



## Legislation Text

**File #:** ORD. 2023-260, **Version:** 1

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. (6<sup>th</sup> District)

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 12<sup>th</sup> Street being more completely described as follows: beginning at the 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 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.