

ORDINANCE NO. 7762-22

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2021-0009 FOR THE HERINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF ALLOWING THE OPERATION OF AN AUTOMOBILE BODY AND PAINT SHOP ON A SITE ZONED M1 LIGHT INDUSTRIAL.

WHEREAS, application number CU-2021-0009 has been made by **RICHMAN PROPERTY HOLDINGS, LLC, Owner and Applicant**, for a conditional use permit for the hereinafter described property for the purpose of allowing the operation of an automobile body and paint shop on a site zoned M1 Light Industrial; 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-2021-0009 is hereby granted for the property described in paragraph (b) hereof for the purpose of allowing the operation of an automobile body and paint shop on a site zoned M1 Light Industrial; 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 Newport News, Virginia, and shown on that plat entitled, "PLAT OF SURVEY OF: A PARCEL OF LAND STANDING IN THE NAME OF THE CITY OF NEWPORT NEWS, VIRGINIA", dated June 28, 1983, containing 2.37 acres, and attached to a deed recorded in the Clerk's Office of the Circuit Court on May 2, 1984, in Deed Book 1077, page 898, and more particularly described as follows:

Beginning at a point where the easterly boundary line of a 50' ingress and egress easement intersects the southerly boundary line of the property from Union Investment Co. and from this point thus established running N 63° 38' 00" E along said southerly boundary line a distance of 416.81' to a point; thence, running S 42° 02' 00" E a distance of 137.91' to a point; thence, running S 14° 48' 00" E a distance of 104.97' to a point; thence, running S 63° 38' 00" W a

distance of 433.00' to a point; thence running N 26° 22; 00" W along the aforesaid easterly boundary line a distance of 235.63' to the point of beginning.

Together with a perpetual easement of right of way for ingress and egress over, along and under an irregularly shaped strip of land, fifty feet (50') in width, and wider, beginning at a point adjacent to the northerly side of J. Clyde Morris Boulevard and running in a northerly direction to a point adjacent to the northerly side of the above mentioned 2.37 Acre parcel; the easterly side of said easement of right of way being immediately adjacent to the entire westerly side of the above mentioned 2.37 Acre parcel; and the westerly side of the parcel of land owned by the City of Newport News and designated on that plat recorded in Deed Book 1077, page 898 as, "CITY OF NEWPORT NEWS," which said easement is referred to on the plat as "50' INGRESS & EGRESS EASEMENT".

The Property has a common street address of 529 J Clyde Morris Boulevard and is assigned Real Estate Assessor's Tax I.D.# 213.00-01-27.

(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. A site plan shall be submitted, reviewed and approved by the Director of Planning. This site plan shall be in general conformance with the plan entitled, "Use Permit Exhibit" dated 11/4/21 and prepared by Hoggard-Eure Associates, P.C. as shown in Appendix A-5, which is attached hereto and made a part hereof. The site plan shall conform to this conditional use permit, the city's site regulations and the Zoning Ordinance.
2. The performance of all automobile body and paint repairs are restricted to the interior of the structure located on the Property. Vehicles may only be stored within the structure. Exterior storage of inoperable vehicles shall not be permitted.
3. Any exterior modifications to the building shall be reviewed and approved by the Director of Planning prior to the issuance of a building permit.
4. All signage shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.
5. The applicant is permitted to have one freestanding sign on the Property which shall be in conformance with the rendering of the sign submitted in

Appendix A-7, which is attached hereto and made a part hereof. The sign shall be no taller than 5 feet in height measured from the curb to the highest point of the sign area structure with a sign area of 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.

6. Site lighting shall be shielded in a manner so as to direct lighting inward to the Property and prevent glare onto adjacent properties and public rights-of-way.
7. Existing site landscaping including that within the transitional buffer areas shall be maintained and supplemented as necessary. All plant material shall be maintained in healthy condition in perpetuity.
8. 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 the recording is made. The Equipment shall provide surveillance coverage encompassing the front, side and rear exteriors of the use permitted by this ordinance. 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.
9. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
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. 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.
13. 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.
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 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.
15. 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 January 11, 2022, or,

2. In the event of the continuous nonuse of the property as herein permitted for a period of twenty-four (24) months.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON JANUARY 11, 2022

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk

PROOF



Request Title: **ELITE AUTO BODY PAINT & COLLISION REPAIR SIGN FACE CHANGE**

Colors: **OR/YL GRADIENT TO BLUE GRADIENT**

Art Submitted By: Customer Us

Art File Location:

Contract#

12/02/15