

AN ORDINANCE No. 87-50-51

ADOPTED MAR 23 1987

To amend Ordinance No. 72-151-158, adopted July 24, 1972, which authorized the use of the property located on the west line of Libbie Avenue beginning at a point 225.0 feet north of the north line of York Road fronting northwardly therefrom a distance of 200.0 feet to a property line, and extending in a westwardly direction between parallel lot lines to a property line in the rear, for office building purposes and authorized the erection of an office building at such site, as heretofore amended (last amended by Ordinance No. 85-91-91, adopted April 29, 1985), to modify usage of the property to permit usage authorized in the B-1 Neighborhood Business District with the exception that no restaurant or food store shall be permitted at 410-412 Libbie Avenue nor shall any restaurant or food store other than a retail wine shop be permitted at 414 Libbie Avenue, and to modify signage provisions.

Patron - City Manager (By Request)

Approved as to form and legality
by City Attorney

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 72-151-158, adopted July 24, 1972, as heretofore amended (last amended by Ordinance No. 85-91-91, adopted April 29, 1985), be amended and reordained as follows:

§ 1. That the property located on the west line of Libbie Avenue beginning at a point 225.0 feet north of the north line of York Road fronting northwardly therefrom a distance of 200.0 feet to a property line, and extending in a westwardly direction between parallel lot lines to a

property line in the rear, as shown on the site plan, first floor plans and elevations, dated April 15, 1972, as revised January 18, 1973, copies of which are attached to the draft of Ordinance No. 73-53-69, adopted April 9, 1973, and by site plan, dated July 24, 1974, and elevation plans (5 sheets) attached to the draft of Ordinance 74-233-222, adopted October 14, 1974, and by plans for "New Remote Teller for Investors Savings and Loan", prepared by Edward F. Sinnot & Son, P.C., Architects, dated October 18, 1983, consisting of 2 sheets, copies of which are attached to the draft of Ordinance No. 83-284-84-3, adopted January 9, 1984, is hereby permitted to be used for construction of an office building for occupancy as or by professional and business offices, [~~bank-ex-savings-and-loan-associations, travel agency-office, jewelry-store, antique-shop, pharmacy, exercise-classes, retail-wine-shop, or retail-clothing-store (414 Libbie Avenue), and the building situated on the north fifty-feet-of-the-property-may-be-used-as-a-retail-clothing store~~] or other uses permitted in the B-1 Neighborhood Business District except that no restaurant or food store use shall be permitted, and that the building situated on the north fifty feet of the property (414 Libbie Avenue) may be used as a retail wine shop or other uses permitted in the B-1 Neighborhood Business District except no restaurant or other food store use shall be permitted.

§ 2. That the Commissioner of Buildings is hereby authorized to issue to the owner of the real estate, or his successor or successors in fee simple title, a special use permit for such purposes, and to permit the erection of an addition to the office building for use for such purposes (construction of an automatic teller machine) substantially in accordance with the plans attached to the draft of Ordinance No. 72-151-158, adopted July 24, 1972, consisting of site plan, first floor plans and elevations, dated April 15, 1972, as revised January 18, 1973, a copy of the revised plans being attached to Ordinance No. 73-35-50, adopted March 12, 1973, and plans attached to drafts of prior amendatory ordinances and to the draft of this ordinance. The 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 permit and the exercise of the privileges granted by this ordinance by the owner and his successor or successors in title shall constitute a warranty on the part of the owner and his successor or successors that title to the land and the building will be vested in the same person or persons or corporation or both, unless otherwise waived by the City Attorney;

(b) That the owner will be bound by, observe and will 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;

(c) Off-street parking, 54 spaces, shall be provided on the premises at substantially the locations shown on the site plan. Occupancy of the buildings by the uses permitted by this ordinance shall be limited by the off-street parking provisions of Section [~~32-1-710.1 of the Richmond City Code~~] 32-710.1 of the Code of the City of Richmond, 1985;

(d) The parking area shall be screened along the northern and western property lines by an opaque structural fence not less than four and one-half feet in height. Said fence shall not extend into the front yard along Libbie Avenue;

(e) Driveways shall be located as shown on the revised site plan attached to the draft of Ordinance No. 74-233-222, adopted October 14, 1974, and the northern entrance-exit shall be 26 feet in width at the street line, and the southern exit shall be 20 feet in width at the street line. There shall be no external additions or alterations to the building at 414 Libbie Avenue other than normal repair and maintenance. [~~Identification-of-the~~

~~premises at 414 Libbie Avenue which may be used as a retail clothing store, shall be limited to a sign not more than eight square feet in area, located flat against a vertical surface of the building, -- Such sign shall not be animated or illuminated.]~~

(f) Driveways and parking areas shall be paved with a dust free all weather surface and parking spaces shall be delineated on the pavement surface;

(g) Final grades of parking areas shall be approved by the Director of Public Works of the City;

(h) An area for the storage and collection of refuse shall be located at the northwest corner of the property and shall be screened from the parking area and from adjoining properties to a height of not less than four and one-half feet;

(i) That adequate means of controlling the accumulation and disposal of surface water shall be provided by the developer at his cost, and shall meet with the approval of the Director of Public Works of the City;

(j) Signs to be located on the premises and which are visible from the street shall be limited to the following:

1. One unlighted sign not exceeding fifteen square feet in area may be attached flat against the building at 410-412 Libbie Avenue to identify the bank.

2. One directory type sign not exceeding fifteen square feet in area may be attached flat against the front of the building at 410-412 Libbie Avenue. Such sign may be illuminated provided that the source of illumination is not visible.

3. One unlighted sign not exceeding four square feet in area or four feet in height may be located at the entrance to the parking area for the purpose of identifying access to the drive-in teller windows.

4. Traffic and directional signs, each not exceeding two square feet in area, may be placed at such locations on the premises as may be directed by the Traffic Engineer of the City;

5. One freestanding sign not exceeding six square feet in area or six and one-half feet in height may be erected in front of 410-412 Libbie Avenue but not within five feet of the street line or fifteen feet of any other property line. Such sign may be illuminated provided that the source of illumination is not visible.

6. Identification of the premises at 414 Libbie Avenue shall be limited to one sign not exceeding eight square feet in area attached flat against a vertical surface of the building. Such sign shall not be animated or illuminated.

(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) 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 privilege 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 make any required modification to the building will 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 any modification to the building is not commenced within ninety days from the date of the building permit, or if work of adapting the building is suspended or abandoned for a period of ninety 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, and if application for the
building permit (if required) not be made within twelve
months from the effective date of this ordinance or should
the building permit 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, and the original ordinance and prior
amendments, insofar as not heretofore modified or modified
herein, shall continue in force.

SPECIAL USE PERMIT APPLICATION
CITY OF RICHMOND, VIRGINIA

Date November 3, 1986

TO: The Honorable Council of the City of Richmond
c/o The Department of Planning & Community Development
900 East Broad Street, Room 511
Richmond, Virginia 23219

Application is hereby made for a SPECIAL USE PERMIT for (proposed use):
amending special use ordinance to include a retail wine shop

at the premises designated or described as follows: 414 Libbie Avenue
Richmond, VA. 23226

in accordance with attached plans designated (title, sheet numbers, preparer, date)
(No plans are attached as no structural changes in 414 Libbie Avenue building
are anticipated. An attached chart demonstrates building useage and parking needs
for ~~410-412 Libbie Avenue~~ as well as 414 Libbie Avenue)

The current zoning of the property is: Professional Office and Special Use Retail

Attached is a check for \$ 250.00, payable to "City of Richmond."

Signature of owner of property: John H. Ingram (John H. Ingram)

Address: 412 Libbie Avenue Richmond, VA. 23226

Zip Code: 23226

Phone: 282-9759

Applicant ~~of name & representative~~ James Emerson Tashjian-Brown

Address: 5112 Riverside Drive Richmond, VA.

