, previously amended by Ordinance No. 2000-289-271, adopted September 11, 2000, and Ordinance No. 2023-158, adopted June 12, 2023, be and is hereby amended and reordained as follows:

II. § 1. That the property known as 1200-1206 East Cary Street, containing 7,100 square feet, more or less, located on the northeast corner of East Cary Street and South 12th Street being more completely described as follows: beginning at the point of intersection of the north

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 10 2023 REJECTED: _____ STRICKEN: _____

right of way line of East Cary Street and the east right of way line of South 12th Street; thence extending in a northerly direction 79.90 feet, more or less, along said alley to a property line; thence extending in a southerly direction 79.88 feet, more or less, along said property line to the north right of way line of East Cary Street, thence extending in a westerly direction 88.85 feet, more or less, along the north right of way line of East Cary Street to the point of beginning, hereinafter known as “the Property,” is hereby permitted to be used for purposes of the construction of a hotel containing up to fifty-seven rooms and other uses permitted in the B-5 Central Business District, substantially as shown on the following plans, hereinafter referred to, collectively as “the Plans”: (i) site plan, floor plans and elevations drawings, entitled: “12th & Cary Sts., Richmond, Virginia”, dated January 28, 1987, prepared by Richard Stauffer Associates, Architect, copies of which are attached to Ordinance No. 87-38-41, adopted March 9, 1987, (ii) the site plan prepared by the Department of Public Works Entitled: “Proposed and Existing Encroachments on the North Line of E. Cary Street Between S. 12th Street and S. 13th Street at 1200-06 E. Cary Street (Berkeley Hotel)” dated July 7, 2000, and (iii) the untitled elevation drawings and sign plans and dated May 18, 2000 containing one sheet showing the sign locations and nine sheets depicting signs 1 through 9, said sheets showing the existing and proposed signage a copy of which plans are attached to Ordinance No. 2000-298-271, adopted September 11, 2000. The Plans are incorporated in and to be read as a part of this amendatory ordinance.

§ 2. That the Commissioner of Buildings is hereby authorized to issue to the owner of the Property, or successor or successors in fee simple title, a building permit for the purpose of constructing the building and to permit the occupancy of the Property for purposes of a hotel and other uses permitted in the B-5 Central Business District and an outdoor walk-up automated teller

machine, subject to the applicable regulations of Chapter 30, Article IX, Division 4 of the Code of the City of Richmond (2020), as amended. The special use permit shall be transferable to the successor or successors in title of the owner, whether acquired by operation of law, deed or otherwise and shall run with the land subject to the following terms and conditions:

(a) That the acceptance of the permits and the exercise of the privileges granted by this ordinance by the owner and successor or successors in title shall constitute a warranty on the part of the owner and successor or successors that title to the land and the building thereon shall be vested in the same person or persons or corporation;

(b) That the owner and occupant shall be bound by, observe and shall comply with all other laws, ordinances and rules and regulations applicable to the Property and building, except as otherwise provided in this amendatory ordinance;

(c) That off-street parking spaces may be within 800 feet of the ~~[property]~~ Property.

(d) That exterior architectural details signage, building materials, and colors shall be subject to approval by the Commission of Architectural Review;

(e) That storm or surface water shall not be allowed to accumulate on the Property, and adequate facilities for drainage of storm or surface water from the Property or building shall be provided and maintained at all times by the owner at its cost and expense so as not to adversely affect or damage adjacent properties or public streets and the use thereof;

(f) That facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened as not to be visible from adjacent properties, public street and public alleys;

(g) That final grading and drainage plans shall be approved by the Director of Public Utilities prior to the issuance of a building permit;

(h) That identification of the Property shall be as authorized in the B-5 Central Business zoning district regulations, provided that additional projecting signs along the East Cary Street frontage shall be authorized substantially as shown on the drawings attached to Ordinance No. 2000-289-271, adopted September 11, 2000;

(i) That in all other respects, the [~~property~~] Property shall be subject to the underlying zoning regulations;

(j) The designation of on-street waiting and loading areas shall be subject to approval by the Bureau of Traffic Engineering. The owner/operator of the hotel shall take whatever action is necessary to see that the operation of the hotel does not result in the blockage of traffic lanes on the abutting streets; and

(k) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid;

(l) The Owner of the Property shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this amendatory ordinance;

(m) Words and phrases used in this amendatory ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(n) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this amendatory ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction,

the invalidity shall cause the entire amendatory ordinance to be void and of no further effect from the effective date of such order;

(o) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-150.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this amendatory ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations; and

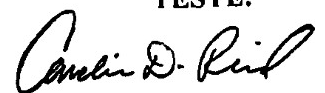
(p) When the privileges granted by this amendatory ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner of the Property relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated~~]; and~~

~~(q) — That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when the use of the Property is abandoned for a period of 24 consecutive months, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is situated].~~

§ 3. This amendatory ordinance shall be in force and effect upon adoption.

III. This amendatory ordinance shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**



City Clerk



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Master

File Number: Admin-2023-0818

File ID: Admin-2023-0818

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 2

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 06/29/2023

Subject:

Final Action:

Title: To amend and reordain Ord. No. 86-81-83, adopted Apr. 28, 1986, and last amended by Ord. No. 2023-158 adopted June 12, 2023, which authorized the special use of the property known as 1200-1206 East Cary for the purpose of a hotel containing up to 57 rooms and other uses permitted in the B-5 Central Business District and additional signs, and modified the parking requirements, to now authorize an outdoor walk-up automated teller machine, upon certain terms and conditions.

Internal Notes:

Code Sections:

Agenda Date: 09/11/2023

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2023-0818_Support Documents,
Admin-2023-0818_Draft Ordinance

Enactment Number:

Contact:

Introduction Date:

Drafter: David.Watson@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	8/11/2023	Matthew Ebinger	Approve	8/15/2023
2	2	8/11/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	8/15/2023	Kevin Vonck	Approve	8/18/2023
2	4	8/15/2023	Alecia Blackwell - FYI	Notified - FYI	
2	5	8/15/2023	Sharon Ebert	Approve	8/22/2023
2	6	8/15/2023	Caitlin Sedano - FYI	Notified - FYI	
2	7	8/15/2023	Jeff Gray - FYI	Notified - FYI	
2	8	8/25/2023	Lincoln Saunders	Approve	8/17/2023
2	9	9/7/2023	Mayor Stoney	Approve	8/29/2023

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2023-0818

Title

To amend and reordain Ord. No. 86-81-83, adopted Apr. 28, 1986, and last amended by Ord. No. 2023-158 adopted June 12, 2023, which authorized the special use of the property known as 1200-1206 East Cary for the purpose of a hotel containing up to 57 rooms and other uses permitted in the B-5 Central Business District and additional signs, and modified the parking requirements, to now authorize an outdoor walk-up automated teller machine, upon certain terms and conditions.

Body

O & R Request

DATE: August 11, 2023 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review

RE: To amend and reordain Ord. No. 86-81-83, adopted Apr. 28, 1986, and last amended by Ord. No. 2023-158 adopted June 12, 2023, which authorized the special use of the property known as 1200-1206 East Cary for the purpose of a hotel containing up to 57 rooms and other uses permitted in the B-5 Central Business District and additional signs, and modified the parking requirements, to now authorize an outdoor walk-up automated teller machine, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend and reordain Ord. No. 86-81-83, adopted Apr. 28, 1986, and last amended by Ord. No. 2023-158 adopted June 12, 2023, which authorized the special use of the property known as 1200-1206 East Cary for the purpose of a hotel containing up to 57 rooms and other uses permitted in the B-5 Central Business District and additional signs, and modified the parking requirements, to now authorize an outdoor walk-up automated teller machine, upon certain terms and conditions.

REASON: The subject property is located in the B-5 Central Business District where hotels are a permitted principal use, and restaurants are permitted accessory uses. Prior to being zoned B-5, the property was zoned M-1 Light Industrial and during this time a special use permit authorized under Ord. No. 2000-289-271 was granted to authorized B-5 uses under certain terms and conditions. Outdoor Automated Teller Machines are not permitted in the B-5 Central Business District nor are they permitted under the existing special use permit. Therefore a special use permit is requested.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council.

BACKGROUND: The .163 acre subject property, known as 1200-06 East Cary Street, is located at the corner of 12th Street and E. Cary Street in an area surrounded by commercial and mixed use buildings.

The subject property is designated for Downtown Mixed-Use land use by Richmond 300 Master Plan. This land use category is described as the Central business district of the Richmond region features high-density development with office buildings, residential buildings, and a mix of complementary uses, including regional destinations in a highly-walkable urban environment. It is also within the Downtown Core node.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: None

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: September 11, 2023

CITY COUNCIL PUBLIC HEARING DATE: October 10, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
October 2, 2023

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: Amend Ord. No. 2023-158

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Application Form, Applicant's Report, Ordinance Draft

STAFF: David Watson, Senior Planner, Land Use Administration 804-626-1036

..Recommended Action

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike Withdrawn ---- Continue to:



Application for **SPECIAL USE PERMIT**

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/>

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

Project Name/Location

Property Address: 1200 E Cary Street Date: _____

Tax Map #: E0000162006 Fee: \$1,800

Total area of affected site in acres: 0.163

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

Zoning

Current Zoning: B-5

Existing Use: Hotel

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Upfit the property known as 1206 E Cary Street for use as a bank with a walk-up ATM

Existing Use: Hotel

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: SUP 2000-289-271

Applicant/Contact Person: Will Gillette/Mark Baker

Company: Baker Development Resources

Mailing Address: 530 East Main Street, Suite 730

City: Richmond State: VA Zip Code: 23219

Telephone: (864) 377-9140 Fax: ()

Email: will@bakerdevelopmentresources.com

Property Owner: BERKELEY HOTEL PARTNERS LLC C/O NICK PATEL

If Business Entity, name and title of authorized signee: _____

(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: 11541 NUCKOLS RD STE D

City: GLEN ALLEN State: VA Zip Code: 23059

Telephone: () Fax: ()

Email: _____

Property Owner Signature: 

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.**

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

APPLICANT'S REPORT

March 10th, 2023

*Special Use Permit Request
1200 E Cary Street, Richmond, Virginia
Map Reference Number: E000-0820/024*

Submitted to: **City of Richmond**
Department of Planning and Development Review
Land Use Administration
900 East Broad Street, Suite 511
Richmond, Virginia 23219

Submitted by: **Mark Baker**
Baker Development Resources
530 East Main Street, Suite 730
Richmond, VA 23219

