



## Legislation Text

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**File #:** ORD. 2023-158, **Version:** 3

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To amend and reordain Ord. No. 86-81-83, adopted Apr. 28, 1986, and last amended by Ord. No. 2000-289-271, adopted Sept. 11, 2000, 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, to modify the parking requirements, upon certain terms and conditions. (5<sup>th</sup> District)

THE CITY OF RICHMOND HEREBY ORDAINS:

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

§ 1. That the ~~[real estate]~~ 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, ~~[and also in accordance with]~~ (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 [~~said real estate~~] 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~~] Property for purposes of a hotel 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~~] Property and building, except as otherwise provided in this amendatory ordinance;

(c) That 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 the 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]~~ Property, and adequate facilities for drainage of storm or surface water from the ~~[land]~~ 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 ~~[Works]~~ Utilities prior to the issuance of a building permit;

(h) That identification of the ~~[premises]~~ 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 ~~[this amendatory ordinance provided that such signs are subject to the area limitations applicable in the B-5 regulations]~~ Ordinance No. 2000-289-271, adopted September 11, 2000;

(i) 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]~~ 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) ~~[That should the owner use the premises for any purpose which is not permitted by this ordinance, or fails, refuses or neglects to comply with the provisions of foregoing paragraphs (a) through (i) and does not terminate such use or comply with such provisions with sixty (60) days after written notice so to do has been given to the owner by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void]~~ 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 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 ordinance;

(m) Words and phrases used in this 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 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 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 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;

(p) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner 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

[(H)] (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 [premises] Property is abandoned for a period of [twenty-four

(24)] 24 consecutive months, use of the [real estate] Property shall be governed thereafter by the zoning regulations prescribed for the district in which the [real-estate] Property is situated[;and

(m) That application for a building permit or sign permit to construct the building shall be made within twelve months from the effective date of this amendatory ordinance, which building permit shall expire by limitation and become null and void if construction of the building is not commenced within one hundred eighty days from the date of building permit, or if construction is suspended or abandoned for a period of one hundred eighty days at any time after the work is commenced, as provided in Section 109.4 of the Uniform Statewide Building Code. Should application for the building permit not made within twelve months from the effective date of this amendatory ordinance or should the building permit expire and become null and void, the privileges granted by this ordinance shall terminate and the special use shall become null and void].

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

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

### **O & R Request**

**DATE:** March 10, 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 Ordinance No. 86-81-83, adopted April 28, 1986, and last amended by Ordinance No. 2000-289-271 adopted September 11, 2000, which authorized the construction of a hotel containing up to 57 rooms and other uses permitted in the B-5 Central Business District at 1200-06 East Cary Street, to modify parking requirements, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To amend and reordain Ordinance No. 86-81-83, adopted April 28, 1986, and last amended by Ordinance No. 2000-289-271 adopted September 11, 2000, which authorized the construction of a hotel containing up to 57 rooms and other uses permitted in the B-5 Central Business District at 1200-06 East Cary Street, to modify parking requirements, 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. Conditioned requirement 2.c stipulated that a valet parking service shall be provided for patrons of the hotel. The proposed amendment will strike this requirement and parking will be provided as required for the B-5 Central Business District

**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 12<sup>th</sup> 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:** April 10, 2023

**CITY COUNCIL PUBLIC HEARING DATE:** May 8, 2023

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, May 1, 2023

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

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Amend Ord. 2000-289-271

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

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

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

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: