

ORDINANCE NO. 7572-19

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2019-0006 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF ALLOWING THE OPERATION OF A BANQUET/FUNCTION HALL IN A C2 CENTRAL COMMERCIAL DISTRICT.

WHEREAS, application number CU-2019-0006 has been made by **STUDIO128, LLC** for a conditional use permit for the hereinafter described property for the purpose of allowing the operation of a banquet/function hall in a C2 Central Commercial 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-2019-0006 is hereby granted for the property described in paragraph (b) hereof for the purpose of allowing the operation of a banquet/function hall in a C2 Central Commercial District; and

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

All those certain lots, pieces or parcels of land situate, lying and being in the City of Newport News, Virginia, known and designated as Parcel "A" as shown on that certain plat entitled, "PLAT OF THE PROPERTY OF STUDIO128, LLC, (being Lots 5,6 and ½ Lot 7), Map of Division of Property of M.C. Weaver (P.B. 1, PG. 151), City of Newport News, Virginia," made by Campbell Land Surveying, Inc. on February 27, 2019.

The Property has a common street address of 7202 Warwick Boulevard and is assigned Real Estate Assessor's Tax I.D. # 278.00-04-17.

(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 total occupancy of the banquet/function hall shall be limited to 300 maximum.

2. All banquet/function hall events shall end by 11:00 PM and the premises shall be vacated from 12:00 AM to 6:00 AM.
3. There shall be no outdoor storage on the property.
4. Signage shall be restricted to the existing monument sign. If the sign is to be replaced, the new sign shall be a monument style sign no taller than 8 feet measured from the curb to the highest point of the sign area structure. The sign shall be no more than 50 square feet. The sign placement, design and materials shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.
5. The existing building-mounted sign panel shall be removed and the facade repaired and re-painted as necessary. If new building signage is proposed, the design and materials shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.
6. The portion of the building labeled "Storage" on the site plan entitled "Banquet Facility" prepared by ARCI and dated February 5, 2019, and identified as Appendix A-4, which is attached hereto and made a part hereof, shall be utilized only for bulk storage incidental to the banquet/function hall use.
7. A class 2 site plan shall be submitted to and reviewed by the Site Plan Review Committee and approved by the Director of Planning. This site plan shall be in general conformance with the site plan entitled "Banquet Facility" prepared by ARCI and dated February 5, 2019, identified as Appendix A-4, and shall conform to this conditional use permit, the City's site regulations and the zoning ordinance.
8. The parking areas shall be striped in accordance with the site plan entitled "Banquet Facility" prepared by ARCI and dated February 5, 2019, identified as Appendix A-4, subject to modifications required for the class 2 site plan approval.
9. Sight lighting shall be shielded in a manner so as to direct lighting inward to the property and prevent glare onto adjacent properties or vehicular public rights-of-way.
10. Landscaping shall be installed along Warwick Boulevard and at the building entry area, subject to review and approval by the Director of Planning. All landscaping shall be installed in accordance with the approved plan and shall be maintained in a healthy condition in perpetuity. The use approved by this permit shall not commence until the landscaping has been installed.

11. The applicant shall cause a plan (“the Plan”) to be prepared for the installation and operation of digital video equipment (“the Equipment”) with recording devices and capability sufficient to include date and time that recording is made. The Equipment shall provide video surveillance coverage encompassing both the front, side and rear exteriors of the business. The Plan shall be submitted for review and approval by the Police Department. The Plan shall include an operational period for the Equipment, which shall include all operating hours of the business and one hour or more after the close of business. Once the Plan is approved, the applicant shall install the Equipment in accord with the provisions of the Plan; and operate, record, and maintain the Equipment to provide for the required surveillance coverage. The Equipment and recordings made thereby shall be subject to periodic inspection by the Police Department at reasonable times. Commencement of the use authorized by this conditional use permit shall constitute acceptance of the conditions of this permit, including consent for such inspections. Surveillance tapes or recorded data must be maintained in a condition permitting review of the information recorded or stored therein or thereon for a period of time no less than thirty days.
12. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
13. 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.
14. 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.
15. 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 not begin until a site plan is approved and fully implemented. If applicable, any landscaping component of the site plan shall be maintained in a healthy condition for the duration of the use authorized by this permit.
16. 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.

17. 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.
18. 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 September 10, 2019, or,
2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.

Page. 5
Ordinance No. 7572-19

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON SEPTEMBER 10, 2019

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk

