

AN ORDINANCE No. 87-38-41

ADOPTED MAR 9 1987

To amend and reordain Ordinance No. 86-81-83, adopted April 28, 1986, entitled: "To authorize the use of the real estate 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 a point of intersection of the north 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 the east right of way line of South 12th Street to a 10-foot private alley; thence extending in an easterly direction 88.85 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, for purposes of a forty-seven room hotel with accessory retail uses, substantially as shown on site plan, floor plans and elevations drawings, entitled: 'A 47 Room Hotel, 12th & Cary Streets, Richmond, Va.' upon certain terms and conditions", to substitute drawings entitled: "12th and Cary Sts., Richmond, Virginia", to change permitted uses "forty-seven room hotel with accessory retail uses" to "a hotel containing up to fifty-seven rooms and other uses permitted in the B-5 Central Business District", and "off-street parking spaces in a number equal to the actual number of guest rooms in the hotel" in lieu of 47 parking spaces.

Patron - City Manager (By Request)

Approved as to form and legality
by City Attorney

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the real estate 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:

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 ~~[with-accessory-retail-uses]~~ and other uses permitted in the B-5 Central Business District. 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 adopted pursuant thereto, applicable to the land and building, except as otherwise provided in this ordinance;

(c) That [~~forty-seven-(47)~~] off-street parking spaces in a number equal to the actual number of guest rooms in the hotel shall be provided by lease agreement in accordance with Section 32-710.4 of the City of Richmond Zoning Regulations, with the exception that the parking may be within 800 feet of the property. Valet parking service

shall be provided for patrons of the hotel at least during the hours from 7:00 a.m. to 2:00 a.m.;

(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 land, and adequate facilities for drainage of storm or surface water from the land 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 streets and public alleys;

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

(h) That in all other respects, the property shall be subject to the B-5 Central Business District requirements of the City of Richmond Zoning Regulations;

(i) The designation of on-street waiting and loading areas shall be subject to approval by the Bureau of

AMENDED
SPECIAL USE PERMIT APPLICATION
CITY OF RICHMOND, VIRGINIA

Date 12/15/82

TO: The Honorable Council of the City of Richmond
c/o The Department of Planning & Community Development
900 East Broad Street, Room 511
Richmond, Virginia 23219

Application is hereby made for a SPECIAL USE PERMIT/^{Amendment} for (proposed use):

Hotel (\$32-442.1(10)) with Restaurant and adjoining Retail Space (\$32-44.1(1))
at the premises designated or described as follows: 1200-1206 E. Cary Street
Richmond, Virginia

in accordance with attached plans designated (title, sheet numbers, preparer, date)

SEE ATTACHED PLANS

The current zoning of the property is: B-5

Attached is a check for \$ 250.00, payable to "City of Richmond."
12th and Cary Associates

Signature of owner of property: By: Richard H. Stutts, General Partner

Address: 1211 E. Cary Street, Richmond, Virginia

Zip Code: 23219

Phone: (804) 780-1894

Applicant or owner's representative: James O. McIntosh

Hunton & Williams
Address: 707 E. Main Street

Richmond, Virginia
Zip Code: 23219

Phone: (804) 788-8380

Staff Note:

Application, plans, report, fee and other required information received: _____

Affects Master Plan YES _____ NO _____

BEFORE THE CITY COUNCIL OF
THE CITY OF RICHMOND, VIRGINIA

IN THE MATTER OF 12TH AND CARY ASSOCIATES
APPLICATION FOR AMENDED SPECIAL USE PERMIT

MEMORANDUM IN SUPPORT
OF APPLICATION

December 15, 1986

Walter F. Witt, Jr.
Patrick J. Milmoie
James O. McIntosh
Hunton & Williams
707 East Main Street
Richmond, Virginia 23212
Counsel

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ADDENDUM TO MEMORANDUM IN SUPPORT OF
APPLICATION FOR AMENDED SPECIAL USE PERMIT
DATED DECEMBER 15, 1986, IN THE MATTER OF
12th AND CARY ASSOCIATES

January 30, 1987

This Addendum modifies and amends the Memorandum in Support of Application by changing all references to the hotel's containing 55 guest rooms to 57 guest rooms. In accordance with this change, the Owner agrees to provide 57 off-street parking spaces for use in connection with the operation of the hotel, as opposed to the 55 off-street parking spaces currently described in the Memorandum in Support of Application.

The Owner has requested the change from 55 to 57 guest rooms to enable it to rent each of two suites shown on the project's plans as two separate rooms. Dividing the suites into two rooms each would result in the two room increase from 55 to 57.

In all other respects, the Memorandum in Support of Application remains unchanged.

BEFORE THE CITY COUNCIL OF
THE CITY OF RICHMOND, VIRGINIA

IN THE MATTER OF 12TH AND CARY ASSOCIATES
APPLICATION FOR AMENDED SPECIAL USE PERMIT

MEMORANDUM IN SUPPORT OF APPLICATION

I. Introduction.

12th and Cary Associates, a Virginia limited partnership (the "Owner") has filed an application requesting an amended special use permit for the property located at 1200-1206 East Cary Street, Richmond, Virginia (the "Property"). The City Council adopted a special use ordinance (Ordinance No. 86-81-83) covering the Property on April 28, 1986 (the "Existing Ordinance"), a copy of which is attached to this memorandum as Exhibit "A". The Existing Ordinance allows (i) the construction of improvements in excess of the height limitations imposed by the Richmond City Zoning Ordinance (the "Zoning Ordinance") for the B-5 Central Business District and (ii) the use of off-street parking located farther from the Property than allowed by the Zoning Ordinance. Although the Owner wishes to preserve the allowances for building height and parking location which are provided in the Existing Ordinance, the Existing Ordinance must be amended in other respects as a result of certain changes which have occurred in the plan of development for the Property.

Richard H. Stutts and Alan M. Voorhees. The limited partners of the partnership are Nathalie P. Voorhees and Ralph W. Voorhees. The partnership's purpose is to acquire, improve, own, manage, encumber, lease, develop and, if desired, sell the Property.

The developer/general partner for the project will be Richard H. Stutts. Mr. Stutts has over 15 years of development experience. During that period of time he has participated in the planning, construction, and leasing of renovation projects, shopping centers, and industrial buildings. Mr. Stutts has completed the successful renovation of three office buildings totaling 75,000 square feet and a recently completed 850 car parking deck, all located in Shockoe Slip National Historic District, of which the Property is a part.

B. The Property and the Area.

The Property is located at the western edge of, and at the entry point to, the Shockoe Slip National Historic District. An approximately 40 acre district, Shockoe Slip is part of the village first settled by Willam Byrd in 1678, and later, from the ruins of the Civil War, was developed as an area of manufacturing and warehousing. Most of the existing buildings were constructed over a twenty-year period (1865-1885), which accounts for the similarity in size and architectural style (primarily Italianate) of the structures. The area is physically and historically linked to the James River and strategically located within Richmond's Central Business District.

The Shockoe Slip area has been the focus of recent renovation and redevelopment, beginning in 1972 with the conversion of several industrial buildings to principally restaurant use, with some residential, office and retail development. This pattern continued until 1980 when there began a shift from restaurant development to office and retail activity. At present, there is considerable construction activity underway in the district and adjacent areas.

The site for the proposed project is the northeast corner of 12th and East Cary Streets. The Property is the only undeveloped site on the north side of the 1200 block of East Cary Street, and is directly opposite the highly successful Tobacco Company Restaurant. The Property is in need of development to lend integrity to the character of the district in the immediate vicinity of 12th and Cary Streets.

At present, the site consists of a parking lot, at grade level, on the corner of 12th and East Cary Streets, consisting of 3,300 square feet. Adjacent to the parking lot are two vacant buildings (circa 1870) consisting of approximately 13,000 gross square feet. The buildings would have to be totally renovated in order to bring them to acceptable standards for the proposed use.

C. The Project.

Although certain details have been altered, the general development plan for the Property has not changed since the adoption of the Existing Ordinance. The plan is to construct a new building which would be linked, aesthetically and physically, to the facades of the existing buildings. The format for development will be consistent with the character and heritage of the Shockoe Slip National Historic District. The development plans are illustrated by the plans and drawings submitted in conjunction with this memorandum and the Owner's application for an amended special use permit.

The Commission of Architectural Review of the City of Richmond (the "C.A.R.") gave the original plan of development preliminary approval at a hearing conducted in September, 1984, and final approval on December 18, 1985. The C.A.R. considered and approved the revised plan of development, including the changes addressed in this memorandum, at a hearing conducted on July 23, 1986, subject to the Owner's satisfaction of three conditions.

The three conditions were imposed by the C.A.R. to protect the public's interest in preserving historic properties and to ensure the project's completion. These goals are shared by the Owner. The three conditions are outlined in a letter dated August 22, 1986, from John Albers to Richard Stutts, a copy

of which is attached to this memorandum as Exhibit "B". The Owner has satisfied or, in the near future, will satisfy each of the three conditions imposed by the C.A.R.

The completed hotel will include approximately 42,100 square feet of gross floor area, exclusive of balconies. Approximately forty persons will be employed in operating the hotel. Entrance to the hotel will be from Cary Street where a loading zone for hotel guests is proposed. The entrance will include a reception and lobby area for the hotel guests. The hotel will include a restaurant, primarily for the convenience of hotel guests. Each room in the hotel will be decorated with high quality furnishings, including many antiques. The hotel will offer first-class accommodations and will cater primarily to business travelers.

The first floor of the proposed improvements will be leased to retail businesses. The first floor retail space will be consistent with other businesses in the district, which is increasingly an important retail center for the downtown area. The Owner feels strongly that this project will be a positive addition to both Shockoe Slip and downtown Richmond.

D. Change in the Number of Rooms and Parking Spaces.

The Existing Ordinance provides for the construction of a 47-room hotel and, in accordance with the provisions of the Zoning Ordinance, 47 off-street parking spaces. The new plan of

development calls for the construction of a 55-room hotel for which the Zoning Ordinance requires 55 off-street parking spaces.

The increased number of rooms has been made possible by shifting the location of the elevators within the proposed hotel, and has not necessitated an increase in the exterior dimensions of the improvements. In fact, the revised plan of development has actually resulted in a reduction in the height of the hotel's tower by 12½ feet and a reduction in the height of the remainder of the hotel by 3½ feet. The eight additional rooms will not materially alter the nature of the project as previously proposed, but rather will simply serve to bring additional revenue to the Shockoe Slip National Historic District by increasing the guest capacity of the hotel.

The addition of eight guest rooms will require the addition of eight off-street parking spaces. The additional spaces are already available in the same location as permitted to be used by the Existing Ordinance. The Owner currently is the lessee under a long term parking lease with 14th and Cary Associates. The initial term of the lease is 20 years. The lease entitles the Owner to the use of 55 off-street parking spaces in the parking deck located at the corner of 14th and Cary Streets.

The Existing Ordinance allows the Owner's use of the 14th and Cary Street parking deck, which is located within 800 feet of the Owner's proposed hotel. The Owner's plans to operate

a valet parking service for hotel guests, as required by the Existing Ordinance, have not changed.

The addition of eight guest rooms and eight off-street parking spaces requires an amendment of the Existing Ordinance because of the specificity with which it was drafted. The Owner submits that the proposed changes will not materially alter the nature of the hotel project, as previously proposed. More importantly, the proposed changes will in no way diminish the benefits to be derived from this project by the City of Richmond and by the other businesses located within the Shockoe Slip National Historic District.

E. The Restaurant.

The revised plan of development includes a restaurant in the hotel complex. The restaurant has been proposed primarily for the benefit and convenience of guests of the hotel. In general, the restaurant will increase the attractiveness of the hotel's accommodations to business travelers.

Relative to other restaurants currently operated in the Shockoe Slip National Historic District, the hotel's restaurant will be a small scale operation. The proposed restaurant will seat approximately fifty people. The hotel's restaurant will potentially draw more business to the hotel and, in turn, to other restaurant establishments currently located in and about Shockoe Slip. Although many guests of the hotel will use the

newly proposed restaurant for one or possibly two meals, it is likely that hotel guests will venture into the Shockoe Slip area to other restaurants for additional meals. Several existing restaurants currently operating within Shockoe Slip have indicated their support for the addition of a restaurant in the hotel.

The Owner believes that the newly proposed restaurant not only will add to the appeal of the hotel itself, but also will be a positive addition to, and will generally increase revenues within, the Shockoe Slip National Historic District.

F. Location of Tower.

As a result of the revised plan of development, the location of the hotel's tower has been shifted slightly to the immediate southwest corner of the building. The actual change in location of the tower from that proposed at the time of the adoption of the Existing Ordinance will be no more than four or five feet. The newly proposed location of the tower is illustrated by the plans submitted with this memorandum.

The relocation of the tower has several benefits. The Owner believes that the shift in the location of the tower, which remains the central architectural feature of the hotel, will improve the architectural integrity of the project. In addition, the new plan of development has allowed the Owner to actually reduce the overall size of the tower, as previously urged

by the Planning Commission and the City Council. Under the new plan of development the height of the tower has been reduced by 12½ feet, as previously indicated, and the lateral dimensions of the tower have been reduced from 25 feet square to 20 feet square. The Owner believes that these reductions in tower size are positive features of the new plan, bringing the project more in line with the height restrictions imposed by the Zoning Ordinance and with the hopes and suggestions of the Planning Commission and City Council.

G. Location of Hotel Entrance.

The final additional change necessitated by the new plan of development is the relocation of the proposed entrance to the hotel from 12th Street to Cary Street. The Owner believes that a Cary Street entrance will enable the hotel to become more of a part of business activity within Shockoe Slip. In addition, the exterior features and the interior layout of the hotel will be significantly improved by relocating the hotel entrance to Cary Street.

Because of the almost continuous operation of the hotel's valet service, the Owner does not believe that traffic congestion will be increased along Cary Street. To the contrary, because of the location of the hotel's parking at 14th and Cary Streets to the east, and because of the eastwardly uni-directional traffic flow along Cary Street, the Owner

"Charter") and Section 32.1050.1 of the Richmond City Code (the "Code"). Section 17.11(b) of the Charter provides, in pertinent part, as follows:

The council shall have the power to authorize by ordinance adopted by not less than six affirmative votes the use of the land, buildings, and structures in a district that does not conform to the regulations and restrictions prescribed for that district and to authorize the issuance of special use permits therefor, whenever it is made to appear that such special use [1] will not be detrimental to the safety, health, morals and general welfare of the community involved, [2] will not tend to create congestion in the streets, roads, alleys and other public ways and places in the area involved, [3] will not create hazards from fire, panic or other dangers, [4] will not tend to overcrowding of land and cause an undue concentration of population, [5] will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and [6] will not interfere with adequate light and air.

The same six criteria are restated in section 32.1050.1 of the Code. Section 17.11(b) of the Charter further states that before a special use permit may be granted it must be considered by the City Planning Commission and at a public hearing held by Council.

B. Charter and Code Requirements Fulfilled.

The amended special use permit requested by the Owner fulfills all the requirements set forth in the Charter and the Code.

1. The special use will not be detrimental to the safety, health, morals and general welfare of the community.

The Property is in a location suitable for the construction and operation of a hotel. The construction and operation of the hotel by the Owner will comply with all applicable safety, building and health code provisions. The proposed use will not be detrimental to the morals and general welfare of the community, but will, in fact, enhance the general welfare by its presence in the Shockoe Slip National Historic District.

2. The special use will not tend to create congestion in the streets, roads, alleys and other public ways and places in the area involved.

The operation of the hotel will not adversely affect traffic and parking in the Shockoe Slip area. The valet parking service to be provided by the hotel will minimize, if not eliminate, the potential for traffic problems. Other hotels in the downtown Richmond area have successfully employed valet services to minimize traffic problems. The Owner proposes to operate the valet service well beyond the hours of peak traffic in the Shockoe Slip area. Major access routes, including the Richmond Metropolitan Annex, Broad Street and Main Street, are only blocks away from the Property and will easily accommodate all daytime traffic generated by the hotel.

The number of off-street parking spaces already available for use by the hotel in the parking deck at 14th and Cary Streets equals the number required by the Zoning Ordinance. The Owner's long-term lease with 14th and Cary Associates is for 55 covered parking spaces, and will accommodate all potential parking needs of hotel guests, as well as other patrons.

3. The special use will not create hazards from fire, panic and other dangers.

The construction and occupancy of the hotel will not increase hazards to the community. The improvements will be constructed in accordance with all applicable laws and will be inspected by the City of Richmond Building Inspection Department. The hotel will operate in accordance with all applicable health and safety regulations. By eliminating the two abandoned buildings currently standing on one of the few remaining undeveloped sites in Shockoe Slip, the proposed use may actually reduce existing fire hazards and other existing dangers.

4. The special use will not tend to overcrowd the land and cause undue concentration of population.

The use of the Property as a hotel will not intensify crowding, but will rather provide a diversifying factor. A majority of the Shockoe Slip area currently consists of restaurants and offices with a great deal of daytime business. The area is rarely crowded at night. A hotel will be an exciting addition to

the historic area which will increase activity primarily during the evening hours. The guests of the hotel will be business travelers, occupied with endeavors outside the Shockoe Slip area during the daytime hours. Therefore, the hotel will contribute to the Shockoe Slip populus at off-peak hours, which will impact positively on the attractiveness, overall appeal and economy of the district.

5. The special use will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

Because both the Existing Ordinance and the requested amended special use permit authorize the use of the parking facility at 14th and Cary Streets, traffic congestion will be minimized. Therefore, the flow of public transportation provided by the Greater Richmond Transit Company and other transportation concerns in the vicinity of the Property will not be adversely affected by the proposed use. To the contrary, the hotel will be a boon to the transportation business in the area, as many of the hotel's guests will be business travelers without automobiles, relying on available public and private transportation services. Water and sewage facilities are available at the Property and have the capacity to serve the hotel. No private schools, parks or playgrounds are located in the vicinity of the Property.

6. The special use will not interfere with adequate light and air.

The building located immediately behind the Property is taller than the improvements proposed to be constructed. In addition, there are many existing high-rise office buildings in the immediate area. The revised plan of development calls for a reduction in the height of the hotel from that previously proposed and approved. Consequently, the proposed improvements will not adversely affect the existing availability of light and air.

C. Amended Ordinance.

A proposed amendment to the Existing Ordinance authorizing the use of the Property has been drafted and attached to and submitted with this memorandum as Exhibit "C". The proposed ordinance has been blacklined to indicate changes which have been made to the Existing Ordinance. It is hoped that the proposed ordinance will facilitate the task of Council and the City Attorney in granting the requested amended special use permit.

IV. Summary.

Council should permit this request for an amendment to the Existing Ordinance for several reasons. The construction and renovation of the Property will greatly enhance the Shockoe Slip National Historic District. The architecture of the proposed improvements will conform to the existing character of the Shockoe

Slip area. In addition, the proposed use of the Property will result in increased revenue to existing businesses in Shockoe Slip. The proposed development plan and use of the Property will clearly be an improvement over the present state of the Property.

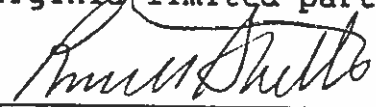
The deviations from the provisions of the Zoning Ordinance from those authorized by Council's adoption of the Existing Ordinance have actually been reduced. The height of the sixth story of the hotel has been reduced by 3½ feet, and it will barely be noticeable because of the staggered construction of the upper floors. The height of the proposed tower has been reduced by 12½ feet. The tower continues to be a small section of the building and will contribute positively to the architectural character of Shockoe Slip. As before, traffic and parking in the area will not be adversely affected as a result of the existing parking lease with 14th and Cary Associates and the proposed valet service.

The proposed use satisfies each of the six special use criteria specified in the Charter and the Code pursuant to which special use permits are granted. The project will be constructed and operated in accordance with all other provisions of applicable law.

For all of the foregoing reasons, the Owner respectfully requests that this application for an amended special use permit be granted.

Respectfully submitted,

12TH AND CARY ASSOCIATES, a
Virginia limited partnership

By 
Richard H. Stutts,
General Partner

Walter F. Witt, Jr.
Patrick J. Milmo
James O. McIntosh
Hunton & Williams
707 East Main Street
Richmond, Virginia 23212
Counsel

- Exhibit "A" - Existing Ordinance
- Exhibit "B" - Letter Specifying C.A.R. Conditions
- Exhibit "C" - Proposed Amended Ordinance

Exhibit "A"

DEFERED MAR 24 1986

AN ORDINANCE No. 86-81-83
ADOPTED APR 28 1986

To authorize the use of the real estate 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 a point of intersection of the north 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 the east right of way line of South 12th Street to a 10-foot private alley; thence extending in an easterly direction 88.85 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, for purposes of a forty-seven room hotel with accessory retail uses, substantially as shown on site plan, floor plans and elevations drawings, entitled: "A 47 Room Hotel, 12th & Cary Streets, Richmond, Va." upon certain terms and conditions.

Patron - Acting City Manager (By Request)

~~APR 28 1986~~ APR 28 1986

Approved as to form and legality
by City Attorney

1. THE CITY OF RICHMOND HEREBY ORDAINS:

- 2. § 1. That the real estate known as 1200-1206 East
- 3. Cary Street, containing 7,100 square feet, more or less,
- 4. located on the northeast corner of East Cary Street and
- 5. South 12th Street, being more completely described as
- 6. follows: beginning at the point of intersection of the north
- 7. right of way line of East Cary Street and the east right
- 8. of way line of South 12th Street; thence extending in a

1. northerly direction 79.90 feet, more or less, along the east
2. right of way line of South 12th Street to a 10-foot private
3. alley; thence extending in an easterly direction 88.85 feet,
4. more or less, along said alley to a property line; thence
5. extending in a southerly direction 79.88 feet, more or less,
6. along said property line to the north right of way line of
7. East Cary Street; thence extending in a westerly direction
8. 88.85 feet, more or less, along the north right of way line
9. of East Cary Street to the point of beginning, is hereby
10. permitted to be used for purposes of the construction of a
11. forty-seven (47) room hotel with accessory retail uses,
12. substantially as shown on site plan, floor plans and
13. elevations drawings, entitled: "A 47 Room Hotel, 12th & Cary
14. Streets, Richmond, Va.", dated July 18, 1985, prepared by
15. Richard Stauffer Associates - Architect, a copy of which
16. plans is attached to, incorporated in, and to be read as a
17. part of this ordinance.

