

**ORDINANCE NO. 7553-19**

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2019-0004 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF THE OPERATION OF A PRE-SCHOOL WITH CHILD CARE CENTER AS PART OF A COMMUNITY FACILITY IN AN R3 SINGLE FAMILY DWELLING DISTRICT.

WHEREAS, application number CU-2019-0004 has been made by **NORTH RIVERSIDE BAPTIST CHURCH and CITY LIFE CHURCH** for a conditional use permit for the hereinafter described property for the purpose of the operation of a pre-school with child care center as part of a community facility in an R3 Single Family Dwelling District; and

WHEREAS, the application has been referred to the Planning Commission of 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:

(a) That conditional use permit number CU-2019-0004 is hereby granted for the property described in paragraph (b) hereof for the purpose of the operation of a pre-school with child care center as part of a community facility in an R3 Single Family Dwelling District; and

(b) That the property, hereinafter referred to as the "Property," to which the conditional use permit applies is particularly described below:

All that certain lot, piece or parcel of land, situate, lying and being in the City of Warwick, (formerly Newport Magisterial District of Warwick County,) Virginia, and being more particularly described as follows: Beginning at a point, which said point is in the Northwesterly line of a thirty (30) foot roadway (Selden Road) where the Northeasterly property line of the Peninsula Baptist Association intersects the same and from the point of beginning thus established running thence, N. 45° 39' W. a distance of 348.2 feet, more or less, to a point on the property line of Ed C. Tew; thence, N. 42° 33' E. a distance of 25.71 feet to a point marked by a pipe; thence, same course, a distance of 49.29 feet to a point on the Southeasterly property line of \_\_\_\_\_ Moore; thence, S. 45° 39' E. a distance of 348 feet, more or less, to a point on the Northwesterly line of said roadway; thence, S. 44° 21' W. a distance of 49.29 feet to a point marked by a pipe; thence, same course, a distance of 25.71 feet to the point or place of beginning.

The Property has a common street address of 311 Selden Road and is assigned Real Estate Assessor's Tax I.D. #237.00-03-32.

(c) That this conditional use permit is granted subject to the following conditions, each of which shall be implemented upon approval of this ordinance:

1. The applicant shall obtain and maintain the required license for a child care center from the Virginia Department of Social Services. The pre-school or day school with or without child care shall comply with the appropriate license requirements, standards, and regulations administered by the Virginia Department of Social Services.
2. The pre-school or day school with child care shall not be leased to or operated by an entity different from City Life Church.
3. The pre-school shall operate only within the four (4) 1<sup>st</sup> floor classrooms designated as "Day Care" as shown in the Partial Floor Plan A-1, prepared by Robert D. Web, dated November 29, 2018 and noted as Appendix A-3, a copy of which is attached hereto and made a part hereof. The total number of children permitted in the pre-school shall not exceed 32 children and shall be in accordance with the Virginia Uniform Statewide Building Code.
4. An outdoor fenced play area shall be provided that meets the standards for grounds and outdoor recreation space specified in Title 22 of the Virginia Administrative Code, Section 40-100-170, as amended. The applicant shall be required to adhere to the aforementioned standards irrespective of the type of child care license the applicant obtains. If new fencing is required, the Director of Planning shall review and approve the location and design of the play area fencing.
5. The before and after school care program shall operate only within the six (6) 2<sup>nd</sup> floor classrooms designated as "BASP" as shown in the Partial Second Floor Plan A-3, prepared by Robert D. Webb, dated February 28, 2019 and noted in Appendix A-3. The total number of children permitted in the before and after school program shall not exceed 64 children.
6. The pre-school or day school with child care shall maintain a designated parking area for its employees and shall maintain a one-way circulation pattern for the pickup and drop off of children.
7. The gate at the secondary entrance from Shoe Lane shall be opened only during church/worship services and shall remain closed at all other times.

8. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
9. A Certificate of Use and Occupancy shall be obtained prior to the occupancy of, or the operation of, any use of the Property. If applicable, the use approved by this conditional use permit shall begin until a site plan is approved and fully implemented. If applicable, any landscaping component of the site plan shall be maintained in a health condition for the duration of the use authorized by this permit.
10. 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.
11. The applicant, as well as successors, assigns, and agents, if any, shall obtain all necessary licenses, approvals, conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. Furthermore, the applicants, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, conditional 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 conditional use permit.
12. Violation of any of the above conditions or safeguards attached thereto shall be deemed a violation of the Zoning Ordinance, and, in addition, and notwithstanding any other provision of law, shall serve as grounds for revocation of the conditional use permit by City Council.
13. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore, the conditions contained in this conditional use permit are not severable; in the event that any condition contained herein, or part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional, or otherwise unenforceable, then this conditional use permit shall be void and the use permitted by this conditional use permit shall cease. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions therein, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.
14. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition contained herein; as such, in the event an amendment to the zoning

of the property described in Section (b) hereof is produced by a comprehensive implementation of a new or substantially revised Zoning Ordinance, the conditions imposed by the conditional use permit shall continue in effect.

(d) That this conditional use permit shall be deemed to have been abandoned and shall be revoked:

1. If the construction of the improvements or occupancy authorized by this conditional use permit has not commenced within twenty-four (24) months of May 28, 2019, or,
2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON May 28, 2019

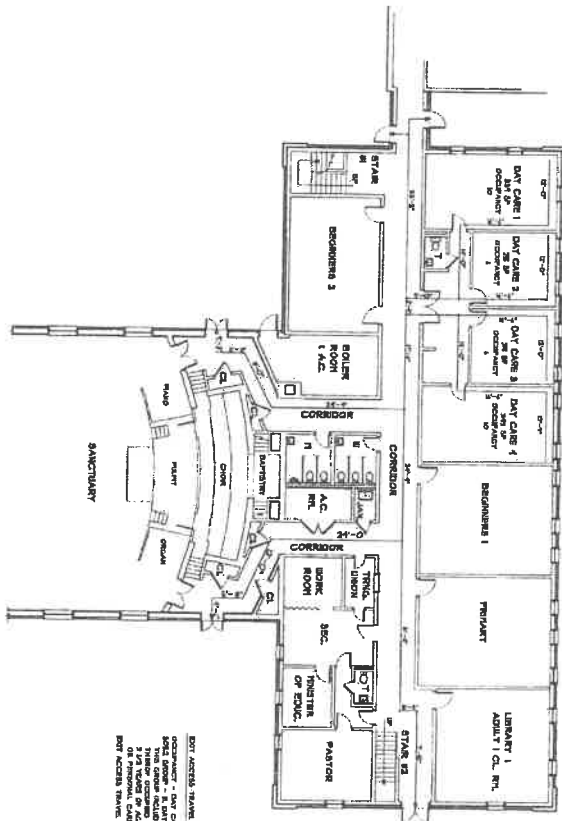
Mabel Washington Jenkins, MMC  
City Clerk

McKinley L. Price, DDS  
Mayor

A true copy, teste:

City Clerk





PARTIAL FLOOR PLAN

SCALE VP = 1/8"

NOT ALL ACCESS TRAVEL DISTANCES  
 OCCUPANCY - DAY CARE - 34 PERSONS PER  
 100 SQ. FT. OF FLOOR AREA  
 THIS DESIGN INCLUDES SEATING AND STRUCTURES ON PORTION  
 OF 317 SQUARE FEET OF EXISTING FLOOR AREA WHICH  
 IS NOT SHOWN ON THIS PLAN. THE EXISTING FLOOR AREA  
 IS 317 SQUARE FEET. THE TOTAL FLOOR AREA OF THIS  
 PLAN IS 317 SQUARE FEET. THE TOTAL FLOOR AREA OF  
 THIS PLAN IS 317 SQUARE FEET.

**A-1**  
 PARTIAL FLOOR PLAN, NOTES  
**CITY LIFE CHURCH**  
 311 SELDEN ROAD  
 NEWPORT NEWS, VIRGINIA 23606

|     |          |     |                    |
|-----|----------|-----|--------------------|
| NO. | DATE     | BY  | DESCRIPTION        |
| 1   | 11-11-88 | RWB | ISSUED FOR PERMITS |
| 2   | 11-11-88 | RWB | ISSUED FOR PERMITS |
| 3   | 11-11-88 | RWB | ISSUED FOR PERMITS |
| 4   | 11-11-88 | RWB | ISSUED FOR PERMITS |
| 5   | 11-11-88 | RWB | ISSUED FOR PERMITS |

| REVISIONS |          |     |                    |
|-----------|----------|-----|--------------------|
| NO.       | DATE     | BY  | DESCRIPTION        |
| 1         | 11-11-88 | RWB | ISSUED FOR PERMITS |
| 2         | 11-11-88 | RWB | ISSUED FOR PERMITS |
| 3         | 11-11-88 | RWB | ISSUED FOR PERMITS |
| 4         | 11-11-88 | RWB | ISSUED FOR PERMITS |
| 5         | 11-11-88 | RWB | ISSUED FOR PERMITS |

**Robert D. Webb**  
 6221 Old Mill Lane  
 Williamsburg, Virginia  
 (703) 568-2138  
 CAD File Name  
 CITYLIFECHURCH.A-1A.DWG