

AN ORDINANCE NO. 89-371-90-16

ADOPTED JAN 22 1990

To amend and reordain Ordinance No. 84-188-174, adopted August 27, 1984, which authorized the use of the real estate known as 504 Libbie Avenue, containing 8,653 square feet, more or less, located on the west right of way line of Libbie Avenue south of Guthrie Avenue, being more completely described as follows: beginning at a point on the west right of way line of Libbie Avenue, said point being 327.26 feet south of a stone at the south end of a curve into Guthrie Avenue; thence extending 53.0 feet in a southerly direction along the west line of Libbie Avenue to a point; thence extending 194.66 feet in a northwesterly direction along a line of bearing N 41° 59' 50" W to a point; thence extending 39.73 feet in a northeasterly direction along a line of bearing N 65° 39' 40" E to a point; thence extending 177.60 feet in a southeasterly direction along a line of bearing S 46° 47' 00" E to the point of beginning, for the purpose of a non-medical office building, and authorized the construction of such building on such real estate for such purpose and use, and provided for off-street parking, upon certain terms and conditions, to add real estate known as 506 Libbie Avenue located on the west right of way line of Libbie Avenue, south of Guthrie Avenue, being more completely described as follows: beginning at a point on the west right of way line of Libbie Avenue, said point being 262.26 feet south of a stone at the south end of a curve into Guthrie Avenue; thence extending S 42° 13' 00" W 65.00 feet to a point; thence extending S 46° 47' 00" E 177.60 feet to a point; thence extending in a northeasterly direction along a property line 70.00 feet, more or less, to a point; thence extending in a southeasterly direction along a property line 150.75 feet to the point of beginning, to such special use for purposes of a non-medical office building, and to authorize the construction of an office building on property at 506 Libbie Avenue for such purpose, upon certain terms and conditions.

Patron - City Manager (By Request)

Approved as to form and legality
by the City Attorney

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the real estate known as 504 Libbie Avenue, containing 8,653 square feet, more or less, located on the west right of way line of Libbie Avenue south of Guthrie Avenue, being more completely described as follows: beginning at a point on the west right of way line of Libbie Avenue, said point being 327.26 feet south of a stone at the south end of a curve into Guthrie Avenue; thence extending 53.0 feet in a southerly direction along the west line of Libbie Avenue to a point; thence extending 194.66 feet in a northwesterly direction along a line of bearing N 41° 59' 50" W to a point; thence extending 39.73 feet in a northeasterly direction along a line of bearing N 65° 39' 40" E to a point; thence extending 177.60 feet in a southeasterly direction along a line of bearing S 46° 47' 00" E to the point of beginning, and the real estate known as 506 Libbie Avenue located on the west right of way line of Libbie Avenue, south of Guthrie Avenue, being more completely described as follows: beginning at a point on the west right of way line of Libbie Avenue, said point being 262.26 feet south of a stone at the south end of a curve into Guthrie Avenue; thence extending S 42° 13' 00" W 65.00 feet to a point; thence extending S 46° 47' 00" E 177.60 feet to a point; thence extending in a northeasterly direction along a property line 70.00 feet, more or less, to a point; thence extending in a southeasterly direction along a property line 150.75 feet to the point of beginning, [its]

are hereby permitted to be used for the purpose of constructing a building on 504 Libbie Avenue and a building on 506 Libbie Avenue for non-medical office use; said property being as shown on site plans, floor plan and elevation drawings, entitled: "504 Libbie Ave. Office Building", prepared by Daniel E. Wilson, Developer, Starwood Corporation, consisting of one sheet, dated June 20, 1984, revised July 11, 1984, for 504 Libbie Avenue, attached to the draft of Ordinance No. 84-188-174, adopted August 27, 1984, and as shown on plans, entitled: "Office Building for Creative Travel, Inc., 506 Libbie Avenue", consisting of three sheets, prepared by Architects Dayton & Thompson, a Professional Corporation, dated December 5, 1989, attached to the draft of this ordinance.

§ 2. That the Commissioner of Buildings is hereby authorized to issue to the owner of the real estate, or successor or successors in fee simple title, a building permit to construct the buildings and permit the occupancy of the property for such purpose, substantially in accordance with the [~~site-plans, floor-plan-and-elevation drawings, entitled: "504-Libbie-Ave.-Office-Building", prepared-by-Daniel-E.-Wilson, Developer, Starwood-Corporation, consisting-of-one-sheet, dated-June-20, 1984, revised July-11, 1984, attached-to-the-draft-of-this-ordinance]~~ above-identified plans. The special use herein authorized by Council, 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 permit 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 buildings shall be vested in the same person or persons or corporation or both]~~

Reserved;

(b) That the owner 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 buildings, except as otherwise provided in this ordinance;

~~(c) [That eight parking spaces shall be provided as shown on the attached plan. The parking areas shall be screened from view from the adjacent property to the north by a wood fence not less than four and one-half feet in height which shall extend to a point 25 feet from the street right-of-way line, and shall be screened from view from property to the west by existing vegetation and/or additional evergreen vegetation as needed, not less than four and one-half feet in height]~~ That twenty-six (26) parking spaces shall be provided substantially as shown on the attached site plan. The parking area shall be screened

from view from the adjacent property to the north by a six (6) foot high solid wood fence; screened from view from the public street by evergreen vegetative material not less than four and one-half feet in height; and screened from view from the properties to the west by a combination of a six (6) foot high solid wood fence and by existing and/or additional evergreen vegetation not less than four and one-half feet in height, substantially as shown on the attached site plan;

(d) That the parking area and access drive shall be paved with bituminous concrete or cement concrete, and parking spaces shall be delineated on the pavement surface;

(e) That the driveway shall be constructed in accordance with the City Driveway Policy standards;

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

(g) That facilities for the collection of refuse shall be provided in accordance with the requirements of the Department of Public Works and such facilities shall be so located or screened as not to be visible from adjacent properties and public streets;

(h) 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

buildings shall be provided by the owner at his cost and expense so as not to adversely affect or damage adjacent properties or public streets and the use thereof;

(i) ~~[That-existing-healthy-trees-shall-be-retained and-additional-landscaping-shall-be-provided-as-shown-on-the attached-plans]~~ That a final detailed landscape plan shall be submitted for the approval of the Director of Community Development prior to the issuance of a building permit. Existing trees shown on the site plan to be retained shall be professionally evaluated and a report shall be submitted with the landscape plan indicating what measures are needed to ensure their survival. If necessary to save the existing trees, up to two parking spaces may be eliminated and the building may be shifted to the south up to five feet. If the tree(s) cannot be saved, they shall be replaced by tree(s) not less than three inches in caliper;

(j) That identification of ~~[the-premises]~~ 504 and 506 Libbie Avenue shall be limited to one sign not exceeding six square feet in area mounted flat on a vertical surface of ~~[the]~~ each building;

(j.1) That the two properties at 504 and 506 Libbie Avenue may be under separate ownership provided that an access easement and other appropriate agreements, approved as to form by the City Attorney, ensuring the continued maintenance and availability of the access aisles and driveway shall be recorded;

(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 ~~[(+)]~~ (j.1) and does not terminate such use or comply with such provisions within ninety 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;

(l) 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 consecutive months, use of the real estate shall be governed thereafter by the zoning regulations prescribed for the district in which the real estate is then situated; and

(m) That application for a building permit to construct the building at 506 Libbie Avenue shall be made within twelve months from the effective date of this 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 the building permit, or if work on the building is suspended or abandoned for a period of one hundred eighty days at any time after the work is commenced, as provided in

Section [~~8-15-of-the-Richmond-City-Code-of-1975~~] 109.1 of the Uniform Statewide Building Code. Should application for the building permit not be made within twelve months from the effective date of the ordinance granting the special use permit, or should the building permit expire and become null and void, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

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