

INTRODUCED: January 23, 2017

AN ORDINANCE No. 2017-018

As Amended

To amend and reordain Ord. No. 82-7-16, adopted Feb. 8, 1982, as previously amended by Ord. No. 2007-98-69, adopted Apr. 9, 2007, which authorized the special use of the property known as 301 West Franklin Street for the purpose of a motel, together with accessory off-street parking, to authorize the installation of two canopy signs, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: FEB 27 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 82-7-16, adopted February 8, 1982, as previously amended by Ordinance No. 2007-98-69, adopted April 9, 2007, be and is hereby amended and reordained as follows:

§ 1. That the property known as 301 West Franklin Street, containing approximately 16,360 square feet, located at the southwest corner of West Franklin Street and Madison Street, fronting 120 feet, more or less, along West Franklin Street, 153 feet, more or less, along Madison Street, and 120 feet, more or less, on an east-west public alley, is hereby permitted to be used for the purpose of [~~an existing motel~~] a hotel (together with accessory off-street parking),

AYES:                    0                    NOES:                    0                    ABSTAIN:                    \_\_\_\_\_

ADOPTED:    APR 24 2017    REJECTED:    \_\_\_\_\_    STRICKEN:    \_\_\_\_\_

substantially in accordance with plans entitled: “Proposed Alterations – Holiday Inn – 301 West Franklin Street,” consisting of three sheets, dated October 19, 1981 (revised November 23, 1981), prepared by Harry S. Cruickshank, Architect, copies of which plans are attached to and are made a part of Ordinance No. 82-7-16, adopted February 8, 1982, as well as sheets AS1.0, [~~A1.0, S1.0,~~] and S1.1 of the plans entitled “Additions & Alterations (Phase Three), Doubletree Hotel, 301 W. Franklin St. Richmond, Virginia”, dated November 22, 2006 and prepared by Hanson Associates P.C., and sheets 1, 2, and 3 of the plans entitled “Doubletree Hotel”, dated October 2, 2006, prepared by Chandler Signs, copies of which plans are attached hereto and are made a part of [~~this amendatory ordinance~~] Ordinance No. 2007-98-69, adopted April 9, 2007, and the plans [~~entitled “Graduate Richmond,”~~] prepared by Image Innovation Group[~~]~~ and entitled “Graduate Richmond, Canopy West Elevation,” dated September [~~19~~] 9, 2016, “Graduate Richmond, Canopy Front Elevation,” dated February 23, 2017, and “Graduate Richmond, Graduate Logo,” dated September 18, 2016, copies of which plans are attached to and made a part of this amendatory ordinance.

§ 2. That the adoption of this ordinance shall constitute the granting of a special use permit for the property, which shall be transferable from the owner of the property to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and which shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of the property a building permit substantially in accordance with the plans referred to above for the aforementioned purposes, subject to the following terms and conditions:

(a) The owner shall be bound by, shall observe and shall comply with all other laws, ordinances and rules and regulations applicable to the property, except as otherwise provided in

this ordinance.

(b) Application for a building permit for the alterations depicted on the plans attached to this amendatory ordinance shall be made within twenty-four (24) months from the effective date of this ordinance. This building permit shall expire and shall become null and void if any necessary construction has not commenced within one hundred eighty (180) days from the date of the building permit or if construction is suspended or abandoned for a period of one hundred eighty (180) days at any time after such construction has commenced, as provided in any applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within twenty-four (24) months after the effective date of this ordinance or should the building permit expire and become null and void after the expiration of the twenty-four (24) month time period for making application for the building permit, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

(c) 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 subject property have been paid.

(d) All required final grading and drainage plans, together with all easements made necessary by such plans, shall be approved by the Director of [~~Community~~] Planning and Development Review prior to the issuance of building permits.

(e) Storm or surface water shall not be allowed to accumulate on the land. The owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for drainage of storm or surface water from the property so as not to adversely affect or damage adjacent properties or public streets and the use thereof.

(f) 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 so as not to be visible from adjacent properties or public streets.

(g) Identification of the [~~premises~~] property shall be limited to the existing 100 square foot roof sign, one twenty (20) square foot flag sign, [~~and~~] the twenty (20) square foot freestanding sign located along the West Franklin Street frontage as shown on the [~~attached~~] plans attached to Ordinance No. 2007-98-69, adopted April 9, 2007, one twenty (20) square foot canopy sign, and one thirty-seven (37) square foot canopy sign as shown on the attached plans.

(h) Landscaping shall be provided as shown on the most recent plans depicting such landscaping.