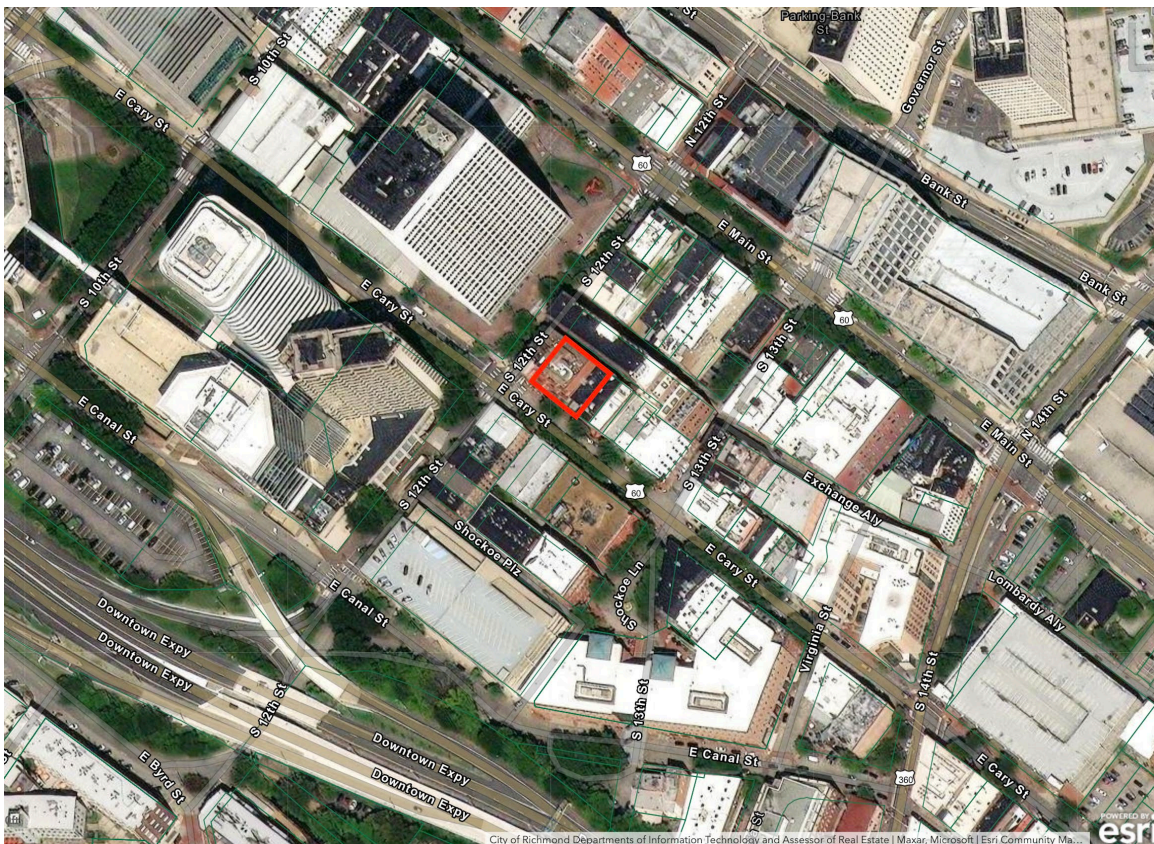
Introduction

The applicant is requesting an amendment to the existing special use permit (the "SUP") for the property known as 1200 E Cary Street (the "Property"). The special use permit amendment (the "SUPA") would authorize the installation of a new walk-up ATM in the retail space fronting E Cary Street. While the use of the retail space as a bank is permitted by the underlying B-5 Central Business District, the proposed walk-up ATM is not and therefore, the SUPA is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located at the corner of S 12th and E Cary Streets and is currently improved with the Berkeley Hotel which was authorized by Ordinance Number 86-81-83. The proposed bank use would occupy a former multipurpose room on the first floor of the Property, fronting E Cary Street. It is referenced by the City Assessor with a tax parcel number of E000-0820/024 and includes roughly 7,115 square feet of total lot area.



The Property lies within the Shockoe Slip neighborhood at the intersection of E Cary Street and S 12th Street. Properties in the area are primarily developed with a range of commercial uses though mixed-use and apartment building can also be found.

EXISTING ZONING

The Property and the adjacent properties to the east are zoned B-5 Central Business, which permits the proposed bank use. Properties to the west, across S 12th Street are zoned B-4 Central Business District. The Property is also located within the Shockoe Slip City Old and Historic District.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the "Master Plan") designates the Property as "Downtown Mixed-Use". This future land use category is described as the "central business district of the Richmond region" and "features high-density development with office buildings, residential buildings, and a mix of complementary uses." It is further described as including "regional destinations in a highly-walkable urban environment" and recommends ground floor uses which engage and enliven the street. Retail and office uses are contemplated as primary uses.

The Property is also located within the Downtown Core National/Regional Priority Growth Node which is described as being "where the City is encouraging the most significant growth in population and development over the next 20 years."

In addition to the Property-specific guidance offered by the Vision and Core Concepts chapter, there are a number of other goals elsewhere within the Master Plan that support this request:

- Page 86 (High Quality Places Chapter), Objective 3.1, to "support the growth of jobs and housing in Nodes by using placemaking, clustering community-serving facilities at nodes,"
 - b. Co-locate, consolidate, and modernize community-serving public facilities, and locate them in or near Nodes.
- Page 100 (High Quality Places Chapter), Objective 4.1, to "create and preserve high-quality, distinctive, and well-designed neighborhoods and nodes throughout the City," as the request introduces thoughtfully designed new construction in a manner not otherwise assured by-right.

Proposal

PURPOSE OF REQUEST

The SUP would permit the installation of a walk-up ATM along the E Cary Street frontage of the Property. The applicant is occupying the existing space with a bank, as permitted by the underlying zoning, however, as the walk-up ATM is not permitted, a SUP is required.

PROJECT DETAILS/DESIGN

The Property owner is proposing to upfit the existing commercial space, previously used as a multi-purpose room for the Berkeley Hotel, for a local bank. As part of this upfit, the tenant is proposing to install a walk-up ATM in one of the three existing door bays along the E Cary Street frontage. The ATMs location permits pedestrians to easily access the structure and would help to engage and enliven the street. The proposed ATM would utilize the westernmost window bay of the historic façade and replace the window with the ATM and require screening of the interior. No changes are proposed to the other windows or the structure of the building.

The proposed design would be compatible with the existing fabric of the block and would allow for the tenant to better utilize the building as a bank. The proposed design allows for the utilization of an existing building in the neighborhood while also addressing the pedestrian realm and increasing the functionality of the overall commercial use. The extremely minimal intrusion into the structure, with just the replacement of a pane of glass, protects the structure while allowing for a simple replacement should another tenant occupy the building in the future.

Findings of Fact

The following are factors included in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- ***Be detrimental to the safety, health, morals and general welfare of the community involved.***

The proposed SUP will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed site improvements and density are consistent with the existing development in the vicinity. This request would simply permit the efficient utilization of the Property by allowing for new development to occur in a manner that is both of quality as well as consistent with the existing use of the Property.

- ***Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.***

The proposed SUP will not result in significant traffic impacts to nearby residential neighborhoods as the proposed ATM will only be accessible on foot.

- ***Create hazards from fire, panic or other dangers.***

The Property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- ***Tend to overcrowding of land and cause an undue concentration of population.***

The SUP will not tend to overcrowd the land or create an undue concentration of population.