Zip Code: 23225

Phone: (H) 231-2218 (W) 285-8011

Staff Note:

Application, plans, report, fee and other required information received: _____

Affects Master Plan YES _____ NO _____

A REPORT ON A REQUESTED AMENDMENT TO
ORDINANCE # 72-151-158, July 24, 1972

James Emerson Tashjian-Brown, an officer of J. Emerson, Inc. and a resident of Richmond, Virginia, respectfully requests an amendment to the existing Ordinance # 72-151-158, adopted July 24, 1972, as amended by Ordinance # 73-35-50, adopted March 12, 1973; and as amended by Ordinance # 73-53-69, adopted April 9, 1973; as amended by Ordinance # 74-233-222 adopted October 14, 1974, as amended by Ordinance #82-37-42, adopted April 13, 1982; and as amended by Ordinance #85-91-91, adopted April 29, 1985, in order to amend the special use of the 414 Libbie Avenue building to include a retail wine shop.

Amendment #85-91-91 approved the establishment of the retail wine shop in 412 Libbie Avenue. This amendment would permit the same retail wine shop to move to the 414 Libbie Avenue building. The above amendment will not be detrimental to the safety, health, morals, and general welfare of the Community involved and will not tend to create congestion in streets, roads, alleys, and other public ways and places in the area involved.

No hazards from fire, panic, or other dangers will be created nor will this amendment tend to overcrowd the land or cause undue concentration of populations.

Additionally, no adverse effect of interference with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation, or other public requirements, conveniences and improvements will be caused by this amendment.

The hours of operation are anticipated to be 10:00 AM to 7:00 PM Monday through Saturday. The number of employees will be one or two at a time. The total number of persons in the shop is anticipated to be similar to the total number of persons in the clothing shop at present.

Current/projected useage of Buildings at 410-412 Libbie Avenue and 414, Libbie Avenue

Space-	Feb. 22, 1985	Dec. 10, 1986
Bartleby's (Clothing)	2348 (1928, rest is storage)	The same
Avery Insurance (Office)	625	Dr. Harris (Medical)
Investors Savings (Bank)	1702	The same
Dr. Jones (Medical)	872	Avery Insurance (Office)
Dr. Hill (Medical)	943	The same
Wally Johnson (Office)	250	The same
Richmond Relocation (Office)	2416	See below
Lawyer's Title (Office)	1092	Richmond Relocation now uses both areas, total space 3508
Exercise Studio (Exercise)	1144	The same
Diet Centre (Personal Service)	635	The same
Wine Shop (?)	1015	The same, however, will become vacant upon approval of this amendment. Anticipated use as an office of 2-3 employees.
414 Libbie	957(Clothing Store)	Clothing store to vacate building

