sdm14685

ORDINANCE NO. 7313-16

AN ORDINANCE TO AMEND AND REORDAIN ORDINANCE NO. 5028-97 BY AMENDING THAT CERTAIN MAP ENTITLED, "ZONING DISTRICT MAP" (CONSISTING OF REAL ESTATE TAX ASSESSMENT MAPS 001 THROUGH 322 AND KEPT ON FILE IN THE OFFICES OF THE DEPARTMENTS OF CODES COMPLIANCE AND PLANNING) DATED THE 10TH DAY OF JUNE, 1997, WHICH SAID MAP IS MADE A PART OF THE SAID ORDINANCE NO. 5028-97.

WHEREAS, zoning application CZ-16-382 has been made by **PORT JEFFERSON, L.L.C., owner, and CHILDREN'S REAL ESTATE, LLC, applicant,** for the rezoning of the hereinafter described property from the present C2 General Commercial District with proffers to C1 Retail Commercial District with written and voluntarily proffered conditions; and

WHEREAS, the application has been considered by the Planning Commission for the City of Newport News for recommendation and has been duly advertised as required by law and the said Planning Commission has made its recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

Section 1. That Ordinance No. 5028-97 is hereby amended and reordained by amending that certain map entitled, "Zoning District Map" (Consisting of Real Estate Tax Assessment Maps 001 through 322 and kept on file in the offices of the Departments of Codes Compliance and Planning) dated the 10th day of June, 1997, which said Map is made a part of Ordinance No. 5028-97 by changing the following described property from the present C2 General Commercial District with proffers to C1 Retail Commercial District with written and voluntarily proffered conditions:

Legal Description:

> BEGINNING at the intersection of the westerly right of way of Jefferson Avenue-State Route143, a variable width public right of way, and the northerly right of way of City Center Boulevard, a variable width public right of way. Thence, with the northerly right of way of City Center Boulevard, the following courses and distances. S57°17'31" W 69.80 feet to a point. S62°29'11" W 174.84 feet to a point. S62°22'08" W 325.31 feet to a point. Along the arc of a curve to the left, having a radius of 9,900.00 feet, an arc of 24.77 feet, the chord of said arc running S62°18'11" W 24.77 feet to a point. N83°30'43"W 31.41 feet to a point. N27°30'26" W 10.10 feet to a

point. S62°29'37" W 80.00 feet to a point. S27°30'26" E 10.10 feet to a point. S26°02'08" W 31.94feet to a point. Along the arc of a curve to the left, having a radius of 9,900.00 feet, an arc of 197.46 feet, the chord of said arc running S60°53'51" W 197.45 feet to a point. Along the arc of a curve to the right, having a radius of 9,785.00 feet, an art of 65.26 feet, the chord of said arc running S60°31'01" W 65.26 feet to a point. N27°01'37" W 298.69 feet to a point. S62°29'01" W153.07 feet to a point lying on the easterly property line of the now or formerly University Suites at Port Warwick, LLC property. Thence N27°30'1" W 634.94 feet, with the easterly property line of the now or formerly University Suites at Port Warwick, LLC property to a point lying on the southerly property line of the now or formerly City of Newport News property. Thence, N62°29'58" E 532.30 feet, with the southerly property line of the now or formerly City of Newport News property to a point being the northwesterly property corner of the nor or formerly Storage Equities, Inc. property. Thence, with the property lines of the now or formerly Storage Equities, Inc. property, the following courses and distances. S27°30'02" E 250.03 feet to a point. N62°33'35" E 142.78 feet to a point being a northwesterly property corner of the now or formerly Old Havertportfolio, LP property. Thence, with the property lines of the now or formerly Old Havertportfolio, LP property, the following courses and distances. S27°30'02" E 442.67 feet to a point. N62°29'58" E 499.77 feet to a point lying on the aforementioned westerly right of way of Jefferson Avenue-State Route 143. Thence, with the westerly right of way of Jefferson Avenue-State Route143, the following courses and distances S27°30'10" E 185.83 feet to a point. S25°18'01" W 44.78 feet to the point of beginning and containing 652,312 square feet or 14.9750 acres of land.

The property has yet to be assigned a Real Estate Assessor Tax ID number. The property has a common street address of 591 City Center Boulevard.

Section 2. That the rezoning approved hereby is conditioned by written and voluntarily proffered conditions contained in the application and binding the development of the property as set forth in the exhibit, consisting of 5 pages and labeled "Exhibit A-4" attached hereto and made a part hereof. These conditions shall continue in effect until a subsequent amendment to the zoning of the property described in Section 1 hereof is adopted; provided, however, that the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

Section 3. The applicant, as well as successors, assigns and agents, if any, shall comply with all of the conditions stated herein, as well as all codes, ordinances and regulations of federal, state and local governments.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON SEPTEMBER 27, 2016

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk

Conditioned Proffer Statement for Change of Zoning

To: The Honorable Newport News City Council
Date: July 5, 2016

Application Number: CZ-16-382

In reference to the above request for a change of zoning:

Conditions: I hereby proffer that the development of the subject property of this application shall be in accordance with the conditions set forth in this submission:

1. When developed, the Property shall be developed in substantial accordance with the plan entitled "Conceptual Site Plan", prepared by VHB, and dated August 3, 2016, (the "Plan"). Modifications to the Plan will be subject to the approval of the Director of Planning (or his/her designee) as of the time of the request for modification.