- ***Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.***

The SUP would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

- ***Interfere with adequate light and air.***

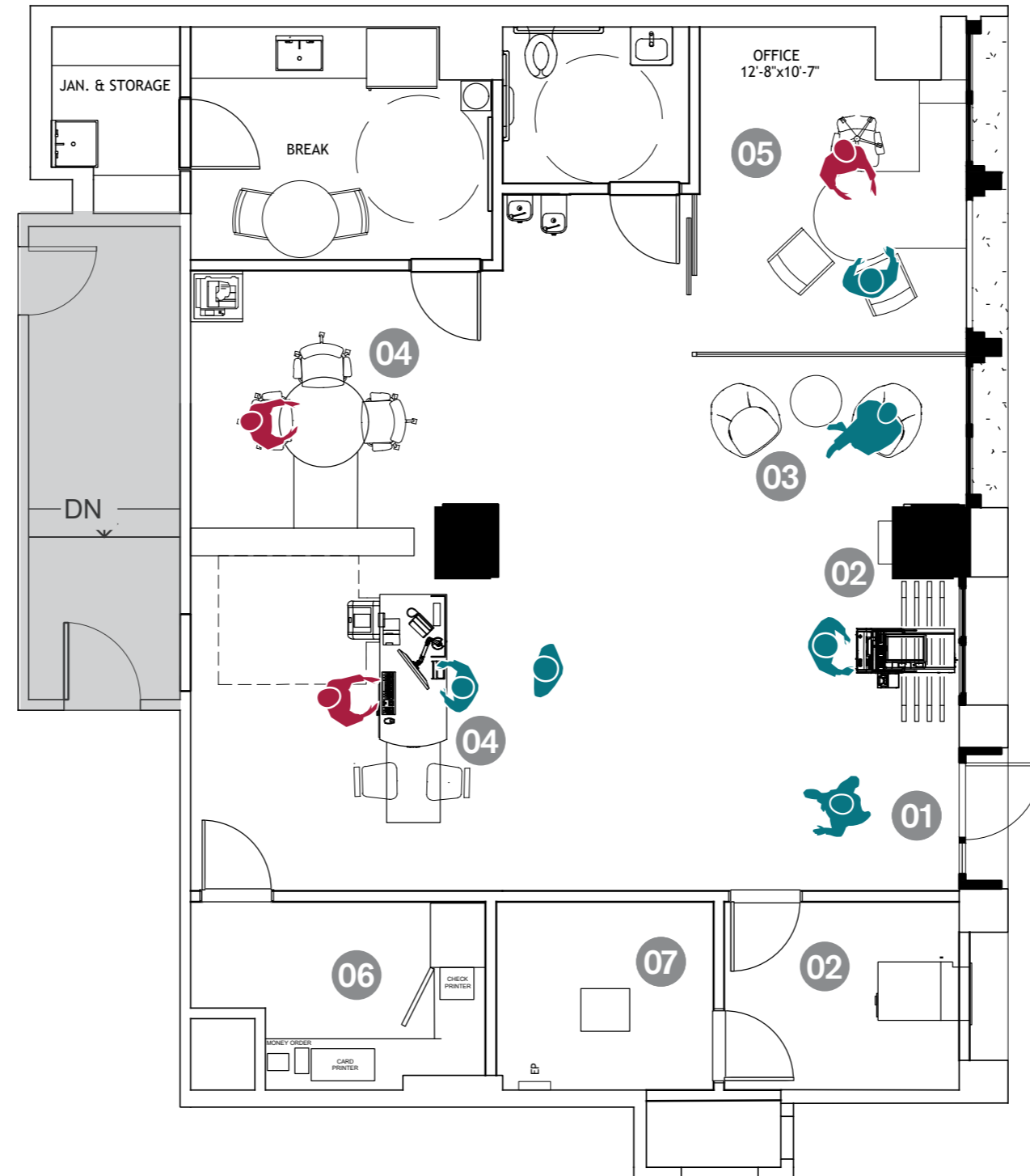
The light and air available to the subject and adjacent properties will not be affected.

Summary

In summary we are enthusiastically seeking approval for the installation of a walk-up ATM on the Property. The SUP represents an ideal use of an existing building in a manner which would enhance the pedestrian realm as supported by the Richmond 300 plan. In exchange for the SUP, the quality assurances conditioned therein, and the requirement for approval by the City's Commission of Architectural Review Board, would guarantee the construction a quality product which is consistent with the existing uses found in the area and the current Master Plan guidance.

Schematic Plan: Future Interior & Exterior ATM+

- 01 Entry
- 02 ATM+
- 03 Opt-In Seating
- 04 Dialogue Station
- 05 Office
- 06 Work Room
- 07 IT



SCALE PEOPLE KEY	
	Staff
	Consumer

Exterior View: Interior & Exterior ATM+