(i) A canopy and three (3) flagpoles in area shall be permitted on the property and shall be configured substantially as depicted on the attached plans.

(j) Any existing encroachments and any encroachments either proposed on the attached plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond [(2004)] (2015), as amended.

(k) In all other respects, the use of the property shall be in accordance with the applicable underlying zoning regulations.

§ 4. That the privileges granted by this ordinance may [~~under certain circumstances be~~ revoked. ~~Upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of~~

~~the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit pursuant to the provisions of sections 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), as amended, if (a) the property owner does not abate the violation within thirty (30) days of the issuance of the notice or (b) three (3) notices of violation are issued to the property owner within any twelve (12) month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 114-1080 of the Code of the City of Richmond (2004), as amended, or any other applicable laws or regulations]~~ be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the premises is abandoned for a period of twenty-four (24) consecutive months, use of the property shall be governed thereafter by the zoning regulations prescribed for the district in which the property is then situated.

§ 6. That Ordinances No. 70-335-71-4, adopted January 11, 1971, and No. 78-172-200, adopted October 9, 1978, be and are hereby repealed, and Ordinance No. 82-7-16, adopted February 8, 1982, as previously amended by Ordinance No. 2007-98-69, adopted April 9, 2007, except as modified herein, shall continue in force.

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

# City of Richmond

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

# RECEIVED

**Item Request**  
**File Number: PRE. 2016-358**

JAN 06 2017

OFFICE OF CITY ATTORNEY

## O & R REQUEST

### O & R Request

DEC 16 2016  
4-6085  
Chief Administration Office  
City of Richmond

**EDITION:** 1

**TO:** The Honorable Members of City Council

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

**THROUGH:** Selena Cuffee-Glenn, Chief Administrative Officer *SCG*

**THROUGH:** P. Lee Downey, Deputy Chief Administrative Officer for Economic Development and Planning *PLD*

**FROM:** Mark A. Olinger, Director, Department of Planning and Development Review *MAO*

**SUBJECT:** Special use permit amendment for 301 West Franklin Street to authorize additional canopy signage

**ORD. OR RES. No.** \_\_\_\_\_

**PURPOSE:** To amend and reordain Ord. No. 2007-98-69 and Ord. No. 82-7-16, adopted February 8, 1982, and April 9, 2007, which authorized the special use of the property known as 301 West Franklin Street, to authorize the installation of two canopy signs, upon certain terms and conditions.

**REASON:** The applicant is proposing to add two signs to a canopy that covers a one-way drive between the building and West Franklin Street. The addition of these sign requires an amendment to the special use permit ordinance approved in 2007.

**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. This item will be scheduled for consideration by the Commission at its February 6, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property is located on the southwest corner of the intersection of West Franklin Street and North Madison Street and contains approximately 16,360 square feet of lot area. The subject property is currently occupied by a 15-story hotel that contains approximately 128,700 square feet of floor area and 141 parking spaces in three underground parking levels. The subject

property is zoned RO-3 Residential Office and is subject to an existing special use permit adopted by Ordinance No. 82-7-16 on February 8, 1982, and amended by Ordinance No. 2007-98-69 on April 9, 2007. This Ordinance would amend the existing special use permit to authorize the addition of two canopy signs.

The RO-3 Residential-Office district requires a fifteen (15) foot front yard. Any structure located within the required front yard cannot exceed three (3) feet in height. The canopy authorized by the 2007 special use permit is approximately twenty (20) feet and six (6) inches in height. The canopy is located over a one-way drive in front of the hotel for guest drop-off and pick-up.

The RO-3 Residential-Office district does not allow signs to be located within five (5) feet of the property line and does not allow signs to exceed eight (8) feet in height. The 2007 special use permit authorized a freestanding sign and sign flagpole located approximately one (1) foot from the property line and a flag sign of approximately twenty (20) feet and six (6) inches in height. The proposed amendment would authorize two signs on the canopy. One thirty-seven (37) square foot sign would be authorized on the front of the canopy facing West Franklin Street and one twenty (20) square foot sign would be authorized on the side of the canopy facing west.

The surrounding properties are zoned RO-3 Residential-Office and B-3 General Business. A mix of uses, including multifamily apartments, offices, and various commercial uses, currently occupy the surrounding properties. The Two-Hundred Block of West Franklin Street City Old and Historic District is directly adjacent to the subject property to the east.