2. The architectural style and quality of materials of the medical buildings developed on the Property, when developed, shall be compatible with the conceptual elevations entitled "CHKD City Center Blvd. – Conceptual Elevations", prepared by Innovate, and dated July 20, 2016, the ("Elevations"). Modifications to the Elevations will be subject to the approval of the Director of Planning. Any other building(s) constructed on the Property, when developed, shall be of a contemporary architectural style, and shall be constructed of materials of comparable quality to those depicted on the Elevations.

3. Prior to the development of the portion of the Property depicted as "Existing Wetlands to be Mitigated (0.37 AC)," any necessary permits or approvals will be obtained from applicable governmental agencies.

4. Only one (1) vehicular entrance along the Property's Jefferson Avenue frontage will be permitted, which shall be located substantially as shown on the Plan.

5. Prior to the issuance of a certificate of occupancy for the first office building constructed on the Property, the owner of the Property shall construct a wall, public art, berming, and landscaping at the Property's frontage along the intersection of Jefferson Avenue and City Center Boulevard in conformity with the exhibit entitled "CHKD City Center Blvd. Corner Wall Feature", prepared by Innovate, and dated July 20, 2016, the ("Streetscape Exhibit"). Modifications to the Streetscape Exhibit may be made administratively based upon comments received from the City Planning Department and/or Traffic Engineering Department, subject to approval by the Director of Planning. The total area of signage included as part of the Streetscape Exhibit shall comply with the maximum signage allowances permitted under the City Sign Ordinance. Additionally, the signage provided on the wall depicted on the Streetscape Exhibit may be modified from time to time to replace portions of the signage currently depicted on the Streetscape Exhibit with either (a) the name and/or logo of one (1) additional establishment located on the Property, or (b) the name of the development on the Property and any logo associated with such

development, which modified signage is to be located in substantially the same location as the signage depicted on the Streetscape Exhibit, and is to be consistent with applicable regulations contained in the City Sign Ordinance.

6. One (1) electronic display sign shall be permitted on the Property, and shall be located adjacent to the main vehicular entrance into the Property from City Center Boulevard.

7. No freestanding sign located on the property shall exceed ten feet (10') in height.

8. All heating, ventilation, and air conditioning equipment shall be screened from view from the public rights-of-way and adjacent properties.

9. To the extent that such improvements have not been previously constructed, the owner of the Property shall be responsible for the design and construction of the following traffic improvements, which improvements must be completed or bonded prior to issuance of a certificate of occupancy for the first building constructed on the Property:

    a. Optimize signal timings with respect to existing traffic signals located at the corner of Jefferson Avenue and City Center Boulevard for current traffic conditions.

    b. Construct a single westbound right in/right out vehicular entrance along the Property's Jefferson Avenue frontage.

    c. Provide a single inbound travel lane and dual outbound travel lanes on the Property connecting to the existing driveway on the Property along City Center Boulevard.

10. To the extent that such improvements have not been previously constructed, prior to the issuance of a certificate of occupancy for the second office building constructed on the Property, the owner of the Property shall be responsible for the design and construction of a traffic signal at the main vehicular entrance into the Property from City Center Boulevard.

11. The following regulations which are required by municipal ordinances are incorporated in this proffer:

    a. A Class 1 site plan shall be submitted to and reviewed by the Site Plan Review Committee and be approved by the Director of Engineering prior to occupancy of the property. The site plan shall also conform to this zoning, the City's Site Regulations and the Zoning Ordinance.
    b. A landscape plan for each phase of the development of the Property shall be submitted to and approved by the Director of Planning as being consistent with the Site Regulations prior to conditional site plan approval for such phase of development. The landscape plan shall be in general conformance to the conceptual landscape plan entitled "Conceptual Landscape Plan," prepared by

VHB, and dated August 3, 2016. All landscaping shall be installed in conformance with the approved landscape plan and shall be maintained in a healthy condition in perpetuity. The use of the buildings developed during the applicable phase shall not commence until the approved landscaping for that phase has been installed.

c. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.
d. The applicant, as well as his successors, assigns, and agents, shall obtain all necessary licenses, approvals, or conditional approvals, and permits prior to commencing any use, which is authorized by this zoning or law. The applicant, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this zoning.

[Remainder of Page Intentionally Left Blank. Separate Signature Pages Follow.]

IN WITNESS WHEREOF, Port Jefferson, L.L.C., as the Property Owner, has executed this Conditioned Proffer Statement for Change of Zoning as of the date below.

PORT JEFFERSON, L.L.C.,
a Virginia limited liability company

By: _____

Its: Managing Member

Date: 8/5/16

IN WITNESS WHEREOF, Children's Real Estate, LLC, as the Contract Purchaser, has executed this Conditioned Proffer Statement for Change of Zoning as of the date below.

CHILDREN'S REAL ESTATE, LLC,
a Virginia limited liability company

By: Jamika Harris

Its: Vice President

Date: 8/8/16