

AN ORDINANCE NO. 95-35-44

ADOPTED MAR 13 1995

To authorize the use of a portion of the property at 1500 North Lombardy Street for the purpose of expansion of an existing educational institution through the construction and use of a library, under 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, a portion of the property known as 1500 North Lombardy Street, located on the west side of North Lombardy Street, between Interstate 95 and Brook Road, identified as Tax Parcel No. N000-0740/001 in the 1995 records of the City Assessor, being more completely described as follows: commencing at an iron pin found at the intersection of the west right of way line of Brook Road with the northwest right of way line of Lombardy Street; thence S 36°18'09" W 173.72' leaving said Brook Road with said Lombardy Street to a set iron pin, the point of beginning; thence S 36°18'09" W 1149.74' continuing with said Lombardy Street to a found iron pin; thence S 36°18'09' W 347.02' continuing with said Lombardy Street to an iron pin set at the intersection of said Lombardy Street with the north right of way line of an abandoned CSX railroad spur track; thence N 45°23'05"

W 580.00' leaving said Lombardy Street, with said spur track to a set iron pin; thence S 44°36'55" W 43.86' crossing said spur track to a pin set in the north right of way line of the Richmond Petersburg Turnpike; thence N 43°57'15" W 133.87' with said Turnpike to an iron pin set near the corner of a 1' wide retaining wall; thence N 16°31'14" W 130.65' continuing with said Turnpike to a set iron pin; thence N 37°00'24" E a total distance of 825.46', crossing a granite monument, the south terminus of Bath Street, an iron pipe, south terminus of Thomas Street, a second iron pipe and the south terminus of an existing alley to a set iron pin; thence N 89°33'58" E 153.08' to a set iron pin; thence S 00°26'02" E 58.00' to a set iron pin; thence N 89°33'58" E 809.55' to the point of beginning, is hereby permitted to be used for the purpose of the expansion of the existing educational institution through the construction and use of a library, substantially in accordance with the attached survey entitled: "Boundary Survey of A Portion of Virginia Union University", dated January 19, 1995, prepared by Miller-Stephenson & Associates, P.C., and the site plans, elevation drawings, and floor plans entitled "L. Douglas Wilder Learning Resource Center", dated January 10, 1995, prepared by The Livas Group Architects, P.C., consisting of sheets C-1, C-5, C-6, A-1, A-2, and A-3, copies of which are attached and made a part of this ordinance.

§ 2. That adoption of this ordinance shall constitute the granting of a special use permit for the real estate, which shall

be transferable from the owner of the real estate to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed, or otherwise, and shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of said real estate a building permit for the construction of the building, and to permit the occupancy of the property in accordance with the above-referenced plans for such purpose(s), subject to the following terms and conditions:

(a) That the owner of the properties 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;

(b) That application for a building permit shall be made within twelve (12) months from the effective date of this ordinance, which building permit shall expire by limitation and become null and void if construction is not commenced within one hundred eighty days from the date of the building permit, or if construction is suspended or abandoned for a period of one hundred eighty days at any time after work is commenced, as provided in the applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within twelve months from the effective date of this ordinance or should the building permit expire and become

null and void, the privileges granted by this ordinance shall terminate and this special use permit shall become null and void;

(c) That the use of the portion of the property at 1500 North Lombardy Street depicted on the attached site plans shall be as a library serving the existing educational institution occupying the remainder of the property. Such library and associated site improvements shall be substantially as depicted on the attached plans;

(d) That a minimum of seventy (70) off-street parking spaces shall be provided substantially as shown on the attached plans. The parking area and access aisles shall be paved with a dust free all-weather surface, and parking spaces shall be delineated on the pavement surface;

(e) That storm or surface water shall not be allowed to accumulate on the land and adequate facilities for drainage of storm and surface water from the land or buildings 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 alleys 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 so as to not be visible from adjacent properties and public streets, substantially as depicted on the attached plans;

(g) That final grading and drainage plans shall be approved by the Director of Community Development of the City prior to the issuance of building permits;

(h) That identification of the portion of the property occupied by the library shall be limited to up to forty square feet of sign area, located substantially as depicted on the attached elevation drawings, and an additional ground-mounted freestanding sign not exceeding twelve (12) square feet of sign area and six feet in height, located at the entrance from Lombardy Street, but not within a twenty-five foot clear sight triangle. Such signs may be illuminated, provided that the source of illumination is not visible;

(i) That the driveway entrance into the property shall be located and constructed substantially as depicted on the attached plans, and in accordance with the requirements of the Director of Public Works;

(j) That in all other respects, the property shall be subject to the applicable underlying zoning district regulations.

§ 4. 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 all applicable terms and conditions, and does not terminate such use or comply with such terms and conditions within sixty days after written notice to do so has been given by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void, unless an application for a special use

amendment is filed with the Director of the Department of Community Development, which shall stay the sixty day period. Failure to comply with the terms of this ordinance shall constitute a violation of § 32-1080 of the Code of the City of Richmond, 1993, or other applicable provision;

§ 5. 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 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;

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