The Richmond Master Plan designates this property as Downtown Urban Center Area. Characterizations of this district include a higher-density, mixed-use development, typically arranged in a fine grained street network with wide sidewalks, regular tree planting, and minimal setbacks. Typically this land use category depicts apartments with no more than four stories in height. In addition, buildings are set back from the street behind a narrow yard. Parking is located on-street, or at the rear of the lot. (p. 3.25).

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

**COST TO CITY:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

**REVENUE TO CITY:** \$1,200 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** January 9, 2017

**CITY COUNCIL PUBLIC HEARING DATE:** February 13, 2017

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission, February 6, 2017

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

City Assessor (for preparation of mailing labels for public notice)

**RELATIONSHIP TO EXISTING ORDINANCES:** None.

**ATTACHMENTS:** Application Form, Applicant's Letter, Draft Ordinance, Survey, Plans

**STAFF:** Leigh V. Kelley, Senior Planner  
Land Use Administration (Room 511)  
646-6384

*PDR O&R No. 16-38*





**APPLICANT'S REPORT  
SPECIAL USE PERMIT AMENDMENT  
301 WEST FRANKLIN STREET**

September 20, 2016

**I. INTRODUCTION**

RAAJ Richmond Owner, LLC is applying for an amendment to an existing Special Use Permit ("SUP") adopted by Ordinance number 82-7-16, which was later amended by Ordinance number 2007-98-69 at 310 West Franklin Street (the "Property"). The Property is located on the southwest corner of the intersection of West Franklin Street and North Madison Street and is identified as Tax Map Number W0000173009 in the City of Richmond. The Property is zoned in the RO-3 (Residential Office) district. This district permits the existing hotel, accessory uses, and accessory parking.

**II. PROPOSED DEVELOPMENT**

As part of its Fifteen Million Dollar (\$15,000,000) renovation in hard costs, the applicant proposes to print one, twenty (20) square foot hotel sign on the west side of a new canopy fabric that will be installed over an existing canopy structure. Additionally, the applicant proposes to install one, thirty-six (36) square foot, internally lit hotel sign on a wood privacy wall beneath the front canopy along the West Franklin Street frontage, facing north. Construction of the existing canopy structure was permitted in the previous amendment to the existing SUP. Elevation drawings of both signs are attached to this application.

The previous amendment to the existing SUP approved one, twenty (20) square foot freestanding sign and one, twenty (20) square foot flag sign located along the West Franklin Street frontage. As part of the renovation noted above, the existing freestanding sign will be removed, and the applicant will not fly a flag sign for building identification. The installation of the two (2) new proposed hotel signs noted above will increase the cumulative square footage of hotel identification on West Franklin Street above the approved total in the existing SUP and previous amendment. Therefore, the proposed signage above requires an additional amendment to the existing SUP.

The addition of the proposed signage will improve visibility of the hotel entrance. Currently there is no other existing or proposed building identification facing west on West Franklin Street to aid with entrance visibility for eastbound one-way traffic on West Franklin Street. Additionally, the proposed internally lit hotel sign located beneath the front canopy will improve visibility of the hotel entrance at night and during other times of low visibility.

**III. REQUIRED CITY CHARTER CONDITIONS FOR GRANTING SPECIAL USE PERMITS**

**A. Effect on the Safety, Health, Morals and General Welfare of the Community Involved**



Granting the SUP amendment for the proposed hotel signage will have a positive effect on the safety of the community. Improving visibility of the hotel entrance for eastbound one-way traffic on West Franklin Street will reduce the likelihood of traffic-related incidents due to uncertainty of the location of the hotel entrance.

B. Effect on Streets, Roads, Alleys and Other Public Ways and Places in the Area Involved

Granting the SUP amendment for the proposed hotel signage will not create congestion in the streets, roads, alleys, and other public ways and places in the area involved. There will be no changes to the existing driveways into and away from the hotel entrance.

C. Effect on the Hazards from Fire, Panic or Other Dangers

Granting the SUP amendment for the proposed hotel signage will not create hazards from fire, panic, or other dangers. The existing to remain canopy structure was constructed in compliance with the Building Code.

D. Effect on Crowding of Land and Concentration of Population

Granting the SUP amendment for the proposed hotel signage will not cause overcrowding of land and an undue concentration of population. The existing canopy structure that was permitted in the previous amendment to the existing SUP will remain in place. The proposed signs on and beneath the canopy are of slim design, which occupy minimal space.

E. Effect on Public or Private Schools, Parks, Playgrounds, Water Supplies, Sewage Disposal, Transportation or Other Public Requirements, Conveniences and Improvements

Granting the SUP amendment for the proposed hotel signage will not have any effect on, or interfere with, any City services or facilities. The Property is served by public utilities.