18. § 2. That the Commissioner of Buildings is hereby
19. authorized to issue to the owner of said real estate, or
20. successor or successors in fee simple title, a building
21. permit for the purpose of constructing the building and to
22. permit the occupancy of the property for purposes of a hotel
23. with accessory retail uses. The special use permit shall be
24. transferable to the successor or successors in title of the

1. owner, whether acquired by operation of law, deed or
2. otherwise and shall run with the land subject to the
3. following terms and conditions:

4. (a) That the acceptance of the permits and the
5. exercise of the privileges granted by this ordinance by the
6. owner and successor or successors in title shall constitute
7. a warranty on the part of the owner and successor or succes-
8. sors that title to the land and the building thereon shall
9. be vested in the same person or persons or corporation;

10. (b) That the owner and occupant shall be bound by,
11. observe and shall comply with all other laws, ordinances and
12. rules and regulations adopted pursuant thereto, applicable
13. to the land and building, except as otherwise provided in
14. this ordinance;

15. (c) That forty-seven (47) off-premises parking
16. spaces shall be provided by lease agreement in accordance
17. with Section 32-710.4 of the City of Richmond Zoning
18. Regulations, with the exception that the parking may be
19. within 800 feet of the property. Valet parking service
20. shall be provided for patrons of the hotel at least during
21. the hours from 7:00 a.m. to 2:00 a.m.;

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

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

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

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

16. (h) That in all other respects, the property shall
17. be subject to the B-5 Central Business District requirements
18. of the City of Richmond Zoning Regulations;

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

1. (j) That should the owner use the premises for any
2. purpose which is not permitted by this ordinance, or fails,
3. refuses or neglects to comply with the provisions of fore-
4. going paragraphs (a) through (i) and does not terminate such
5. use or comply with such provisions within ninety days after
6. written notice so to do has been given to the owner by the
7. Zoning Administrator, the privileges granted by this
8. ordinance shall terminate and the special use permit shall
9. become null and void;

10. (k) That when the privileges granted by this
11. ordinance terminate and the special use permit becomes null
12. and void or when use of the premises is abandoned for a
13. period of twenty-four consecutive months, use of the real
14. estate shall be governed thereafter by the zoning regula-
15. tions prescribed for the district in which the real estate
16. is then situated; and

17. (l) That application for a building permit to
18. construct the building shall be made within twelve months
19. from the effective date of this ordinance, which building
20. permit shall expire by limitation and become null and void
21. if construction of the building is not commenced within one
22. hundred eighty days from the date of building permit, or if
23. construction is suspended or abandoned for a period of one
24. hundred eighty days at any time after the work is commenced,

1. as provided in Section 109.1 of the Uniform Statewide
2. Building Code. Should application for the building permit
3. not made within twelve months from the effective date of
4. this ordinance or should the building permit expire and
5. become null and void, the privileges granted by this
6. ordinance shall terminate and the special use permit shall
7. become null and void.

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

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City of Richmond
Commission of Architectural Review



900 East Broad Street, Richmond, Virginia 23219
804-780-4531

August 22, 1986

Mr. Richard Stutts
121 Shockoe Slip
Richmond, VA 23219

Dear Richard:

Enclosed are copies of the minutes and the certificate.

Just so we are working in the same direction in regards to the conditions, I suggest that we meet before too long. Proof of financial commitment can be done by a letter from the lender. Archival documentation of structures will require ink on clear film drawings done to H.A.B.S. standards. While the drawings will not need to be completed before demolition will be allowed, proof will be needed that all necessary photographs, notes and measurements have been taken. As you recall, we have talked about the documentation informally since last April. It is an important component of the approval process. Either an issued Building Permit or a bond with surety will be needed before demolition is allowed. Because of the variables, the staff feels the bond amount should be \$500,000. If you can guarantee construction of an acceptable shell in an alternative manner, we will be pleased to discuss it with you.

Please contact me if you should have any questions or if I may be of any assistance.

Sincerely,


John G. Albers
Secretary

Enclosures
pc: Don Charles, DP&CD



COMMISSION OF ARCHITECTURAL REVIEW

CITY OF RICHMOND
900 EAST BROAD STREET
RICHMOND, VIRGINIA 23219
804-780-4532

CERTIFICATE OF APPROPRIATENESS

This certificate is issued pursuant to Ordinance No. 57-81-75 as amended (Historic Zoning Ordinance)

to R. Stutts

(owner, agent, or contractor)

with respect to the exterior architectural features as described in the application for this certificate and the information and plans filed with the application for the premises designated as

1200-06 E. Cary St.
Richmond, VA

Permission is granted to construct a structure, and the design will be as proposed with conditions to be met.

The applicant shall comply with the requirements of all City codes in the execution of this project.

This certificate shall be valid for a period of one year from the date of issuance. If work is not started prior to such date, a new application must be submitted.

Commission of Architectural Review

By 
Secretary

Date August 21, 1986

Certificate No. 86-29-42

Commissioner of Buildings

August 21, 1986

Secretary, Commission of Architectural Review **A**

Certificate of Appropriateness No. 86-29-42

R. Stutts
1200-06 E. Cary St.
Richmond, VA

The attached Certificate of Appropriateness is issued as a result of the favorable action of the Commission of Architectural Review.

Attachment
pc: R. Stutts

COMMISSION OF ARCHITECTURAL REVIEW

MINUTES

JULY 23, 1986

A meeting was held on Wednesday, July 23, 1986 at 2:00 P.M. in the Fifth Floor Conference Room of City Hall.

Members present: Mr. J. Terry Cox, Chairman
Mrs. Cheryl P. Evans
Mr. Michael L. McNamara
Mr. Henry H. McVey, III
Mr. John W. Pearsall, III
Mr. Robert P. Winthrop

Staff present: Mr. John G. Albers, Secretary

Others present: Mr. R. Stutts, App. #86-29
Mr. J. Cable, App. #86-29
Mr. L. Salomonsky, App. #86-29
Mr. C. Libron, App. #86-48
Mr. Tim Oksman, App. #86-50
Mr. C. Aquino, App. #86-50
Mr. Joseph Johnson, App. #86-51
Mr. Jody Lahendro, App. #86-54
Mr. J. Geiger, App. #86-55
Mr. Jackson, App. #86-55
Mr. R. Hogan, App. #86-56

The Chairman welcomed Mrs. Cheryl Evans who was appointed to complete Mr. Rothenberg's term.

The minutes of the regular meeting of June 25, 1986 were approved as presented.

APPLICATION NO. 86-29 (R. Stutts)

1200-06 E. Cary St.

1. Design changes

Based on the discussion at the public hearing, the CAR discussed appropriate conditions necessary for the approval of the project.

These conditions were felt appropriate:

1. Proof of financial commitment
2. Archival documentation of structures
3. Issued building permit or bond with surety before demolition permit is issued.

A motion was made to approve the application with conditions. In discussion some members felt the design was less acceptable than before because more building mass is now directly on Cary St.

RESOLUTION: WHEREAS, the applicant proposes to construct a structure, and

WHEREAS, the design will be as proposed with conditions to be met

NOW, THEREFORE, LET IT BE RESOLVED that the Commission approves the work as being in conformity with the intent of Chapter 16 of the Richmond City Code.

VOTE: Affirmative - Cox, McNamara, McVey, Winthrop
Negative - Evans, Pearsall

NEXT:

APPLICATION NO. 86-49 (St. John's Church)

2401 E. Broad St.
1. Flag pole

Based on the discussion held at the public hearing, the CAR made a motion to approve this application. In discussion the Commission felt that the applicant should be more concerned with procedure. The Secretary assured the CAR that the applicant was aware of the process.

RESOLUTION: WHEREAS, the applicant proposes to install a flag pole, and

WHEREAS, the location will be as presented

NOW, THEREFORE, LET IT BE RESOLVED that the Commission approves the work as being in conformity with the intent of Chapter 16 of the Richmond City Code.

VOTE: Affirmative - Cox, McNamara, McVey, Pearsall,
Winthrop
Negative - Evans

NEXT:

APPLICATION NO. 86-50 (T. Oksman)

15 N. 29th St.
1. Garage

In addition to the discussion at the public hearing the CAR questioned the impact of the exception asked for. It was found that a rear yard exception was just as acceptable to the applicant and would protect the light and air of the adjacent property owner. The CAR made a motion to approve the application with an exception to allow a 3' rear yard setback and no side yard exception.

City of Richmond
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219
804 • 780-4347

March 3, 1987

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of March 2, 1987, the City Planning Commission voted (9-0)
to recommend APPROVAL of:

Ordinance No. 87-38

To amend and reordain Ordinance No. 86-81-83, adopted April 28, 1986, entitled: "To authorize the use of the real estate known as 1200-1206 East Cary Street, for purposes of a forty-seven room hotel to substitute drawings entitled: "12th and Cary Sts., Richmond, Virginia", to change permitted uses "forty-seven room hotel to "a hotel containing up to fifty-seven rooms and other uses permitted in the B-5 Central Business District", and "off-street parking spaces in a number equal to the actual number of guest rooms in the hotel" in lieu of 47 parking spaces.

Approval of this special use amendment would authorize substitution of revised plans for a six-story hotel at 1200-1206 E. Cary Street. The property is located at the northeast corner of 12th and Cary Streets and contains approximately 7100 square feet of lot area. A special use ordinance authorizing the development was recommended by the Commission and adopted by City Council in April of 1986. That approval is still valid and site work for the building is underway. The property is zoned B-5 Central Business, and lies within the Shockoe Slip Old and Historic District. Although the B-5 District permits the hotel use, the original special use permit was necessary to grant height and off-street parking exceptions.

After the adoption of the special use and prior to preparing final working drawings, the petitioners reevaluated the architectural design and internal functioning of the building. As a result, the building plans have been revised to an extent that necessitates amendment to the adopted special use. The primary change is an increase in the number of hotel rooms from 47 to 57. The revised plans also call for a shift in the hotel entrance from 12th Street to Cary Street, a reduction in the height of the building from 68 feet to 65 feet, the addition of a restaurant on the first floor, and a reduction in the height of the building tower from 84 feet to 76 feet, along with a slight reduction in its size and shift in its location. The overall size of the building (42,000 square feet of floor area) is essentially unchanged. The original "step-back" design of the upper floors of the building would be retained, and the facades of the two existing buildings at 1204-1206 E. Cary Street would be incorporated into the building as originally proposed.

The B-5 regulations limit the building height to 60 feet. The original plan for a 68-foot building height was looked upon favorably by the Commission due to the "step-back" design of the upper floors, whereby the

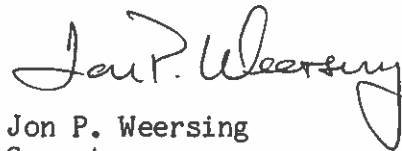
March 3, 1987

additional height would, for the most part, not be visible from within Shockoe Slip. Another factor which significantly influenced the Commission was the Commission of Architectural Review approval of the plans. At the urging of the staff, the developers agreed, however, to reduce the overall height by three feet in final design stage. This has been done, and is reflected in the revised plans.

The parking issue addressed by the original special use ordinance involved the location of the parking spaces. The parking was, and would continue to be, provided in the parking deck at the northeast corner of 14th and Cary. It is within 800 feet of the hotel entrance. Normal zoning requires parking spaces to be within 500 feet. The ordinance would continue to require valet parking. With this condition, the Commission is satisfied that the parking arrangement would be adequate and the distance factor would not be significant. The amendment includes a condition that parking be provided on the basis of one space per hotel unit, which is the normal zoning requirement.

The Commission does not object to the proposed increase in the number of hotel rooms since the use is permitted by the current zoning and adequate off-street parking would be provided. The reduction in height of the building and tower represents closer compliance with normal zoning than was previously approved. The Commission of Architectural Review approved the proposed design changes at its January meeting. The conditions and circumstances which warranted approval of the original special use permit have not changed, and approval of the amendment is recommended. No opposition has been expressed to the Commission.

Very truly yours,



Jon P. Weersing
Secretary

JFW:lk

cc: Mr. James O. McIntosh - Attorney for Applicant

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 87-38	Subject
Requested by ...City Manager, By Request.....	Amends Special Use Ordinance
Received City Manager's Office ---	86-81-83/1200-1206 East
Summarized 3/2/87	Cary Street "Hotel".

SUMMARY

This Ordinance would authorize the substitution of revised plans for a 6-story hotel at 1200-1206 East Cary Street.

The primary change is an increase in the number of hotel rooms from 47 to 57. The revised plans also call for a shift in the hotel entrance from 12th Street to Cary Street, a reduction in height of the building from 68 ft. to 65 ft., the addition of a restaurant on the 1st floor and a reduction in the tower from 84 ft. to 76 feet, along with a slight reduction in its size and shift in its location.

The overall size of the building, 42,000 sq. ft. in floor area is essentially unchanged.

The Commission of Architectural Review granted approval in January, 1987.

Planning Commission granted approval March 2, 1987, (9-0)

Companion Paper #1 - Ordinance No. 87-35.

COUNCIL ACTION

On Docket 3/9/87
Amended
Adopted
Rejected