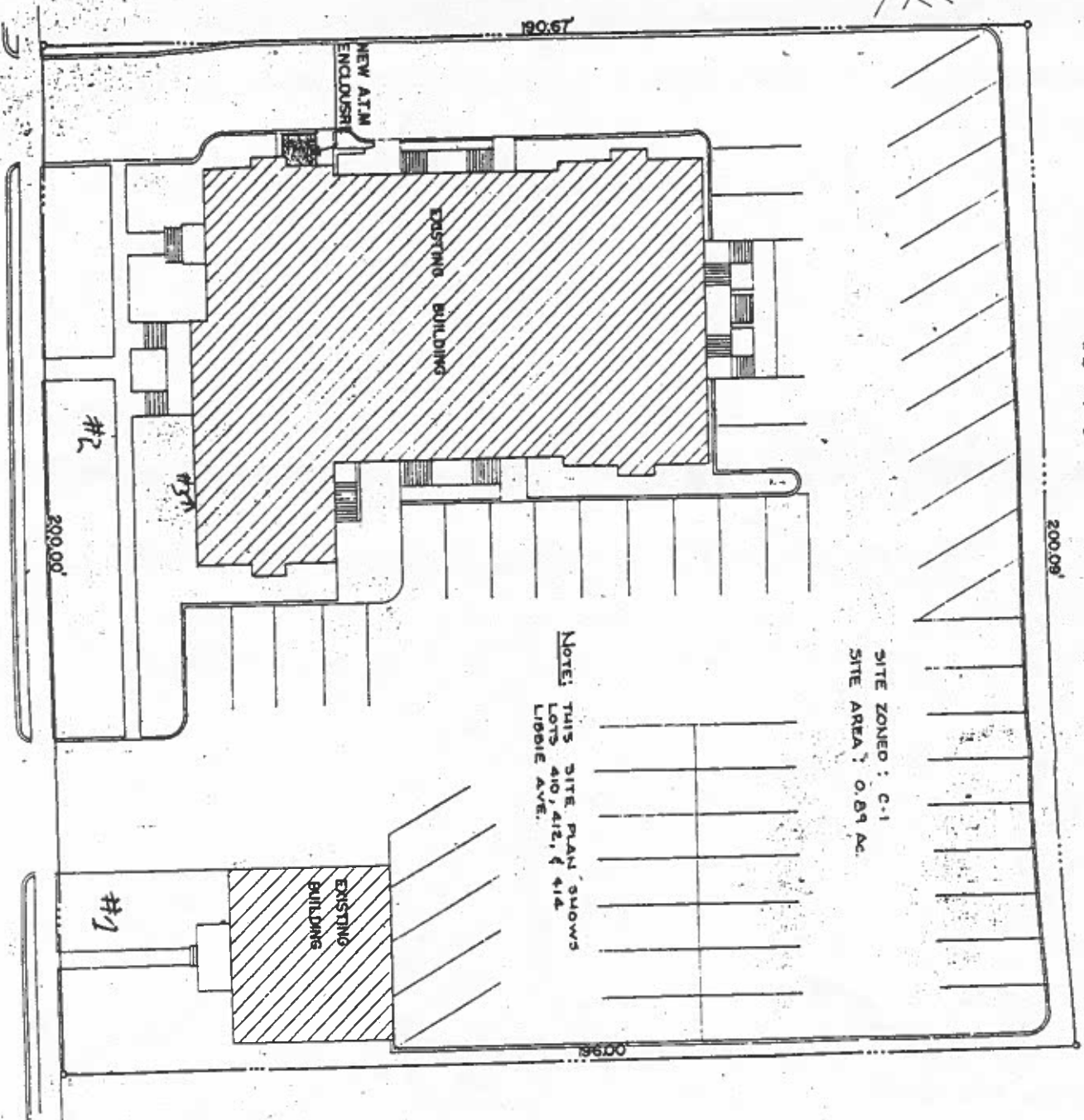
The changes since 1985 have been minimal, Richmond Relocation taking over the recently vacated space from Lawyer's Title reduced the number of businesses in the building by one. The wine shop used seven spaces as a 1015 square foot food store in the 1985 calculation. The clothing store at 414 Libbie Avenue used two more spaces. Including these numbers, the 1985 calculation indicates that 43 of the 54 on site spaces have been used. Assuming that the wine store would use 10 spaces in the 414 Libbie building, this is an increase of one from the current seven plus two. The vacant space of 1015 square feet in 412 Libbie is likely to revert to an office, needing two of the remaining ten spaces. The overage of eight spaces (54-46) is still at a 15% rate of additional spaces.

Details of signage requests for 412-414 Libbie Avenue Buildings

Refer to numbers located on attached site plan.

- #1. Location of sign for 414 Libbie Avenue, "J. Emerson, Inc.". This sign is currently located in front of 412 Libbie Avenue. Once moved to 414 Libbie Avenue, the post at 412 Libbie Avenue will be removed. A sample of this sign is attached as exhibit #1. (Previous tenants' post to be used).
- #2. Location of sign for 412 Libbie Avenue, "Ingram Building". A preliminary drawing is attached as exhibit #2.
- #3. Location of individual tenant signs. These signs would be attached directly to the exterior of the building. A preliminary drawing of a sample tenant sign is attached as exhibit #3.
- #4. Location of existing building directory of tenants in 412 Libbie Building.