F. Effect on Adequate Light and Air

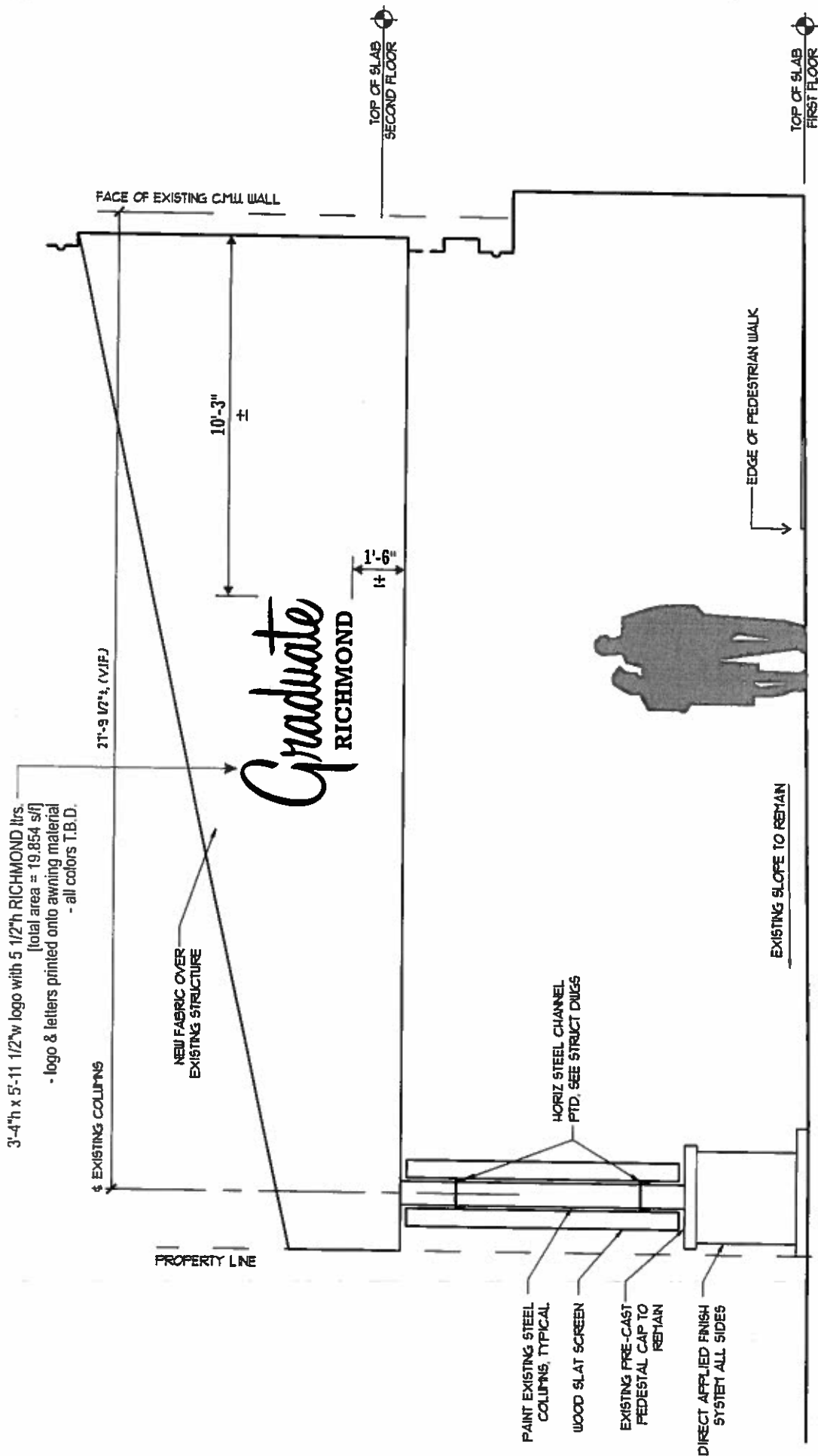
Granting the SUP amendment for the proposed hotel signage will not have any effect on, or interfere with, the amount of light or air available to adjacent properties. The new canopy fabric will be installed over the existing canopy structure, and as such, will not alter the amount of light or air available to the adjacent properties.