The net result of these changes would be a reduction in the number of free standing signs at the 412-414 Libbie Avenue site. All signs would be in keeping with the style of both the buildings and the neighbourhood. The signs would meet the needs of the businesses and professional offices located at these buildings.



NOTE: THIS SITE PLAN SHOWS
 LOTS 410, 412, & 414
 LIBBIE AVE.

SITE ZONED : C-1
 SITE AREA : 0.89 AC.

Edward F Sinnott A.I.A. 1890-1974 Edward F Sir

Edward F. Sinnott & Son, P.C. - Architects

NEW REMOTE

Revisions:

410 LIBBIE AVE

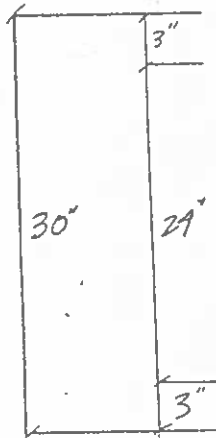
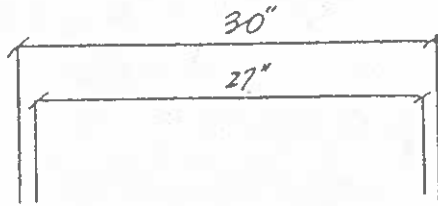
J. Emerson, Inc.
Fine Wines & Cheese

Reduce to 3"

2 Velox. each plate. (positive)

1 Velox (negative) each plate

Reduce to 3" depth.



4'-0"