IV. CONCLUSION

Permitting and the addition of the proposed signage on the west side of the canopy and on the wood privacy wall beneath the canopy will improve visibility of the hotel entrance. The Property has been operating as a hotel, which is compatible with the surrounding area and is an appropriate use for the site. The Property will continue to operate as a hotel, and

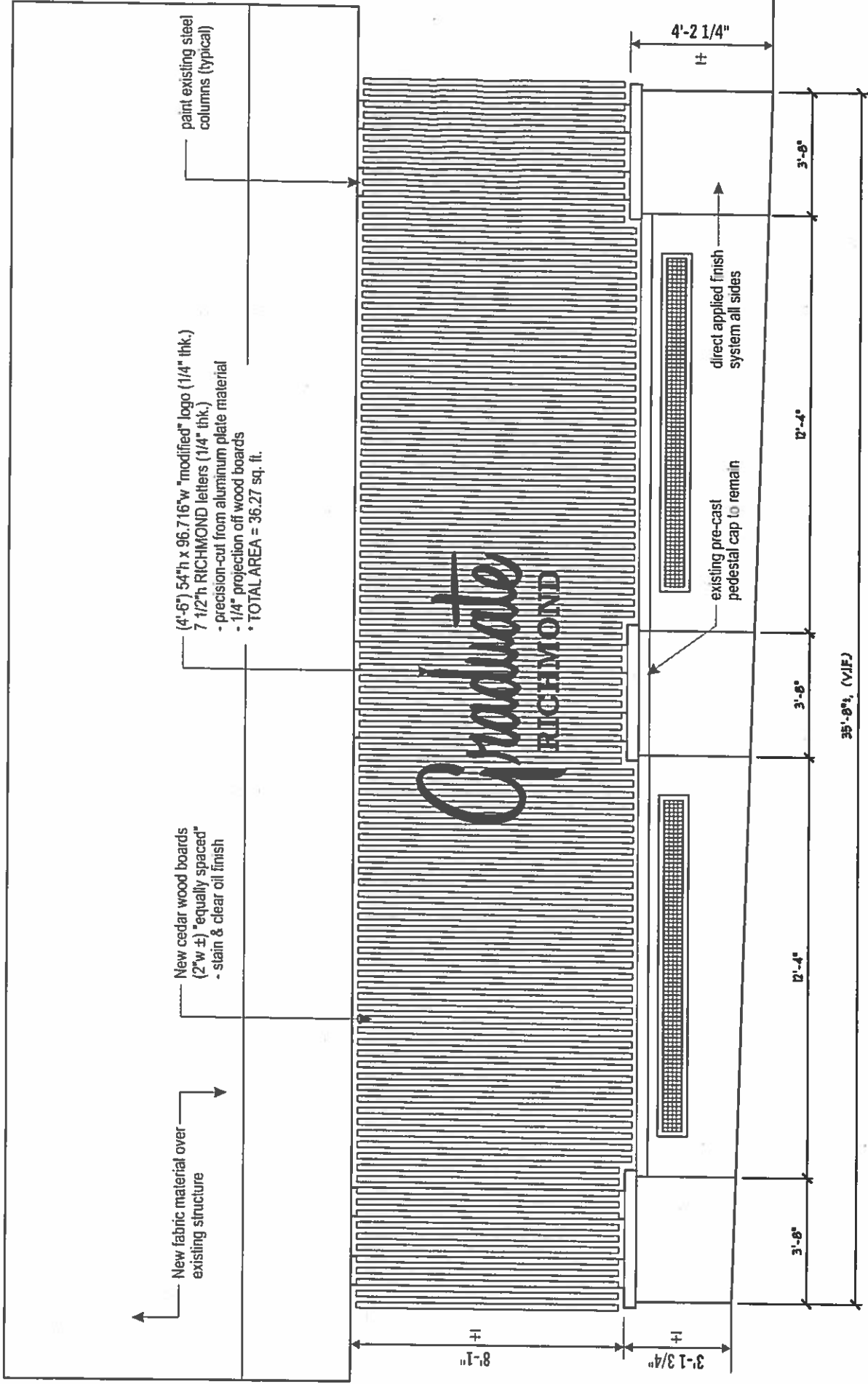


The proposed improvements to the hotel support the request for an amendment to the existing SUP.



CANOPY WEST ELEVATION (with Logo & Letter placement) — Scale: 1/4" = 1'-0"

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**CANOPY FRONT ELEVATION (with Logo & Letter placement) — Scale: 1/4" = 1'-0"**  
**NO INTERNAL ILLUMINATION**

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TOTAL AREA = 36.27 sq. ft.

96.716" width

Graduate  
RICHTHMOND

54" (G)  
height

Graduate Logo w/ modified stroke

Scale: 1" = 1'-0"