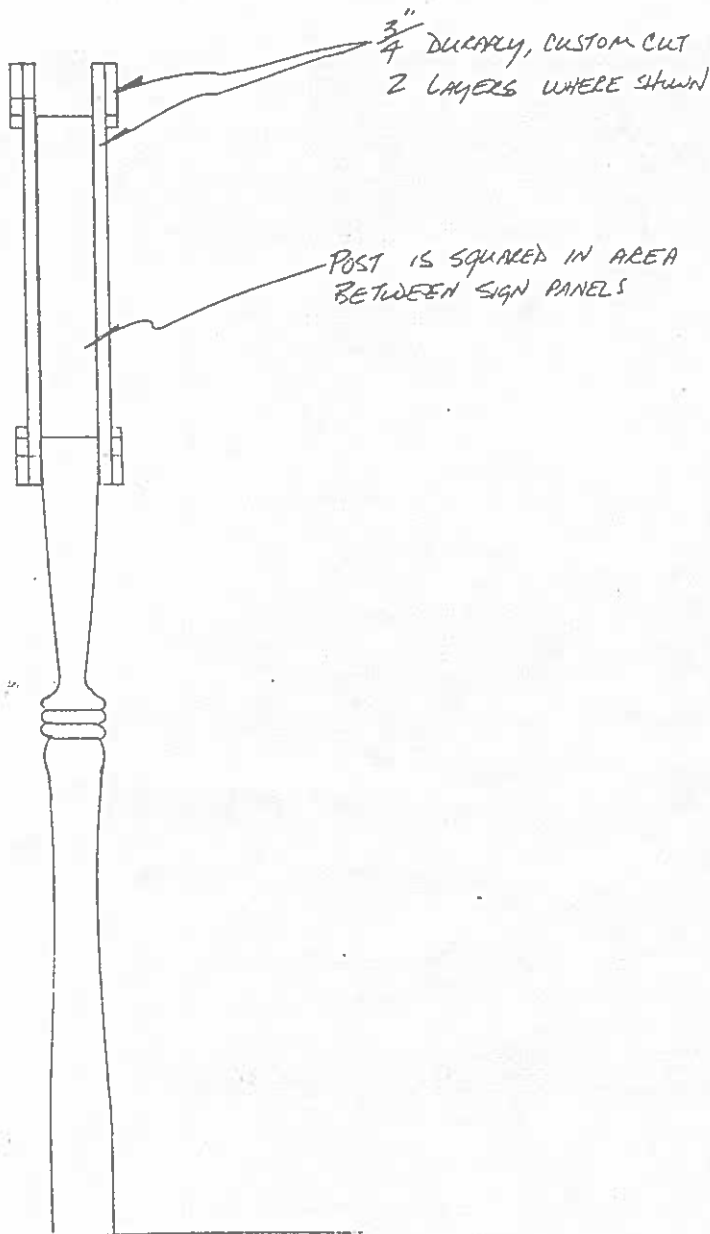
ROUND POST



SPECIFICATIONS

Lettering

STYLE	CASLON NEW ITALIC
CASE	UPPER AND LOWER
SIZE	4" ; 2 1/2" (ADDRESS)
COLOR	
MATERIAL	SCREENED
LAYOUT	AS SHOWN
<input type="checkbox"/> SINGLEFACED COPY <input checked="" type="checkbox"/> DOUBLEFACED COPY	



Background

ACTUAL SIZE	30" X 30"
MATERIAL	WOOD
THICKNESS	3/4"
COLOR	
COLOR APPLIED BY	PAINTED
CORNERS	SQUARE - CUSTOM
	RADIUS INCH
MOUNT	POST - CUSTOM

Frame

TYPE	
INSIDE SIZE	
REVEAL	
WALL THICKNESS	
CORNERS	SQUARE
	RADIUS INCH
MOUNT	

INGRAM

Client

412 LIBBIE AVENUE

Project

Date 3/28/86

Revised

Scale 1/2" = 1'-0" Sheet 1 of 2

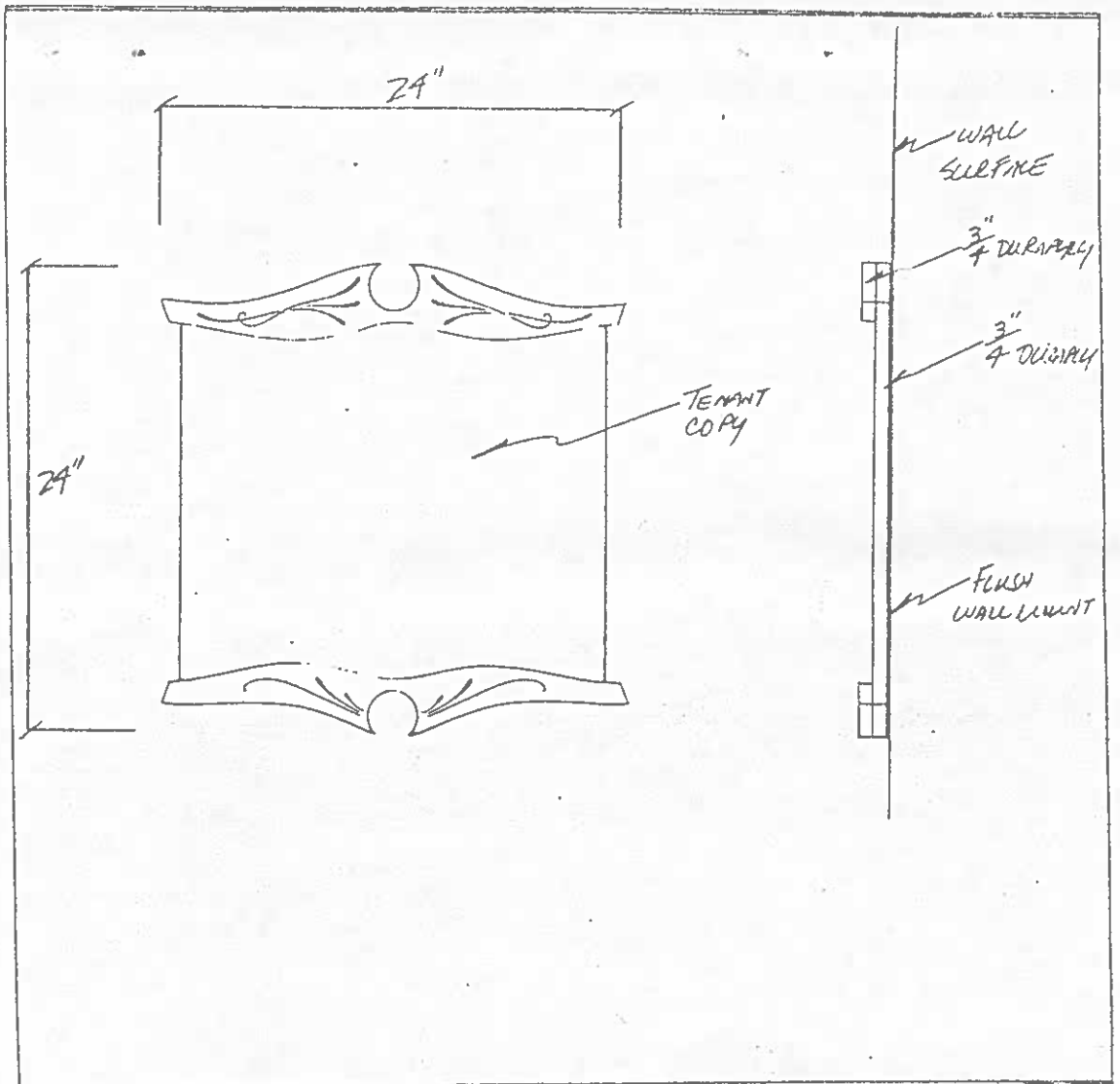
Drawing No. C-

Sign Graphics, Inc.

704-A Dawn Street Richmond, Virginia 23222

ARCHITECTURAL GRAPHICS & CUSTOM SIGNS

(804) 329-1515



Qty. Description *TENANT SIGNS* SINGLE FACED COPY DOUBLE FACED COPY

Lettering	
STYLE	<i>CASLON NEW ITALIC</i>
CASE	<i>UPPER AND LOWER</i>
SIZE	<i>TBD (COPY REQUIREMENT)</i>
COLOR	
MATERIAL	<i>SCREENED</i>
LAYOUT	<i>CENTER / CENTER</i>

Background	
ACTUAL SIZE	<i>24" x 24"</i>
MATERIAL	<i>CUSTOM WOOD</i>
THICKNESS	<i>3/4" (DURABLE)</i>
COLOR	
COLOR APPLIED BY	<i>PAINTED</i>
CORNERS	<i>SQUARE & CUSTOM</i>
	RADIUS INCH
MOUNT	<i>TO WALL SURFACE VIA CONCEALED FASTENERS</i>

Frame	
TYPE	
INSIDE SIZE	
REVEAL	
WALL THICKNESS	
CORNERS	SQUARE
	RADIUS INCH
MOUNT	

CLIENT *Ingram*
 PROJECT *412 LIBBIE*
 DATE: *2/1/36* REVISED:
 SCALE SHEET *2* OF *2*

Sign Graphics, Inc.
 ARCHITECTURAL GRAPHICS & CUSTOM SIGNS
 (804) 329-1515

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 87-50	Subject To Amend a Special Use Permit for 410-412 Libbie Avenue
Requested by City Manager, By Request	
Received City Manager's Office -----	
Summarized 3/17/87	

SUMMARY

The purpose of this Ordinance is to amend a special use ordinance originally adopted in 1972, which authorized the construction of an office/retail building at 410-412 Libbie Avenue.

This amendment would authorize a free-standing sign to identify the building at 410-412 Libbie Avenue, and permit an existing retail wine shop at 410-412 Libbie Avenue to relocate to 414 Libbie Avenue. The existing special use ordinance covers both properties. They are under the same ownership and share driveways and parking facilities.

The properties are zoned RO-1, Residential Office.

Planning Commission granted approval (9-0) March 16, 1987.

COUNCIL ACTION

On Docket 3/23/87

Amended -----

Adopted -----

Rejected -----

City of Richmond
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219
804 • 780-4347

March 17, 1987

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of March 16, 1987, the City Planning Commission voted (9-0)
to recommend APPROVAL of:

Ordinance No. 87-50

To amend Ordinance No. 72-151-158, adopted July 24, 1972,
which authorized the use of the property located on the west
line of Libbie Avenue *** the north line of York Road *** for
office building purposes, etc.

The purpose of this paper is to amend a special use ordinance originally adopted in 1972 and which authorized the construction of an office/retail building at 410-412 Libbie Avenue. That ordinance has been amended a number of times in order to modify the site plan, permit additional uses of the building and to add the abutting building at 414 Libbie Avenue. This amendment would further modify the permitted use provisions, authorize a freestanding sign to identify the building at 410-412 Libbie, and permit an existing retail wine shop at 410-412 Libbie to relocate to 414 Libbie. The existing special use ordinance covers both properties. They are under the same ownership, and share driveway and parking facilities. The properties are zoned RO-1 Residential-Office.

Properties to the south are zoned B-2 Community Business. The adjacent site to the south is developed with a supermarket. Properties to the north and east are zoned RO-1 Residential-Office. To the north are professional office uses. A special use permit was granted in December, 1986 for retail use of the first floor of the building across Libbie Avenue to the east. To the west are the rears of single-family dwellings which front on Maple Avenue. The Master Plan recommends "community commercial" use for the subject property and for properties to the south and east.

The building at 410-412 Libbie is a two-story plus basement structure containing approximately 13,000 square feet of floor area. The current ordinance permits a branch bank, offices, and specific types of retail uses for the building. These uses include the existing wine shop as well as an exercise studio, and clothing, jewelry, pharmacy and antiques stores. The building at 414 Libbie is a one and one-half story structure containing approximately 1000 square feet of floor area. The current ordinance permits a retail clothing store in the building.

This amendment would eliminate the list of specific permitted uses in the ordinance and allow any use permitted by the B-1 Neighborhood Business District regulations. However, the amendment specifically prohibits restaurant and food store uses, since they are generally more intensive, generate more traffic, and have greater parking demands than other B-1 retail uses. The additional uses that would be permitted by the amendment are generally of less or equal intensity than those already permitted.

March 17, 1987

The amendment would also permit the existing wine shop to relocate from 410-412 Libbie to 414 Libbie. The wine shop, because of its limited market, has not been a problem as far as traffic and parking is concerned.

The proposed amendment would also permit a six square-foot freestanding sign to identify the building at 410-412 Libbie. Over the years, a number of unauthorized freestanding and attached tenant signs have been erected on the property. The owner of the property has committed that these signs will be removed. The proposed freestanding sign is intended to provide better identification of the building itself, and to eliminate the need for numerous tenant signs. The ordinance would continue to permit a fifteen square-foot directory sign attached to the front of the building and a fifteen square-foot attached sign to identify the bank in the building. Signage at 414 Libbie would continue to be limited to one sign of eight square feet in area attached to the building.

The ordinance would continue to contain a condition that occupancy of the buildings would be limited by normal off-street parking requirements. With this condition, a balance between the uses of the buildings and off-street parking will be maintained. On-site parking is provided for fifty-four vehicles. The current uses of the buildings would require fifty-three spaces. Approximately 40% of the square-footage within the two buildings is currently occupied by B-1 (retail) uses. Given the condition regarding off-street parking, little, if any, additional square footage could be occupied by B-1 uses. This amendment would, therefore, not permit any more intensive use of the property, but would grant more flexibility in the specific uses that could occupy the buildings.

The subject property, because of its mixed office and retail use, provides an appropriate transition between the retail area to the south and the office uses to the north. The proposed use and signage modifications are consistent with the objectives of the Master Plan and the established land use pattern of the area. Approval of the amendment is, therefore, recommended. No opposition has been expressed to the Commission.

Very truly yours,



Jon P. Weersing
Secretary

JPW:lk

cc: Mr. James Emerson Tashijan-Brown - Applicant